PARLIAMENTARY DEBATES

(HANSARD)

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HOUSE OF COMMONS

OFFICIAL REPORT

THIRD SESSION OF THE FIFTY-SECOND PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FORTY-NINTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 1999–2000

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5 June 2000

THE PARLIAMENTARY DEBATES

OFFICIAL REPORT

IN THE THIRD SESSION OF THE FIFTY-SECOND PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 7 MAY 1997]

FORTY-NINTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 351**

THIRTEENTH VOLUME OF SESSION 1999–2000

House of Commons

Monday 5 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Decommissioning (Warships and Submarines)

1. **Mr. Gordon Prentice** (Pendle): What his policy is on the decommissioning of warships and submarines that were built less than 20 years ago. [122639]

The Minister for the Armed Forces (Mr. John Spellar): The life of each vessel is planned carefully at the design and procurement stage, but requirements change over the course of a ship's life and we must maintain an affordable front-line capability to meet the current and predicted strategic requirements.

Mr. Prentice: *Jane's Fighting Ships* is not my usual reading, but I found it worrying that the editor of that august manual fired a broadside at the Government, saying that we were flogging off at a knock-down price ships that were perfectly serviceable and were commissioned only 12 or 13 years ago. More worryingly—I cannot believe that this is true—he said that, in the lifetime of the Government, we have failed to order a single warship for construction. I am interested to hear what my hon. Friend the Minister has to say about that.

Mr. Spellar: During the strategic defence review, it was clear that the requirement for major surface vessels had altered. As a result, six older and, more importantly, less capable vessels were to be replaced by three type 23 frigates. One of the reasons for the delay is that, under the previous Administration—as we and others pointed out at considerable length—the Horizon project was in considerable difficulty. We had to terminate that project and move to the capable type 45, for which we have already awarded the design contract and look forward to awarding the manufacturing contract later this year.

Mr. Iain Duncan Smith (Chingford and Woodford Green): In 1997, the previous Government left one of the youngest naval fleets that had been available to the Navy since the war; frigates and destroyers at 35 and submarines at 15. Now, we have 27 frigates and destroyers and 10 submarines available to the Navy. The hon. Member for Pendle (Mr. Prentice) referred to the early sell-off of certain ships—"early sell-off" being the key phrase. What new orders for warships have the Government placed since they have been in power?

Mr. Spellar: It is interesting that the hon. Gentleman has not responded to the point that I made. I will happily quote from the editorial of *Jane's Fighting Ships*, to which my hon. Friend the Member for Pendle (Mr. Prentice) referred. It stated that the UK

> has finally withdrawn from the always ill-conceived air defence destroyer project with France and Italy, and a new national design has a prime contractor . . . The hidden cost of a decade—

I wonder who was in power during that decade—

> of the wrong sort of collaboration lies in the prolonged delays of introducing a modern capability in this most vital of all warfare disciplines.

That is why the projects are delayed and why we are awarding the design contract. That is why, later this year, we will award the first-of-class contract for the type 45

and why we have already awarded the design contracts for the two new aircraft carriers which the hon. Gentleman and his Government did not think to order either.

Mr. Duncan Smith: We have now had the usual from the Government, which is no answer. I asked a simple question: how many new orders have they placed? As Captain Richard Sharpe, the editor of *Jane's Fighting Ships*, has said, this represents

the biggest gap since the days of Henry VIII.

That is the condemnation of the Government. Given that we are to have fewer ships with less capability—in addition to seamen saying "Bang!" instead of firing real bullets—will the Minister tell us why, at the height of the Kosovo war and with all their cuts planned for the Navy, the Government reduced the budget for the fuel allocation to the fleet by one third?

Mr. Spellar: The hon. Gentleman may not have noticed that fuel prices were moving at that time. I am surprised that he describes the fleet as less capable, particularly following the fitting of Tomahawk cruise missiles to all British nuclear-powered fleet submarines, which demonstrated their extreme capability during the Kosovo war. I am surprised also that he describes the type 45 as less capable. The previous Government left us with a considerable mess with a project that had been hanging on and which they refused to terminate. This Government had the courage to terminate that agreement with the hon. Gentleman's European allies. As a result, we have now ordered the type 45. The Conservatives left us with a mess, and it is extraordinary that they come here and pontificate in this way.

Defence Diversification

2. **Mr. Malcolm Savidge** (Aberdeen, North): What progress the Government have made in promoting defence diversification. [122640]

3. **Laura Moffatt** (Crawley): What progress the Government have made in promoting defence diversification. [122641]

The Parliamentary Under-Secretary of State for Defence (Dr. Lewis Moonie): We set up the Defence Diversification Agency last year, with a permanent director appointed last summer. The agency is already making a substantial contribution to the transfer of technological know-how between the Ministry of Defence and small to medium-sized businesses. With seven offices already established across the country, and with a further seven to follow later this year, the agency has already handled about 300 company inquiries.

Mr. Savidge: Apart from the existing Defence Diversification Agency offices in Rosyth, are there any plans to open more offices in Scotland? To what extent is the agency's objective not merely to seek profitable civil spin-offs from military production but to expand our civil production base?

Dr. Moonie: I am very pleased to be able to inform my hon. Friend that it is our intention to open an office of the DDA in Glasgow before the end of the year, as part of the next phase.

Mr. Menzies Campbell (North-East Fife): Surprise, surprise.

Dr. Moonie: Indeed.

Civil spin-offs are a major priority for defence diversification, with a view to securing as much additionality as possible from our defence military production and research.

Laura Moffatt: As my hon. Friend has already mentioned, small businesses are the most likely to be able to take advantage of technology transfer and to use the Defence Diversification Agency for research. That must certainly be the case in my constituency. What is he doing to target those businesses and ensure that they can take full advantage of the opportunities available?

Dr. Moonie: We have quite a few initiatives in progress that will be of direct benefit to small businesses. For example, a couple of weeks ago I was fortunate enough to speak at a seminar on opportunities in defence for small and medium-sized companies; we are encouraging secondments from the defence industry to the DDA; we conduct technological roadshows and exhibitions; and business support partnerships have been established, connecting to Business Links, Scottish Enterprise and similar agencies in Northern Ireland and Wales, working in partnership with existing business support networks and initiatives. We believe that an effective working partnership with intermediary business support networks is critical to the success of the Defence Diversification Agency.

Mr. Edward Leigh (Gainsborough): So what is the answer to the question put by my hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith)? Is it true that no ships have been ordered and that sailors now shout "Bang!" instead of using live rounds? Is the idea of the Government's diversification programme to replace offensive weapons with offensive language?

Dr. Moonie: You will be well aware, Madam Speaker, that I never use offensive language, especially in the House.

I am very much afraid that I shall have to disappoint the hon. Gentleman. I can add nothing to the full reply that my hon. Friend the Minister for the Armed Forces gave some moments ago.

Mr. David Heath (Somerton and Frome): Given the enormous importance of the defence industry to the west country and our disproportionate exposure to the sector,

how many times have the Minister or his colleagues met representatives of the South-West regional development agency to discuss diversification?

Dr. Moonie: I have absolutely no idea what my hon. Friends have done, but I have not yet had the opportunity to hold such meetings. Were I to receive an invitation, I would be very happy to meet those people and discuss our plans.

Mr. Michael Fallon (Sevenoaks): Can the Minister reassure the House that any proposals for diversification are better thought out than the plans to diversify the Defence Evaluation and Research Agency, which have caused so much uncertainty and hostility among those who work for it, such as the people at Fort Halstead in my constituency? How can the Government be so sure that exactly three quarters of the staff will be diversified to the private sector yet be so hazy on all the details?

Dr. Moonie: One of the problems with conducting a process openly is that it leads to certain doubts and discussions about what one's plans are and what the results are likely to be. This is a complex process. Of course, the figure of 75 per cent. is an approximate one, but we believe that that proportional split between those to be retained in the agency and those to be privatised is approximately correct, and we will introduce plans to put it into effect later this year.

RAF Fylingdales

4. **Mr. Norman Baker** (Lewes): If he will make a statement about the purpose of RAF Fylingdales. [122642]

The Secretary of State for Defence (Mr. Geoffrey Hoon): RAF Fylingdales provides the United Kingdom with early warning of potential ballistic missile attack against the United Kingdom and western Europe, and the United States with early warning for north America. It has performed that function since 1963.

Mr. Baker: Does the Minister agree that many people believe it to be foolish and dangerous to allow RAF Fylingdales to be used to make the UK a sitting target by basing a national missile defence system there that will protect US but not UK airspace? Why does he say that the anti-ballistic missile treaty is solely a matter for the parties who have signed it? If UK land is to be used to break that treaty, surely it is a matter for him. Will he confirm that the decision to allow the deployment of the national missile defence system at Fylingdales is a matter for him, and not for the US Government? Will he rule out that deployment today? If not, will he give us a date when the decision will be taken?

Mr. Hoon: The hon. Gentleman makes a considerable number of points, some of which, I regret to have to tell him, are quite wrong. I will not go through them in detail, save to say that, clearly, if two parties are signatories to a treaty, it is for them, and not any other nation, to interpret it. He is right to this extent: it is for the United Kingdom to decide what should happen at RAF Fylingdales. As yet, there has been no specific request for the use of those facilities from the US, not least because it has made no decision about whether to deploy national missile defence.

Miss Anne McIntosh (Vale of York): Will the Secretary of State confirm that, if such a request is made, RAF Fylingdales will have to be upgraded to perform that role?

Mr. Hoon: If such a decision were made by the President of the United States and if, as a result of that decision, a request were made to the United Kingdom for the use of RAF Fylingdales, yes, the facilities would have to be upgraded.

Battalion Duty

5. **Mr. Crispin Blunt** (Reigate): How many men were at battalion duty on 15 May with *(a)* 1 Para, *(b)* 2 Para and *(c)* 3 Para. [122643]

The Minister for the Armed Forces (Mr. John Spellar): The trained strengths of 1 Para, 2 Para and 3 Para as at 1 April 2000—the latest date for which figures are available—were 584, 551 and 620 respectively. These figures are for UK trained army personnel only and include attached arms.

Mr. Blunt: I take it that that answer does not reflect the deployment to Sierra Leone, which I asked about in a question on 15 May, or the fact that more than a company of the 2nd Battalion, Parachute Regiment, had to reinforce the 1st Battalion, Parachute Regiment, in Sierra Leone. That reflects the woeful state of understrength infantry battalions, not just in the Parachute Regiment but across the board. What does the Minister expect the undermanning to be in the Scottish Division in six months' time? Will he undertake not to try to blame the previous Conservative Government, because Labour has now been in office for more than three years, which is longer than a soldier's standard engagement?

Mr. Spellar: I am more than happy to blame the Conservative Government, and will continue to do so, for leaving us a deficit of more than 5,000 in the Army. We have had to add 3,000 additional posts to fulfil the strategic defence review and our assessment of the requirement. The total trained strength of the three regular Parachute Battalions is 1,755, and that is 153 higher than at the same time last year. I shall announce later, in answer to other questions, the increase in the Army overall. However, we are not complacent. We are pleased by the levels of recruitment, especially at a time—thanks to the policies of my right hon. Friend the Chancellor of the Exchequer—of record employment. We are considering the issue of retention and we have made some improvements, but we can go much further.

Mr. Denis MacShane (Rotherham): After the Americans had to scuttle out of Somalia and the French left Brazzaville to burn, is not it a matter of some pride that British paratroopers can go in and restore order in Sierra Leone, working with the United Nations? Is not it a matter of some shame that all the Conservatives can do, having left the Army grievously undermanned for this Government to put right, is to undermine the Army in

every way with constant criticisms of what our men are achieving abroad for the Government and for the international community?

Mr. Spellar: I thank my hon. Friend for that question. In spite of the Opposition's earlier performance, they have improved a little recently, probably in response to the spectacular success of our armed forces and the great national pride that is taken in their performance. As my hon. Friend knows, the Parachute Regiment has returned to the timetable that we initially announced and its job is now being performed, equally professionally, by the Marines. We are proud of them and, in our discussions with our international counterparts, we have learned that they have been impressed by the speed with which our forces reacted and the professionalism with which they perform their jobs.

Mr. Gerald Howarth (Aldershot): I am glad that the Minister had the opportunity to visit the 1st Battalion, Parachute Regiment, on Thursday morning and to take breakfast with it to congratulate the men on their magnificent achievements in Sierra Leone. I am only sorry that he was not able to inform me in advance, because I would have been happy to have joined him in that trip to my constituency. The Minister will know, from his close connections with that regiment, of the enormous pride that it has, so it is unfortunate that, as my hon. Friend the Member for Reigate (Mr. Blunt) pointed out, the 1st Battalion recently had to be reinforced. I understand that a Gurkha company is also with the Paras. Does the Minister agree that it would be advisable, and beneficial to the Government, if the Parachute Regiment could be brought up to full strength?

Mr. Spellar: Certainly, the Parachute Regiment is working on that. As the hon. Gentleman knows, there are always more applicants than there are places available, and the training regime is extremely rigorous. When I spoke to officers of the regiment on Saturday, I was pleased to see the work being done to rectify the problem.

I am sorry that the hon. Gentleman was unable to get a free breakfast on Saturday, and I apologise for the fact that my officials did not notify him of my visit. However, given the speed of the withdrawal of our troops from Freetown, he will understand that the timing of my visit was slightly uncertain until the last moment.

The hon. Gentleman is right about the skills of the Parachute Regiment. I only wish that he would not overlay the constructive points that he makes with so much carping criticism. Members of the Parachute Regiment are enormously, and justifiably, proud of the role that they played in the crisis.

KFOR

6. **Mr. Gordon Marsden** (Blackpool, South): What logistical support his Department is continuing to offer KFOR in Kosovo. [122644]

The Minister for the Armed Forces (Mr. John Spellar): We have some 650 personnel deployed to provide support for our own forces, including logistic, medical and equipment specialists.

In addition, we are providing the commanding officer for KFOR in Macedonia, we are responsible for operations at the airport near Pristina, and we are assisting KFOR with the movement of its personnel and equipment within Kosovo.

Mr. Marsden: I thank my hon. Friend for that answer. It underlines the nation's great pride in the success of British troops in KFOR in maintaining an even-handed approach in Pristina and in apprehending war criminals in the area. However, does he agree that one of the problems during the conflict was the lack of surveillance and intelligence information on the ground? Will he therefore look at improving our reconnaissance and surveillance capacity as a matter of urgency? That is important, given the local elections to be held in Kosovo in the autumn and the fact that, as is reported in today's edition of *The Guardian*, moderate Serb leaders have already asked European officials to beef up anti-terrorism measures in Kosovo.

Mr. Spellar: It is certainly a matter of some pride that the upsurge of insurgency in the Presevo valley has been dealt with very well by allied forces there. My hon. Friend is right to draw attention to the need to support and assess information. We have deployed Phoenix to the area to conduct observation for that reason, and the Astor programme, which the Government have ordered, in due course will enhance enormously our capability in that respect.

Mr. Menzies Campbell (North-East Fife): May I commend the Government on their exercise of open government with regard to today's publication of the report entitled "Kosovo: Lessons from the Crisis"? Is it not clear that many of the shortcomings identified in the report result from systematic reductions in the defence budget dating from about 1989? In truth, when the then Conservative Government made the proposals, neither Labour nor Liberal Democrat Members sought vehemently to oppose them. However, if we are to have an expeditionary strategy and assert the moral obligation to intervene on humanitarian grounds, is it not clear that we must be able to intervene in the first instance with sufficient capability? Also, must not we be able to sustain the forces that we deploy so that they can cope with what, inevitably in some cases, will be a long haul? As long as the shadow of the Chancellor continues to threaten the Ministry of Defence budget, how do the Government think that they will achieve that?

Mr. Spellar: I am always in favour of pleas from Opposition Members for additional funding, but the right hon. and learned Gentleman's analysis closely resembles that of the strategic defence review. The effectiveness of the SDR was demonstrated clearly in Kosovo, where we were able to respond rapidly. We have also managed to sustain that operation with forces in Bosnia and Kosovo, and they are doing a tremendous job extremely professionally.

With reference to an earlier question, I should like to point out that, at the same time as running those operations, we were able to intervene in Sierra Leone with spectacular speed—more rapidly, I believe, than almost any other country in the world. Obviously, we need to enhance that capability, which is precisely why my right

hon. Friend the Secretary of State has announced the heavy-lift programme, which will start with leasing four C-17 aircraft and include the A400M. Naturally, a programme of that size will have been agreed with the Chancellor and the Treasury. That demonstrates the commitment of all Departments to the implementation of the SDR.

Mrs. Alice Mahon (Halifax): Is the Minister aware that German soldiers in Kosovo have been told not to eat local produce after fears that deposits of uranium from NATO's use of depleted uranium might have contaminated the soil? Similarly, there have been reports that the United Nations has warned its officials that the water supply could be contaminated. What warnings have been given to the civilian population and to British troops serving there?

Mr. Spellar: I have had no indication of any of that. The problems of water supplies are more to do with traditional pollution, which is why our forces have substantial supplies of bottled water. The argument about depleted uranium seems to have been greatly exaggerated. As for pollution, the United Nations investigation demonstrated that most of the problems stemmed from before the military engagement in Kosovo, and are down to the reprehensible policies of the Milosevic regime.

Mr. Robert Key (Salisbury): Progress in Kosovo for both the military and the civilian populations continues to be hindered by the danger from unexploded ordnance. I understand that there have been 100 deaths and 400 other casualties as a result, many of them, regrettably, from unexploded allied cluster bombs. However, 40 per cent. of the area at risk has still not been cordoned off. Given the Government's commitment to humanitarian de-mining, why did NATO not co-operate with the United Nations mine action co-ordination centre in Pristina, when last August it asked for help in locating cluster bomb drops? Why did Kofi Annan have to write last month begging Lord Robertson for help? Why, after all this time, have only 4 per cent. of the minefields in Bosnia been cleared?

Mr. Spellar: I should have thought that the hon. Gentleman would be congratulating our forces which, as a priority on entering Kosovo, cleared many public buildings, notably schools, so that some 90 per cent. of children were able to get into their schools. I should have thought that extremely important.

In Kosovo, we are undertaking, as we do in all countries with similar problems, a lot of work in alerting people—not just our own troops, allied personnel and non-governmental organisations, but the local population—to the dangers of unexploded ordnance. Our troops are also working with local organisations to deal with clearing them. It is a major job, as we have found in all such countries. Indeed, as we all know, even today we are still finding unexploded ordnance in this country. We should recognise the considerable work that has been undertaken to enable Kosovo to return to a degree of normality, rather than simply carp about what still requires to be done.

Army Strength

8. **Mr. Owen Paterson** (North Shropshire): What the current strength is of the Army. [122646]

The Minister for the Armed Forces (Mr. John Spellar): The current strength of United Kingdom trained Army personnel as at 1 April 2000—the latest figures available—is 96,475, an increase of some 175 since 1 April 1999.

Mr. Paterson: That answer does not tell us what the adjutant-general told the Select Committee on Defence—that it will take 31 years to reach the target set by the strategic defence review. Will the Minister tell us three practical measures that he has taken that will accelerate this woeful progress?

Mr. Spellar: Yes, I can tell the hon. Gentleman of more than three practical measures. Let me say first, however, that an increase of 175 is a considerable improvement on previous figures, when there has been a steady run-down of forces numbers. That increase is a movement in the right direction.

Rightly, we are looking at the problems of retention. Many of those are down to communication with families. That is particularly the case in a time of full employment when other options are available. That is why we increased the time that can be taken to make telephone calls from three to 20 minutes a week. However, there is no point in having additional time if the telephones are not of an adequate quality. That is why we have introduced Project Welcome, which is of enormous benefit to our troops. When I was in Kosovo last week, the improvements were widely recognised. Similarly, in Sierra Leone we responded within two weeks.

Secondly, there is an increase in leave at the end of an operational tour so that personnel can spend more time with their families. There is also the bonus for those who have been on an extended operational tour. We have seen the introduction of e-mail—*[Interruption.]* It is interesting that Conservative Members can sit comfortably in the Chamber and be dismissive of improving communications between our service men and women and their families. That will be noted. Our troops work in difficult conditions and do a tremendous job, and Conservative Members could not give a damn.

Mr. Andrew Miller (Ellesmere Port and Neston): My hon. Friend will recall that the Cheshire Regiment was one of the first to go into Bosnia some years ago. At the same time, the Staffordshire Regiment was located in the Dale Army camp in Cheshire. This situation brought to my attention a number of issues that my hon. Friend has raised, and especially the provision of telephones. I am pleased that that particular issue has been addressed.

The interesting feature in terms of the Staffordshire Regiment was the lack of support that the Army was then receiving in dealing with social problems—for example, children's special requirements. Will my hon. Friend assure me that he is taking action to ensure that there is

proper co-ordination so that the social support that Army families are entitled to receive will be available to them, unlike the provision under the previous Administration?

Mr. Spellar: As I have reported previously, there has been a considerable improvement in a number of areas that have been raised by the Army Families Federation so that we might improve conditions in the United Kingdom and those that apply to overseas postings, especially where the peculiar nature of service life and the demands that we put on service personnel and their families lead to their being disadvantaged when compared with the rest of the community. The feedback is that these improvements are having a considerable impact and beneficial effects on family life for service personnel.

We recognise that, with our increasingly expeditionary armed forces, television, telephones and e-mail—all of which the Opposition dismiss in their comfort—matter considerably to personnel. These facilities contribute very much to the greater welfare of our forces as part of the welfare package.

Mr. Edward Garnier (Harborough): One of the consequences of the historic reduction in the size of the Army is that the Ministry of Defence has been able to dispense with and sell both land and property. One such example in my constituency is the town of South Wigston, where the Ministry, through Defence Estates, is getting rid of some real estate. However, before the contract has been completed, the residential developer has moved on to the site and is destroying trees and woods, for example, much to my concern and that of my constituents. Will the Minister please look into this matter to ensure that the developer is not doing what he should not before he has proper possession of the land? I do not expect the hon. Gentleman to give me a detailed answer now, but I would be most grateful if he wrote to me quickly.

Mr. Spellar *rose—*

Madam Speaker: Order. That question hardly relates to the original Question. Minister, I am sure that you will give not an answer but a commitment to consider the matter. Is that right?

Mr. Spellar: How Neanderthal are Conservative Members? They have not even heard of e-mail. It would have been helpful to have notice of the supplementary question of the hon. and learned Member for Harborough (Mr. Garnier). However, my hon. Friend the Under-Secretary, who deals with Defence Estates, has taken note of the question. If the hon. and learned Gentleman will provide him with details, my hon. Friend will be more than pleased to take up the matter.

Nuclear Weapons Proliferation

9. **Mr. Desmond Swayne** (New Forest, West): What assessment he has made of the potential threat posed by the proliferation of nuclear weapons. [122647]

The Secretary of State for Defence (Mr. Geoffrey Hoon): We assess that there is no significant threat to the UK from nuclear weapons at present, but developments continue to be monitored closely. We remain committed to limiting the proliferation of nuclear weapons through our international treaty obligations and national programmes.

Mr. Swayne: Despite the Secretary of State's assessment of the threat, does he agree that our best deterrent against the aggressive use of nuclear weapons remains our nuclear capability? If so, how does that sit with the policy, to which the Foreign Office has signed up, of a nuclear-free world? Would the Foreign Office policy have delivered the successful conclusion of the cold war?

Mr. Hoon: I agree, perhaps surprisingly, with the hon. Gentleman's first proposition, but the non-proliferation treaty agreement—the process towards which we conducted negotiations on behalf of the entire Government and into which previous Governments, including the Government that he no doubt supported, entered—is an aspiration; it is not likely to produce results in the short term. Nevertheless, I hope that the entire House would welcome circumstances in which the world was rid of nuclear weapons.

Ann Clwyd (Cynon Valley): How concerned is my right hon. Friend, therefore, by reports, chiefly from Richard Butler, the former head of UNSCOM in Iraq, that Saddam Hussein may be starting to rebuild his arsenal of chemical, biological and nuclear weapons?

Mr. Hoon: The Government are concerned about that, which is why we, together with our allies, have spent so much time trying to achieve an international situation in which Iraq accepts the paramount importance of permitting the inspection of facilities inside Iraq as a means of restoring Iraq to the international community. We have made it clear that an effective inspection regime is a prerequisite of any such restoration.

Mr. Dafydd Wigley (Caernarfon): On what possible moral basis can we argue against the proliferation of nuclear weapons, when we insist on having them ourselves? If the Secretary of State believes in a nuclear-free world, should not the Government give a lead in that direction, as his own leader advocated in the 1980s, when the situation was much more dangerous?

Mr. Hoon: In the strategic defence review, we carefully set out the importance of nuclear weapons to the United Kingdom, as long as other countries retain them. Nothing has changed in the interim, but in New York the Government, together with other Governments such as that of the United States, recognised that, as an aspiration in a civilised world, it would be sensible—if we could achieve it—to rid the entire world of nuclear weapons.

Royal Navy Auxiliary Vessels

11. **Mr. Ben Chapman** (Wirral, South): When he will announce decisions on orders for auxiliary vessels for the Royal Navy. [122649]

The Parliamentary Under-Secretary of State for Defence (Dr. Lewis Moonie): An invitation to tender was issued to five UK companies in early April to bid for the contract to supply two alternative landing ships logistic,

which will support amphibious operations by carrying troops and their equipment into theatre. We expect to place the contract before the end of this year. In addition, we hope to announce a decision on the provision of a strategic sealift service later this year.

Mr. Chapman: Is my hon. Friend aware that some yards, including Cammell Laird, felt obliged to withdraw from the tendering process for the ALSLs because they thought that the points system did not allow them to compete fairly? Is he satisfied that the tendering process was fair and right? Is he also satisfied that the tendering process for the ro-ro vessels will be equally fair and right, that it will give UK yards every chance to bid successfully for those vessels, and that it will do so equitably between the yards?

Dr. Moonie: I can confirm that our tendering process is fair and right. It is always disappointing when companies feel unable to remain in the process, but we cannot as a rule devise our specifications on that basis. With regard to roll on/roll off ferries, I confirm that no decision has yet been taken on who will be awarded the contract, and bids from the four consortiums involved are still being assessed by the Ministry of Defence. As my right hon. Friend has already announced, the intention is to place the contract later this year.

Mr. Nicholas Soames (Mid-Sussex): Is the hon. Gentleman entirely satisfied with the process used by the Ministry of Defence for the tendering for and the procurement of vessels for the hydrographer's department? Will he examine the process, and let me know whether he believes that it was thorough and entirely fair not only to the yards that tendered, but to the owners who wanted to become involved?

Dr. Moonie: So far as I know, that is the case—but I shall happily consider the matter and write to the hon. Gentleman.

Mr. Quentin Davies (Grantham and Stamford): Can the hon. Gentleman give an example of any other EU or NATO country that has placed orders for naval vessels, naval auxiliary vessels or roll on/roll off ferries with military application—if he can find such an example—other than with their own shipyards?

Dr. Moonie: It appears that the pro-European member of the Opposition Front-Bench team has caught the disease from the shadow Secretary of State; every time he stands up, he is becoming more anti-European by degrees. I confirm that all ships with a military application are sourced in this country; those without are subjected—as is correct—to the EC tendering process.

Sierra Leone

12. **Mr. David Ruffley** (Bury St. Edmunds): What recent representations he has received regarding deployment of United Kingdom armed forces in Sierra Leone. [122650]

The Secretary of State for Defence (Mr. Geoffrey Hoon): I have received a number of representations from a variety of sources, including right hon. and hon. Members, regarding the deployment of our armed forces in Sierra Leone. I am sure that the House will want to join me in sending congratulations to those members of the forces who have been and continue to be deployed in Sierra Leone, on the skill and professionalism they have shown.

Mr. Ruffley: I am sure the House will concur with the Secretary of State's views on the excellent job that our service men and women are doing in Sierra Leone.

Can he tell us how many serving British soldiers are in Sierra Leone at present? Does he believe that he will be able to pull them out by Christmas?

Mr. Hoon: There are up to 4,000 British forces in and around Sierra Leone—not all of them are deployed on the ground; a number are in ships offshore. I make it clear to the hon. Gentleman that we remain absolutely committed to our timetable for withdrawing the bulk of UK forces currently in Sierra Leone by mid-June.

Mr. Martin Bell (Tatton): May I take this opportunity to pay tribute to Kurt Schork? He was a brave and brilliant writer-journalist who was ambushed and killed in Sierra Leone two weeks ago, and his death causes me to wonder whether the Secretary of State is satisfied with the idea that a substantial contingent of troops are out there without any significant armour to protect them.

Mr. Hoon: I am confident—relying on the military advice that I have received—that the forces deployed in Sierra Leone are appropriate for the job that has been undertaken, and that they continue to undertake.

Mr. Iain Duncan Smith (Chingford and Woodford Green): Given the nature of recent speculation about changes to the profile of British armed forces in Sierra Leone—especially the idea that 300 Royal Anglians may find themselves substituting in the role currently being undertaken by the Marines—will the Secretary of State take this opportunity categorically to deny that any such deployment is being considered? Does the plan for withdrawal remain that, hopefully—give or take one or two slight problems—the Government will withdraw British troops by mid-June?

Mr. Hoon: I make it clear, as I did in answer to the substantive question, that we remain absolutely committed to the timetable of withdrawing the bulk of UK forces by the middle of June.

However, we have always made clear to the Government of Sierra Leone our commitment to training in that country. As long ago as 27 March, the Prime Minister announced longer-term assistance to the Government of Sierra Leone in the form of a UK-led international military advisory and training team. Ultimately, we expect that that training team will consist of about 90 people, with the UK providing half the total. To ensure that the training team gets under way effectively, we are considering deploying a team from the UK for about six weeks from the middle of June. However, I make it clear to the hon. Gentleman that it will not substitute for the Marines in any way; it will provide training.

Mr. John Swinney (North Tayside): After the Secretary of State's most recent statement to the House

on Sierra Leone, has he given any further consideration to the way in which arms can be provided to the Sierra Leone Government without jeopardising matters or intensifying the conflict?

Mr. Hoon: Further to the answer that I have already given, we have for some time been concerned about the lack of effective training available to the armed forces of the Government of Sierra Leone. It thus follows that, in providing training, we believe it appropriate that those trained troops should have access to weapons. I announced that decision to the House about two weeks ago. If we are providing effective training, it seems sensible that those forces should have weapons to accompany it.

Smart Procurement

13. **Mr. Brian Jenkins** (Tamworth): What savings have been identified as a result of the smart procurement initiative. [122651]

The Parliamentary Under-Secretary of State for Defence (Dr. Lewis Moonie): As part of the strategic defence review, we set ourselves a target of saving £2 billion on equipment procurement expenditure over the 10 years to 2007–08 through the introduction of smart procurement. We are on track to achieve that target in that the sum of cost reductions identified and made in successive planning rounds is approaching the £2 billion mark, and, as my right hon. Friend the Secretary of State's announcement last month about the strategic air lift and future missile for the Eurofighter aptly demonstrates, we are delivering the programme set out in the strategic defence review.

Mr. Jenkins: I thank my hon. Friend for that answer. However, is he aware that, according to the National Audit Office, the Government inherited a cost overrun of £3 billion and a three-year delay in the Ministry of Defence's 25 most expensive projects? When he considers the strategic defence review and present commitments, will he undertake to the country and to our defence services that he will take no advice from the Conservative party, which proved itself incapable of handling the defence finances of this country?

Dr. Moonie: I share my hon. Friend's shock and dismay at the incompetence of the previous Administration, of which he has given us another dismal example. I certainly agree with him that smart procurement will deliver real savings while preserving our capacity to meet the challenging targets of the strategic defence review.

Madam Speaker: I call Mr. Bercow.

Mr. John Bercow (Buckingham): Question 16, Madam Speaker.

Madam Speaker: I was calling the hon. Gentleman on question 13. I shall call the hon. Member for Lichfield (Mr. Fabricant) instead.

Mr. Michael Fabricant (Lichfield): Thank you, Madam Speaker. Given that the F22 fighter in the United States, which is similar to the Eurofighter, has had to be equipped with a cannon, surely it is not very smart not to fit a gun to the Eurofighter.

Dr. Moonie: All such decisions are taken on the basis of advice from the armed forces concerned. I agree with you, Madam Speaker, in that I, too, find it difficult to distinguish between those two hon. Gentlemen.

Madam Speaker: I do not, actually.

Former Yugoslavia

14. **Mr. Dale Campbell-Savours** (Workington): What contribution UK forces are making to security in former Yugoslavia. [122652]

The Minister for the Armed Forces (Mr. John Spellar): We, together with our partner nations participating in the KFOR mission in Kosovo, face a challenging security situation. Ethnic intimidation and violence continue, albeit often orchestrated by a small number of extremists without the support of the majority of the population. However, British forces, along with our allies and partners in KFOR, are making a major contribution to solving those problems and the security situation is improving. British forces undertake a wide range of tasks designed to reassure and protect minorities while continuing to encourage refugees to return to their homes. They also provide support to non-governmental organisations, international organisations and other governmental bodies throughout Kosovo, helping to secure a safe, multi-ethnic and democratic society. Currently, we have some 3,500 troops in Multinational Brigade Centre in KFOR.

In Bosnia, SFOR provides a stabilising presence, allowing for civilian reconstruction and the return of refugees and internally displaced persons to a secure and peaceful environment. Currently, we have some 2,700 troops in SFOR, primarily based in Multinational Division South West, and will reduce this to some 2,000 by the end of this year.

Mr. Campbell-Savours: That was a very interesting answer. Will my hon. Friend pass on the appreciation of the House of Commons, expressed at Question Time today, to all our troops in the former Yugoslavia for the courageous effort that they are making in trying to keep the peace in very difficult conditions? However, will he also tell us whether it is true that some countries are not pulling their weight in terms of protecting the Serbs?

Mr. Spellar: I shall be pleased to pass on that appreciation. Indeed, I was able to do just that when I met some of our forces in Pristina on Wednesday and Thursday last week. They are doing an excellent and professional job and playing a considerable role in many areas to help to reconstruct the country.

Sometimes, the cause of peace in Kosovo is not best served by the media, which focus very much on the areas in which there are difficulties and ignore the wider picture. Not only are many refugees returning, but there is greater stability, and, equally important, the reconstruction of economic life is taking place. Our forces are playing a major role in helping to reintroduce a proper

system of law and order. Indeed, 56 MOD police are due to fly out this week to reinforce the international police effort, to which the Royal Ulster Constabulary has already contributed considerably. As my hon. Friend says, we pay tribute to the work being undertaken, but we also recognise that there is some way to go.

Sir Teddy Taylor (Rochford and Southend, East): Has the Minister seen any sign that the dwindling band of Serbs in Kosovo is likely to enjoy security and safety after the troops withdrawal?

Mr. Spellar: First, I must correct the hon. Gentleman, as some Serbs are returning from Serbia, not least because of the problems in that country. When I was in Pristina, it was a pleasure to talk to members of our forces who are playing a significant role in protecting Serbs, both individually and in groups. That situation is not ideal. It is by no means perfect, but it is certainly better than a year or so ago. At the same time, people in that country are starting to establish a pattern of co-existence. As I said in response to the previous question, we should examine positive developments. We should not ignore, underestimate, or fail to take action on negative elements, but we must get them into perspective and achieve a balance.

Mr. David Winnick (Walsall, North): I fully supported the action in Kosovo. Indeed, everything seems to have justified what was done by the international community, which includes this country. Will further action be taken to try to secure protection for those Serbians who are undoubtedly being harassed and persecuted by ethnic Albanians? Does my hon. Friend agree that further arrests of those responsible would give the Serbians far greater confidence that Kosovo is as much their part of the world as it is that of the ethnic Albanians?

Mr. Spellar: That is very much the message from our forces, who, as I said, are playing a significant role in providing protection. Ultimately, that is not a substitute for a proper system of policing and law and order. We are making a contribution to policing, but penal institutions in Kosovo must be enhanced, and the judicial system must be reinforced. My hon. Friend is right to say that actions outside the law must be arrestable and punishable. Again, I am not saying that we have achieved a perfect solution, but we have made considerable progress.

Mr. Paul Keetch (Hereford): I endorse what the hon. Member for Workington (Mr. Campbell-Savours) said about the importance of British forces in the former Yugoslavia. However, does the Minister agree that the situation is still very tense? Last Friday, a car on a British-controlled road just outside Pristina hit a land mine, killing two men and injuring a woman and two young children. What credence does the Minister give to reports from the United States that America may consider withdrawing its troops from Kosovo? Does he agree that the presence of US forces on the ground in Kosovo is an important contribution to KFOR? As we approach the first anniversary of the UN mandate in Kosovo, does he accept that the withdrawal of US troops would send a very bad signal indeed?

Mr. Spellar: We need to see in place the right number of troops from all countries. We also need a broad spread of forces in a range of international operations, and countries must fulfil their commitments. The way in which international forces are working together in Kosovo and Bosnia-Herzegovina is an example of that, and has developed well.

The hon. Gentleman mentioned the former Yugoslavia, and it is important that we focus on the steady progress in Bosnia-Herzegovina, not least the electoral support for moving away from sectarian parties towards centre parties. A lot of that has been driven by encouraging developments in Croatia, such as the election of a leadership that wants to be part of the European household and consequently is examining how to modernise its own country, and putting considerable pressure on Bosnia-Herzegovina to withdraw support from extremists.

As has been recognised, all that requires an on-going international presence which, yet again, is having an impact, creating co-existence and starting to encourage those who want to play a positive role in the reconstruction of their countries—as opposed to those who merely seek sectarian division—so that they can start to advance. That is progress, but there is still a long way to go.

Trident

15. **Mr. Jeremy Corbyn** (Islington, North): What is the total warhead capacity of the Trident fleet. [122654]

The Secretary of State for Defence (Mr. Geoffrey Hoon): As announced in the strategic defence review, our minimum nuclear deterrent requires a stockpile of fewer than 200 operationally available warheads. The submarine on deterrent patrol carries 48 warheads.

Mr. Corbyn: Does the Secretary of State accept that even 48 warheads—about half the possible capacity—represent a huge proliferation of weapons compared with the previous Trident submarine system? Does he not follow the thinking of the right hon. Member for Caernarfon (Mr. Wigley) and agree that, having signed up to the principle of nuclear disarmament, we should at least take Trident off patrol, ending the use or consideration of the use of such weapons, so that we may set an example to other countries that are thinking of acquiring or developing nuclear weapons?

Mr. Hoon: Perhaps my hon. Friend inadvertently referred to Trident when he meant Polaris. Nevertheless, the size of the United Kingdom's minimum deterrent depends not on the size of other nations' arsenals but on the minimum necessary to deter any threat to our vital interest. That was set out in the strategic defence review, and remains the Government's clear position.

Mr. Julian Brazier (Canterbury): Would the Secretary of State like to reconsider his rather complacent answer about the possible nuclear threat from third-world countries? In view of the first conclusion of the American presidential commission on defence that that country faces a severe potential threat from the nuclear, chemical and biological weapons of third-world countries, is it not time that we thought about some of the other measures that the

Americans are taking besides Trident—a system of ballistic missile defence and a proper system of civil defence, which has almost disappeared in this country?

Mr. Hoon: I do not need, at this stage at any rate, to reconsider the answer that I gave only a few moments ago. As I made clear, we keep threats to the United Kingdom under continuous review. A threat consists both of the ability to deliver a ballistic weapon to the UK—capability—and of the intent to do so. We assess, for the moment, that no country in the world has both the capability and the intent to attack the UK with a ballistic weapon.

Ministerial Discussions (ESDI)

16. **Mr. John Bercow** (Buckingham): What discussions he has had with the French Defence Minister about the European security and defence identity. [122655]

The Secretary of State for Defence (Mr. Geoffrey Hoon): We continue to make excellent progress on the European defence initiative, in the course of which my ministerial colleagues and I have had several discussions with the French Defence Minister.

Mr. Bercow: I am grateful to the Secretary of State for that reply, complacent though it was. Given that President Chirac, supported by the Germans, Italians, Portuguese and others, said as recently as 30 May that the development of an EU defence and foreign policy was fundamentally a "political project", and that the American ambassador to NATO has warned that the European security and defence identity threatens to damage and rupture NATO, are Ministers just too dozy to perceive the threat that exists, or are they determined to hoodwink the rest of us into thinking that it does not exist?

Mr. Hoon: It is because we do not see this as a political project that we have concentrated on the question of capabilities. Throughout all the agreements into which we have entered on behalf of the UK, we have emphasised the need to improve Europe's military capability. A number of UK Governments have sought to achieve that, and I am delighted to say that this Government are doing something about it. By improving Europe's military capability, we are not in any sense undermining or weakening NATO, but strengthening its capability. I would have thought that the hon. Gentleman might have been sufficiently awake to realise that.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): If one is to fight successfully in any army, however, should one not be quite clear to whom one owes one's allegiance? Is it not therefore very worrying that the Government should be assuming that it will be possible to create a unified force without accepting the idea of political control over its objectives?

Mr. Hoon: May I reassure my hon. Friend? None of our proposals contains the slightest suggestion that we are creating a unified force. The proposal that we are dealing with is no different from any of the multinational military organisations that have existed in the past and will continue to exist in future. In reality, each country will, rightly, remain responsible for its own forces, but those forces will operate together in multinational operations.

Point of Order

3.30 pm

Mr. John Bercow (Buckingham): On a point of order, Madam Speaker. Have you received any indication that a Minister from the Department for Education and Employment plans to come to the House to make a statement to clear up the astonishing confusion in the mind of Baroness Jay? You will be aware that on 28 May this year, the noble Baroness said that she had gone to a pretty standard grammar school. Given that it has now been revealed that the school she attended was an independent fee-paying school, she has abused that school, misrepresented her past and denigrated grammar schools. Do not Ministers have quite a lot of explaining and apologising to do?

Madam Speaker: I have not been informed that any Minister wishes to make a statement today. If the hon. Gentleman has anything to say about a Member of the upper House, he should do so through our usual procedures, by means of the Order Paper.

Mr. Dale Campbell-Savours (Workington): Further to that point of order, Madam Speaker. It is usual for Opposition Front Benchers not to abuse the right to raise points of order from the Dispatch Box. As has been said by successive Speakers for many years, it is for Front Benchers to abide by the rules and not abuse them. Will you deprecate what you have just witnessed here in the House of Commons?

Madam Speaker: To the best of my knowledge, Front Benchers do, from time to time, raise points of order with me—but they usually couch those points of order in language that is acceptable to me and to the House. On this occasion, I felt that the comments made by the hon. Member for Buckingham (Mr. Bercow) were not in keeping with those that he has made as a Back Bencher, which are generally interesting; Opposition Front Benchers should take note of my remarks. In addition, if reference is to be made to a Member of the upper House, it is usual to do so by means of the Order Paper, through an early-day motion.

Orders of the Day

Financial Services and Markets Bill (Supplemental Allocation of Time)

3.32 pm

The Economic Secretary to the Treasury (Miss Melanie Johnson): I beg to move,

That the Order of the House [9th February] be supplemented as follows:

Lords Amendments

1. Proceedings on Consideration of Lords Amendments shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion at Eleven o'clock.

2.—(1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 1.

(2) The Speaker shall first put forthwith any Question which has already been proposed from the Chair and not yet decided.

(3) If that Question is for the amendment of a Lords Amendment, the Speaker shall then put forthwith—

(a) the Question on any further Amendment of the Lords Amendment moved by a Minister of the Crown, and

(b) the Question on any Motion made by a Minister of the Crown, That this House agrees or disagrees with the Lords in the Amendment or (as the case may be) in the Amendment as amended.

(4) The Speaker shall then put forthwith—

(a) the Question on any Amendment moved by a Minister of the Crown to a Lords Amendment, and

(b) the Question on any Motion made by a Minister of the Crown, That this House agrees or disagrees with the Lords in the Amendment or (as the case may be) in the Amendment as amended.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown, that this House disagrees with the Lords in a Lords Amendment.

(6) The Speaker shall then put forthwith the Question, That this House agrees with the Lords in all the remaining Lords Amendments.

(7) As soon as the House has agreed or disagreed with the Lords in any of their Amendments, or disposed of an Amendment relevant to a Lords Amendment which has been disagreed to, the Speaker shall put forthwith a single Question on any Amendments moved by a Minister of the Crown relevant to the Lords Amendment.

Subsequent Stages

3.—(1) The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the consideration forthwith of any further Message from the Lords on the Bill.

(2) The proceedings on any further Message from the Lords shall, if not previously concluded, be brought to a conclusion one hour after their commencement.

(3) Sub-paragraphs (4) to (7) apply for the purpose of bringing those proceedings to a conclusion.

(4) The Speaker shall first put forthwith any Question which has already been proposed from the Chair and not yet decided.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown which is related to the Question already proposed from the Chair.

(6) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown on or relevant to any item.

(7) The Speaker shall then put forthwith the Question, That this House agrees with the Lords in all the remaining Lords Proposals.

Reasons Committee

4. The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the appointment, nomination and quorum of a Committee to draw up Reasons and the appointment of its Chairman.

5.—(1) A Committee appointed to draw up Reasons shall report before the conclusion of the sitting at which it is appointed.

(2) Proceedings in the Committee shall, if not previously brought to a conclusion, be brought to a conclusion 30 minutes after their commencement.

(3) For the purpose of bringing any proceedings to a conclusion in accordance with sub-paragraph (2) the Chairman shall—

(a) first put forthwith any Question which has already been proposed from the Chair and has not yet been decided; and

(b) then put forthwith successively Questions on motions which may be made by a Minister of the Crown for assigning a Reason for disagreeing with the Lords in any of their Amendments.

(4) The proceedings of the Committee shall be reported without any further Question being put.

Miscellaneous

6. If the House is adjourned, or the sitting is suspended, before the expiry of the period at the end of which any proceedings are to be brought to a conclusion under this order, no notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

7.—(1) In this paragraph "the proceedings" means proceedings on Consideration of Lords Amendments, on any further Message from the Lords on the Bill, on the appointment and quorum of a Committee to draw up Reasons and the Report of such a Committee.

(2) Standing Order No. 15(1) (Exempted business) shall apply to the proceedings.

(3) The proceedings shall not be interrupted under any Standing Order relating to the sittings of the House.

(4) No dilatory Motion with respect to, or in the course of, the proceedings shall be made except by a Minister of the Crown, and the Question on any such Motion shall be put forthwith.

8. If proceedings on a Motion for the Adjournment of the House would, by virtue of Standing Order No. 24 (Urgent matters), commence at a time when proceedings to which paragraph 7 applies are in progress, proceedings on the Motion shall be postponed to the conclusion of those proceedings.

Although there have been a good many amendments made to the Bill in another place, we believe that we will be able to give them adequate scrutiny in the course of our extended sitting this evening. The scope of the Bill, like that of our reforms, is unprecedentedly broad and ambitious: in addition to putting in place a single regulator, we are replacing several, complicated systems of statutory regulation with a single legal framework. The result is clearer, better legislation, but the scale of the exercise is, inevitably, extensive. A large number of amendments is to be expected with a Bill of this size and technical complexity.

Mr. Patrick McLoughlin (West Derbyshire): Will the Economic Secretary remind the House of the running total so far of Government amendments to this well-thought-out Bill?

Miss Johnson: I am happy to do that—in fact, I was about to discuss that very topic. However, before I do so, I should like to draw the Opposition's attention to a related matter; they clearly have short memories. The Financial Services Act 1986 was extensively amended during its passage through Parliament, even though it was a much less far-reaching Bill. Unlike the Financial Services and Markets Bill, it dealt only with the investment sector and not with banking, building societies, insurance and Lloyd's, yet the Government of the day made 582 amendments to that smaller Bill in the second House.

It is right that legislation as important as the Financial Services and Markets Bill should be subject to intense scrutiny. Opposition parties tabled almost 1,300 amendments; we have considered those amendments and listened to the arguments put to us in almost 200 hours of parliamentary debate and in wider consultation. That process has been constructive and co-operative in both Houses. There is a consensus on our underlying policy aims, and a shared determination to get the detail right.

Several improvements were made in the other place, and are explained at some length in explanatory material made available by the Treasury on 24 May, which hon. Members will have had plenty of time to study in advance of today's debate. They should be reassured that we have not introduced new policy in the other place. The majority of our amendments are to meet commitments made in this House, or are in one way or another consequential on changes made before the Bill left this House in February.

Those changes generally follow up recommendations of the Joint Committee, or respond to developments during the passage of the Bill, notably the stock exchange's decision to demutualise. Some improvements arose out of earlier debates in this House, such as those to the Financial Services Authority's procedures and accountability. Other amendments that had to be made in the other place are purely technical or drafting amendments, such as corrections to definitions.

The nature of the Bill means that a single, insignificant change may require scores of separate amendments, which I am sure need not detain the House.

Mr. Eric Forth (Bromley and Chislehurst): What!

Miss Johnson: I am not sure whether the right hon. Gentleman is asking me a question or making an exclamation.

Mr. Forth: The Minister has just said that the amendments need not detain the House, as if that were a statement of fact. I suggest that that is a decision for the House to make, not her.

Miss Johnson: I appreciate that the right hon. Gentleman believes that he is the keeper of the soul of this Chamber, but I reiterate that the nature of the Bill means that a single, insignificant change may require scores of separate amendments. Those amendments are basically the same, so they need not detain the House. That was my point.

The Government make no apologies for the extent to which the Bill has been improved in the other place. That is how the revising process is supposed to work. I hope that my explanation helps to clarify the nature of the task involved in considering the amendments, and that we can proceed to consider them as expeditiously as possible.

Mr. Andrew Tyrie (Chichester): Does the Minister's first experience of taking a Bill through Parliament over the past nine months lead her to conclude that it may have been a good idea if the Government had introduced the Bill in better shape in the first place?

Miss Johnson: My experience of taking the Bill through Parliament since July last year is that, because of

the Joint Committee scrutiny of the draft Bill—a process with which the hon. Gentleman will be familiar—we were able to tackle enormously complex subjects. As I explained, the Bill replaces three main separate pieces of legislation and covers a wide range of financial services. It has received the degree of scrutiny that it ought to have received. It has been scrutinised in great detail in this Chamber, in Committee and in the other place, so we have before us a much improved Bill that I believe is now ready to go on to the statute book.

3.38 pm

Mr. David Heathcoat-Amory (Wells): The Economic Secretary has failed to explain why the Government have tabled almost 700 amendments, new clauses and new schedules at this late stage in the Bill. The volume of amendments that hon. Members will have received from the Vote Office is like a substantial paperback. It runs to more than 90 pages, but none of it has been scrutinised by this House—these amendments have been passed in the other place. The Government are pushing through this paperback under a guillotine in one day.

The Economic Secretary dismissively said to my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) that most of the amendments are trivial and need not detain the House. That is for us to decide. It is not up to a Minister to tell us what we consider important, especially as many Opposition Members have been engaged with the subject for rather longer than the Minister. There have been three ministerial changes since the Bill began its rocky passage through Parliament, but my hon. Friend the Member for East Worthing and Shoreham (Mr. Loughton) and I are two Members who have been present right from the start.

Mr. Michael Fabricant (Lichfield): My right hon. Friend has served in the Treasury. Does he recall a time when such substantial changes were made to a Bill at such a late stage? Does not this demonstrate—as with the Utilities Bill—that the Bill was ill thought out in the first place?

Mr. Heathcoat-Amory: Yes. Indeed, I would go further—I think that this Bill bears increasingly little resemblance to the Bill that received a Second Reading last year. It has been constantly redrafted, and that can in no way be described as a response to consultation. Tabling nearly 700 amendments at such a late stage has nothing to do with consultation; it is simply bad legislation. Good legislation is produced when the Government know what they want to do, consult on how to do it and then produce a Bill for consideration by both Houses. As my hon. Friend says, in this case the Government have abused the process by substantially rewriting parts of a Bill. Indeed, in some instances—such as the provisions relating to the new competition regime—they are beginning to amend their own amendments. The Bill is diverging from the measure to which the House thought it was assenting last summer.

There is no excuse for the guillotine. As the Economic Secretary acknowledged, the Opposition have co-operated fully, and have given the Government no provocation whatever. Why, then, should the Government slam on a guillotine and push through all the Bill's remaining stages in one day? That is no way to treat an industry that employs more than 1 million people and is such an enormous foreign exchange earner for the United Kingdom. Many people's livelihoods will be affected by the Bill, and it needs proper, careful scrutiny.

The casual way in which the Government have treated the House goes back some time. The Bill was published nearly two years ago, and was examined by a joint Lords-Commons Committee chaired by Lord Burns. We supported that procedure. The Government said that they would support most of the Committee's recommendations, and would present a Bill in good order. I attended a meeting of Ministers, parliamentary counsel, draftsmen and House authorities, at which I asked whether the Bill was in a suitable state to be debated and scrutinised by the House of Commons. I was assured that it was in such a state, but I am afraid that that has turned out not to be the case.

On the basis of those assurances, we allowed the Bill to be carried over from the previous to the current Session. However, the Government not only constantly and consistently amended it in Committee, but tabled more than 300 amendments on Report in the Commons. That is exactly what they are doing today—at a very late stage, they have tabled pages of new amendments that have not been subjected to proper scrutiny in either House.

Changing a Bill after it has completed the stages that allow proper debate and scrutiny does not constitute consultation. This is now the most amended Bill in the history of the House, I am advised. The Economic Secretary tried to draw a parallel between the Bill and the Financial Services Act 1986. The arithmetic is on our side. Hundreds of amendments of a substantial, not trivial, nature have gone entirely unscrutinised.

Mr. Tim Loughton (East Worthing and Shoreham): On the comparison with the 1986 Bill, that legislation first regulated the Financial Services Authority. We have had 14 years of experience since then to ensure that the current Bill builds on that experience and gets it right, so it is an even worse scenario that we have more amendments now than we did when we came to the matter afresh in 1986.

Mr. Heathcoat-Amory: My hon. Friend is right. Given also that the Burns committee looked at the matter and gave the Government a lot of advice and recommendations, there is even less excuse for treating Parliament in this way.

Two other matters are relevant to the motion. Two additional matters have come up in recent weeks, to which the Government have not fully responded. The first is the proposed merger between the London and Frankfurt stock exchanges. No one from the Government side will tell us how or whether the Financial Services Authority will regulate the merged exchange. It is a very important matter. It is not good enough for the Government, who presumably had warnings of that merger, to have no real response to the question about which rules and regulations will apply to the merged exchange.

The second matter that has caught the Government on the hop is the issue of the overlap and possible conflict between the Financial Services Authority and the takeover panel during bids and mergers. The Government were defeated on that matter in another place. The amendment inserted there will provide that if the parties to a bid comply with the City code issued by the takeover panel, that will be a defence against allegations of market abuse. In other words, that will provide a safe harbour against market abuse.

[Mr. Heathcoat-Amory]

The Financial Services Authority will still be in charge. It will be able to issue the statement and its own code, which provides that safe harbour, and it may include conditions and limitations on it, so it will still be the league regulator, but that is an enormously important issue that has not yet been properly debated in the House. It is made worse by the fact that, instead of accepting that improvement to the Bill in another place, the Government apparently will seek to reverse it. Apparently, they do not like the fact that it is the takeover panel that will determine whether the behaviour of the parties to a bid actually complies with the City code and so gives a safe harbour against market abuse.

The Lords amendment is a good one because it provides a clear demarcation between the responsibilities of the Financial Services Authority and that of the takeover panel. Without that clear distinction about who does what, there will be endless scope for confusion, delay and litigation during a bid, which will undermine the role and success of the takeover panel. That is acknowledged in all parts.

It is also rumoured that the Liberal Democrats will collude with the Government in another place in overturning that amendment. If there is any party in the House of Commons that has few credentials for determining the future of the Bill, it is the Liberal Democrats. As my hon. Friends will recollect, the Liberal Democrats failed to provide anyone at all to attend the proceedings of the Standing Committee that considered the Bill. I see that we are now graced by the presence of one Liberal Democrat. I do not recollect him attending any of our previous debates. He has obviously been co-opted at a late stage to try to put up some defence for that collusion, but it is a shabby deal.

Mr. John Bercow (Buckingham): While listening to my right hon. Friend's honeyed words, I briefly consulted the list of Lords amendments. Is he aware that there are no fewer than 35 groups of amendments and that, even if we were to work on the dubious assumption that the House would not divide on any of them, that would mean an allocation of approximately 12 minutes debating time to each group?

Mr. Heathcoat-Amory: My hon. Friend is an assiduous parliamentarian, and he has already done some work showing the outrageous nature of this allocation of time motion. He will know that many of these groups of amendments concern very sensitive and contentious issues indeed, such as whether the whole issue of competition has been given adequate prominence in the Bill. There is also the fact that people and market makers can be convicted of market abuse even if they did not intend to commit the offence. That someone can be convicted of something that they did not intend to do is a new and most unwelcome departure in British law.

Opposition Members have tried in this place, and my noble Friends have tried in another place, to correct and improve those parts of the Bill. Now, however, the debate will be compressed into the space of a few hours.

Sir Robert Smith (West Aberdeenshire and Kincardine): I should like to clarify one point: is the right hon. Gentleman planning on forcing a Division on the Bill?

Mr. Heathcoat-Amory: The Bill has already received its Second Reading. It is pretty extraordinary that the Liberal Democrat spokesman apparently thinks that we are debating its Second Reading. May I refer him to the Order Paper, which shows that we are debating a guillotine motion? It is that guillotine motion that we shall be opposing.

The motion is an abuse of the House. The Government should take the Bill away for a proper and full debate on all the outstanding issues, and come back with a properly prepared Bill that the House can consider.

3.51 pm

Sir Robert Smith: I should start by correcting my intervention, which was on the allocation of time motion. I simply wanted to clarify whether the official Opposition planned on dividing on that. If they do force a Division on it, at this stage in the debate Liberal Democrat Members would be quite happy to join them in the Lobby, to make it quite clear that allocation of time motions— *[Interruption.]* Who knows who will join me when the Division Bell goes?

We are now three years into a Government who were elected after claiming that they wanted to modernise our democracy and the way in which the House does things, such as scrutinising legislation. I do not, however, recognise what is so modern or fundamentally different about this allocation of time motion.

Mr. Desmond Swayne (New Forest, West): Does the hon. Gentleman agree that the motion's modern feature is the fact that the Minister made no case for it whatsoever? She did not address at all why there is a need for a guillotine motion to curtail free speech. That is what was modern about it.

Sir Robert Smith: That feature has been quite common in this place. The situation in previous Parliaments may have been different from the situation in this one, but, based on my experience of the past few years, that feature has been quite common in this Parliament.

I am extremely disappointed and concerned that the Government, with such a large majority, are so frightened of debate. If they use their Whips efficiently and effectively, there is not a chance of overturning legislation. Debate is the only instrument available to us to persuade them to reconsider legislation. If legislation is properly scrutinised, there is a chance that Ministers will recognise that it is flawed and requires amendment. Debate also provides an opportunity to those who are outside the House not only to recognise the parts of the legislation that are causing us concern, but to see their concerns expressed in this place.

A vast number of amendments were made in the other place.

Mr. Tyrie: If the hon. Gentleman agrees with Conservative Members that the procedures under which the Bill is being examined are pretty disgraceful and

certainly substandard, why have Liberal Democrat Members done a deal with the Government on a crucial clause? We would have had a chance on that clause if they had not sold out. Why have they sold out to the Government on an issue as fundamental as that of market abuse and the takeover panel?

Sir Robert Smith: That is a matter for the debate on the Bill. We are currently debating the procedure to consider the Bill and the importance of time being properly and effectively allocated to it in the House.

The Minister claimed that many of the amendments were minor and consequential. It is open to Ministers to explain all the amendments that they consider to be minor and consequential and let the House make a judgment. An allocation of time motion means that that is highly unlikely.

The Minister said that we were having an extended sitting. It has been extended from the normal 10 o'clock deadline until 11 o'clock, but the Government have subtracted 45 minutes for the debate on the allocation of time motion, so in reality the sitting has been extended by 15 minutes, which could be taken up by a Division on this motion. We might have only two or three extra minutes over a normal sitting day to consider all these Lords amendments.

Mr. Bercow: For the House to judge whether there is adequate time for debate, we need to have some idea of the level of contributions that we can expect. Will the hon. Gentleman advise the House—as he has not so far been able to do—whether we shall have contributions from the hon. Members for Gordon (Mr. Bruce), for Kingston and Surbiton (Mr. Davey) and for Twickenham (Dr. Cable)?

Sir Robert Smith: The hon. Gentleman will have to sit in his place, watch the debates and see who takes part. I do not understand why he needs to know in advance who wishes to take part in the debate. Anyway, it is up to you, Madam Speaker, to decide who takes part in the debate. It is not for any of us to choose. That is probably enough interventions for now.

The Government also prayed in aid the record of the previous Government, which is a tedious and boring argument. It can place some things in context, but if their aspiration is always just to replicate the record of the previous Government, there was not much point in the electorate turning out at the last election and removing the previous Government from office.

Time is running out if the Government really want to modernise the House. They cannot do so just by guillotining debates, ignoring arguments and allowing them to go away. They have to look carefully at the procedure of legislative scrutiny. They cannot avoid problems just by tinkering with one or two aspects of the House. That way lies a great danger that, in the frustration of occasionally having to stay up late at night, they will decide to curtail debate without finding other avenues for scrutiny of legislation. If they do not find other avenues, they should be willing to stay up late and accept scrutiny that way.

The Government should also think about their management of legislation. This is a major Bill that has been heavily amended in the other place. They should ask whether they have too much legislation in the pipeline for this year and whether they have managed their priorities right. They talk about wanting to reduce waiting times and end queues in the health service. If they apply the skills that they use in managing legislation here to the health service, I am not optimistic.

Mr. Nigel Beard (Bexleyheath and Crayford): The hon. Gentleman is making great play of the adequacy of the scrutiny. Why, in Committee, did a Liberal Member attend on only two occasions?

Sir Robert Smith: Presumably there were reasons why my hon. Friend the Member for Twickenham (Mr. Cable) could not be there. The whole House is entitled to scrutinise legislation at this stage. We are not in Committee. The whole House must consider what the other House has done to the Bill. It is up to this House to decide how much time we want to spend on it. The Government should have the confidence to let the House scrutinise the Bill, range freely over it and expose its flaws in debate, rather than trying to rush through it without debate or proper scrutiny. I urge the House to recognise that when we come to vote.

3.59 pm

Mr. Eric Forth (Bromley and Chislehurst): This is an example of the Government somehow managing to combine incompetence and arrogance. That might be considered quite an achievement, but we have become rather used to it from them.

I wanted to give the Minister the benefit of the doubt, so I went through the Government's amendments and tried to spot the trivial ones that she claimed were none of our business and which we should not be so impatient as to want to deliberate. Even giving her the benefit of the doubt and without being an expert on the Bill, in my cursory reading I calculated 80 substantial amendments at the minimum. If that is the case—I suspect that there are more than that—the Government believe that we can deal with them in just over five minutes each.

That would be bad enough in itself, but I have had a look at the amendments. Amendment No. 61, for example, is one of those to which the Government presumably believe the House should give but five minutes attention. It involves a new clause entitled "Exercise of own-initiative power: procedure" and contains 12 subsections. Amendment No. 82 contains two subsections and nine paragraphs, amendment No. 87 contains 14 subsections, and amendment No. 90 contains 7 subsections. Amendment No. 107, which also caught my eye, seeks to add a new clause entitled "Appointment by competent authority of persons to carry out investigations." That contains considerable detail.

It is one thing for the Minister to claim in a glib and superficial fashion that we do not need to waste our time on the 675 items of trivia placed by the Government on today's Order Paper, but, even granting her that—which I would be very reluctant to do—she is really saying that this House of Commons should accept a new principle. She is suggesting that we allow ourselves, or that the Government give us, five minutes to consider large and often controversial new measures in a Bill. That is the extent of the Government's arrogance and of their wish to ignore the traditional proceedings of this House and the other place.

[Mr. Eric Forth]

It is a measure of the Government's sheer incompetence that we are faced with the absurd situation that, in this sitting—which can last only until 11 o'clock—we are expected to give the most cursory consideration to law that could affect the livelihoods of hundreds of thousands of people. These are the depths to which the Government have sunk and this is the extent to which they are seeking to minimise or eliminate the role of this House in the legislative process. It is totally unacceptable.

Mr. Bercow: Does my right hon. Friend agree that one of the reasons that Ministers seem to think that such truncated consideration is adequate is that they believe that unless a Member has sat on the Standing Committee considering a Bill, he or she has a bit of a cheek to try to contribute on Report? Does he agree that they need now to understand what new Ministers in particular have hitherto failed to learn—that the Bill is being reported to the House for proper consideration by it?

Mr. Forth: Indeed. In addition, there are two Houses of this Parliament, and what one does is properly to be scrutinised by the other. The fact that a matter may have been dealt with in another place—with all of the expertise that resides there—does not mean that this House of Commons can either take that for granted or ignore it. This motion is an outrage and a disgrace, and I hope that the House will reject it.

4.3 pm

Mr. Richard Shepherd (Aldridge-Brownhills): There are few points that I wish to make, as the matter has been covered adequately by my right hon. Friends the Members for Wells (Mr. Heathcoat-Amory) and for Bromley and Chislehurst (Mr. Forth) and by the hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith). I was cheered to note that the Liberal Democrats are actually weighing how a procedure motion addresses the issues that we want to address.

This motion is a product of a rollover process following modernisation. It is an indication that my Front-Bench colleagues agreed to such an arrangement; it could only have gone forward on that basis. Therefore, this is an important process. That the Government are abrogating proper investigation and examination of the many clauses in the Bill is inappropriate and it may discourage my Front-Bench colleagues from ever agreeing to any future rollover. That would be a real loss in terms of the serious consideration over a longer period of detailed and highly complex Bills such as this. The Government should take on board the fact that a guillotine on a rollover that has allowed two parliamentary Sessions to deal with the detail of a Bill is inappropriate.

My right hon. Friend the Member for Bromley and Chislehurst pointed out that what we shall be debating are Lords amendments. I have been in the House long enough to remember—as you will too, Madam Speaker—when it was unthinkable to guillotine that which came from a Chamber that may not be democratic, but has equal weight in our legislative processes.

The Government have now guillotined 34 Bills. That is a historic high, and no other Government have ever approached it. Previous Labour Governments since 1945 seldom used the guillotine, but now there is a crescendo applied to the second Chamber and what it says in its amendments. This guillotine demonstrates the power of a majority to deny freedom of speech. I do not know whether the time is adequate, as the whole debate could implode, but the Government have allowed less than five minutes for each of 80 substantial amendments—again taking the figure supplied by my right hon. Friend—and that is not including votes.

Parliament should not be muzzled in this way. We have enough bad legislation as it is. Sometimes, Conservative Governments have been hung by having inadequate discussion of detail. This Government should not go down that route, which is a denial of the very purpose and function of this Chamber.

4.6 pm

Mr. Howard Flight (Arundel and South Downs): The Bill is not exactly the stuff of red-hot party politics. Because of that, and because it affects our biggest industry and the prosperity of the whole of the south-east, the Opposition have endeavoured throughout to be wholly constructive, to get complicated matters legally right and to end up with a piece of legislation that is not damaging to our key industry.

It is extraordinarily disappointing to me that, when the Treasury is aware that there are many key issues on which we are advised that the Government and their legal advisers have got it wrong, the Government are unwilling to listen further and are railroading this stage through with a guillotine motion.

It is easy to take for granted the prosperity of the financial services industry of the City of London, but it depends on Britain being highly competitive in terms of tax, regulation and accommodation and staff costs. I am afraid to report that I have encountered several business people in the past few weeks who, having seen the final proposals on market abuse, are considering moving their businesses elsewhere, whether within the European Union or to other major financial centres.

The Bill comes from the Lords wrong, and we are being given inadequate time to consider it in the key areas of the obligation to preserve our international competitiveness, market abuse, proper practice in line with corporate governance required elsewhere, avoiding being ultra vires in respect of the European Court of Human Rights and, indeed, the new situation regarding what is to happen to stock markets. Did the Government even imagine, when rushing through the change of the listing authority from the stock exchange to the Financial Services Authority, the implications if the London stock exchange were to merge?

I declare an interest as not only the non-executive chairman of a financial services business but probably the only Member of Parliament who has worked in the industry for 30 years. As such, I stand back from the Bill and am seriously concerned that it creates a body that is too powerful and inadequately accountable and that there remain too many areas in which the legal balance is wrong or tilted against the industry.

It is wrong that the House should have only one evening to go through nearly 700 further amendments. We welcome the amendments that were introduced in response to issues that we raised, but we believe that the Bill remains wrong in certain key areas. That is why I

oppose the motion. When a piece of key legislation is not right, the House of Commons should have time to get it right.

4.10 pm

Miss Melanie Johnson: The importance of the financial services sector is well recognised by the Government, and I trust that the hon. Member for Arundel and South Downs (Mr. Flight) did not wish to imply that the Government do anything other than attach as much importance to that sector as he would claim to do. We believe that the Bill is a crucial part of securing the future of that industry. Without the Bill and the new regulatory arrangements that it will introduce, the future of that industry would increasingly be at risk.

Hon. Members have raised the issue of scrutiny of the amendments. The right hon. Member for Wells (Mr. Heathcoat-Amory) suggested that the amendments before us today had not received sufficient scrutiny, but they received extensive scrutiny in the other place. Only one additional Government amendment has been tabled for consideration this afternoon.

Mr. Tyrie: Will the Economic Secretary give way?

Miss Johnson: No, I have limited time and I wish to— *[Interruption.]* Hon. Members cannot have it both ways. The right hon. Member for Wells claimed that we faced a paperback of amendments, but the amendments made to the Financial Services Act 1986 in the other place covered some 135 pages, which is more than 40 pages more than the amendments before us today. No difficulties appear to have been experienced as a result of that earlier legislation. It is also important to recognise that 582 amendments were tabled by the then Government to that Act at a comparable stage in 1986.

Opposition Members have also neglected to mention the fact that there were 1,300 non-Government amendments discussed both here and in the other place. The Opposition have made a lively contribution to the debate and, as a result, in some cases we have tabled Government amendments to implement the changes that the Opposition have requested. The Bill is better as a result. The publication of the amendments on 24 May, and the report of the Bill's progress in the other place, have enabled those hon. Members who wished to do so to take an interest in the amendments long before they came here for debate. I trust that Opposition Members have done so.

The Opposition argue that we have not accepted their points, but in some cases that is because we do not agree with them, and hours of debate will not change that. In other cases, we have accepted the Opposition's arguments and tabled amendments to that effect. The fact that so many of the Lords amendments were passed with all-party support is further proof that we have listened. That is why they are before the House this afternoon.

As a result of the scrutiny it has undergone, we have a good Bill. Hon. Members will wish to discuss certain matters during the remaining hours of debate, but I reiterate that many of the amendments before us are purely technical, drafting or consequential on one main change in the Bill. Hon. Members can do the arithmetic on the number of amendments, but their case is not as substantial as they claim. With the possible exception of one area of discussion, I believe that it would be quite surprising if I were to hear anything in the Chamber this afternoon that I had not heard several times before, in more than 200 hours of parliamentary scrutiny of the Bill. We have already reached the point where many debates have become exceptionally repetitive.

I therefore urge the House to accept the supplemental allocation of time motion on the remaining consideration of the Bill.

Question put:—

The House divided: Ayes 244, Noes 126.

Division No. 210] **[4.15 pm**

AYES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Cook, Rt Hon Robin *(Livingston)*
Corbett, Robin
Corbyn, Jeremy
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*

Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Lawrence, Mrs Jackie
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall-Andrews, Robert
Maxton, John
Michael, Rt Hon Alun
Michie, Bill *(Sheffd Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Purchase, Ken
Quin, Rt Hon Ms Joyce
Radice, Rt Hon Giles
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wyatt, Derek

Tellers for the Ayes:
Mr. David Clelland and
Mr. Kevin Hughes.

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Baldry, Tony
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Campbell, Rt Hon Menzies *(NE Fife)*
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fraser, Christopher
Gale, Roger
Gillan, Mrs Cheryl
Gray, James
Greenway, John
Grieve, Dominic
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Swayne, Desmond
Swinney, John
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Trend, Michael
Tyne, Andrew
Viggers, Peter
Wallace, James
Walter, Robert
Wells, Bowen
Whittingdale, John
Wigley, Rt Hon Dafydd
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Peter Luff and
Mr. Geoffrey
Clifton-Brown.

Question accordingly agreed to.

Resolved,

That the Order of the House [9th February] be supplemented as follows:

Lords Amendments

1. Proceedings on Consideration of Lords Amendments shall be completed at today's sitting and, if not previously concluded, shall be brought to a conclusion at Eleven o'clock.

2.—(1) This paragraph applies for the purpose of bringing any proceedings to a conclusion in accordance with paragraph 1.

(2) The Speaker shall first put forthwith any Question which has already been proposed from the Chair and not yet decided.

(3) If that Question is for the amendment of a Lords Amendment, the Speaker shall then put forthwith—

(a) the Question on any further Amendment of the Lords Amendment moved by a Minister of the Crown, and

(b) the Question on any Motion made by a Minister of the Crown, That this House agrees or disagrees with the Lords in the Amendment or (as the case may be) in the Amendment as amended.

(4) The Speaker shall then put forthwith—

(a) the Question on any Amendment moved by a Minister of the Crown to a Lords Amendment, and

(b) the Question on any Motion made by a Minister of the Crown, That this House agrees or disagrees with the Lords in the Amendment or (as the case may be) in the Amendment as amended.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown, that this House disagrees with the Lords in a Lords Amendment.

(6) The Speaker shall then put forthwith the Question, That this House agrees with the Lords in all the remaining Lords Amendments.

(7) As soon as the House has agreed or disagreed with the Lords in any of their Amendments, or disposed of an Amendment relevant to a Lords Amendment which has been disagreed to, the Speaker shall put forthwith a single Question on any Amendments moved by a Minister of the Crown relevant to the Lords Amendment.

Subsequent Stages

3.—(1) The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the consideration forthwith of any further Message from the Lords on the Bill.

(2) The proceedings on any further Message from the Lords shall, if not previously concluded, be brought to a conclusion one hour after their commencement.

(3) Sub-paragraphs (4) to (7) apply for the purpose of bringing those proceedings to a conclusion.

(4) The Speaker shall first put forthwith any Question which has already been proposed from the Chair and not yet decided.

(5) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown which is related to the Question already proposed from the Chair.

(6) The Speaker shall then put forthwith the Question on any Motion made by a Minister of the Crown on or relevant to any item.

(7) The Speaker shall then put forthwith the Question, That this House agrees with the Lords in all the remaining Lords Proposals.

Reasons Committee

4. The Speaker shall put forthwith the Question on any Motion made by a Minister of the Crown for the appointment, nomination and quorum of a Committee to draw up Reasons and the appointment of its Chairman.

5.—(1) A Committee appointed to draw up Reasons shall report before the conclusion of the sitting at which it is appointed.

(2) Proceedings in the Committee shall, if not previously brought to a conclusion, be brought to a conclusion 30 minutes after their commencement.

(3) For the purpose of bringing any proceedings to a conclusion in accordance with sub-paragraph (2) the Chairman shall—

(a) first put forthwith any Question which has already been proposed from the Chair and has not yet been decided; and

(b) then put forthwith successively Questions on motions which may be made by a Minister of the Crown for assigning a Reason for disagreeing with the Lords in any of their Amendments.

(4) The proceedings of the Committee shall be reported without any further Question being put.

Miscellaneous

6. If the House is adjourned, or the sitting is suspended, before the expiry of the period at the end of which any proceedings are to be brought to a conclusion under this order, no notice shall be required of a Motion made at the next sitting by a Minister of the Crown for varying or supplementing the provisions of this Order.

7.—(1) In this paragraph "the proceedings" means proceedings on Consideration of Lords Amendments, on any further Message from the Lords on the Bill, on the appointment and quorum of a Committee to draw up Reasons and the Report of such a Committee.

(2) Standing Order No. 15(1) (Exempted business) shall apply to the proceedings.

(3) The proceedings shall not be interrupted under any Standing Order relating to the sittings of the House.

(4) No dilatory Motion with respect to, or in the course of, the proceedings shall be made except by a Minister of the Crown, and the Question on any such Motion shall be put forthwith.

8. If proceedings on a Motion for the Adjournment of the House would, by virtue of Standing Order No. 24 (Urgent matters), commence at a time when proceedings to which paragraph 7 applies are in progress, proceedings on the Motion shall be postponed to the conclusion of those proceedings.

Financial Services and Markets Bill

Lords amendments considered.

Clause 2

THE AUTHORITY'S GENERAL DUTIES

Lords amendment: No. 1, in page 2, line 18, leave out ("any exercise of its general functions") and insert ("anything done in the discharge of those functions").

4.28 pm

The Economic Secretary to the Treasury (Miss Melanie Johnson): I beg to move, That this House agrees with the Lords in the said amendment.

Madam Speaker: With this we may discuss Lords amendments Nos. 7 and 82.

Miss Johnson: Amendment No. 1 is a technical change to clause 2, which sets out the general duties of the Financial Services Authority. Subsection (2) sets out its regulatory objectives while subsection (3) lists a number of principles to which it must have regard in discharging its general functions. Subsection (3)(f) makes it clear that the authority needs to minimise any adverse effects on competition that may result from its work. The amendment makes it clear that this requirement applies to any action that the authority takes in the discharge of its functions.

Amendment No. 7 concerns value-for-money reviews. Clause 10 enables the Treasury to appoint an independent person to carry out value-for-money reviews of the FSA in its competent authority function, as well as its other functions under the Bill. The amendment simply makes it clear that under reviews of the authority generally, reviews of the competent authority cannot cover the merits of its general policy or principles but only the competent authority's use of resources in discharging its functions under part VI.

Amendment No. 82 introduces a new clause after clause 72, requiring the competent authority to have regard to a number of things in discharging its general functions. Those general functions are defined in subsection (2). The new provision is similar to clause 2(3). The requirements of subsection (1) are intended to

[Miss Johnson]

act as constraints on the way in which the competent authority carries out its functions under part VI. Unlike clause 2(3), the new provision does not include a principle on the responsibilities of senior management. The competent authority is not responsible for the conduct of business or the prudential regulation of listed companies.

Lords amendment agreed to.

Clause 5

THE PROTECTION OF CONSUMERS

Lords amendment: No. 2, in page 3, line 16, leave out from ("persons") to end of line 21 and insert ("—

(a) who are consumers for the purposes of section 129; or

(b) who, in relation to regulated activities carried on otherwise than by authorised persons, would be consumers for those purposes if the activities were carried on by authorised persons.")

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this we may discuss Lords amendments Nos. 4, 5, 8, 51, 52, 154, 156, 237, 238, 240, 410 to 415 and 605.

Miss Johnson: The amendments fulfil a commitment made in Committee to review the provisions on consumers. When clause 5 was considered in Committee, the hon. Member for Arundel and South Downs (Mr. Flight) said:

The Bill advances different definitions of consumer, but it would be much simpler if it contained the same definition throughout. I can imagine muddle developing in the future as a result of the different definitions.

The then Economic Secretary to the Treasury, now the Minister for Small Business and E-Commerce, said:

we shall consider whether it is possible to have a more consistent definition throughout the Bill. That might be helpful.—[*Official Report, Standing Committee A*, 15 July 1999; c. 205-06.]

The amendments achieve greater consistency in references to consumers. They include the core definition in clause 129 and will ensure that those using the services offered, both by the appointed representatives of authorised persons and by trustees and those who deal with authorised persons, come within the definition, thereby eliminating potential gaps in coverage.

The amendments will enable the Financial Services Authority to give appropriate protection to those who use the services of non-authorised persons who nevertheless carry on regulated activities—some lawfully, others unlawfully—such as Lloyd's underwriters, recognised exchanges, clearing houses and persons acting in contravention of the general prohibition.

As well as introducing greater consistency, the amendments bring greater precision to the definition of consumers. They make it clear that the authority's rule-making powers extend to those whose rights or interests may be adversely affected by the use of services by another person only where that person is acting on their behalf or in a fiduciary capacity in relation to them. The amendments make corresponding changes to the definition of "client" for the purposes of clause 319.

Minor consumer-related changes to part IV and part XIII will help to meet a commitment given by the Government in Committee to improve and rationalise the supervisory procedures and the authority's decision-making procedures under the Bill more generally.

Amendments Nos. 51 and 52 deal with part VI and bring the reference to consumers in clause 42 into line with clause 43(1) and 185(1)(c). Amendment No. 240 broadens the category of consumers in whose interests the authority can intervene in the business of an incoming European Economic Area or treaty firm under clause 185. That change will mean that the definition can cover all the consumers and potential consumers of regulated activities. It is necessary to ensure that the authority can act as necessary to avert systemic risks arising from such firms activities.

Lords amendment agreed to.

New clause

Lords amendment: No. 3, after clause 6, to insert the following new clause—*Duty of Authority to follow principles of good governance*—

(". In managing its affairs, the Authority must have regard to such generally accepted principles of good corporate governance as it is reasonable to regard as applicable to it.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—[*Miss Melanie Johnson.*]

Mr. David Heathcoat-Amory (Wells): I beg to move an amendment to the Lords amendment, in line **2,** leave out from 'to' to end of the Lords Amendment and insert

'all relevant generally accepted principles of good corporate governance and in discharging its functions the Authority must act in a way which is fair, reasonable, open and proportionate'.

We shall have to be highly selective in speaking to the groups of amendments given the shortage of time, but the House should pause on amendment No. 3 on corporate governance because it raises important issues about how the FSA is run and how we can improve its accountability.

We have debated that matter previously, but the Government have always been reluctant to ensure that the FSA respects the principles of good governance, even though they urge everyone else to abide by them. For instance, there is general agreement that companies—especially large public companies—should have split chief executive and chairman functions.

Many other observations have been made under several chairmen. Cadbury, Hampel and Greenbury successively produced codes on good governance, which have been summarised in a combined code of corporate governance. That should also be binding on the FSA. The obvious rejoinder is that, unlike a public company, the FSA does not have shareholders. However, that does not dispose of the matter. The same issues of checks and balances and of accountability apply to the FSA—perhaps with additional force because of the authority's power. The FSA enjoys a high degree of statutory immunity; it will be a rule-making and thus a law-making body. It will be charged with enforcing its own rules, as well as investigating wrongdoing and fining those who transgress those rules. The concentration of executive power in the FSA means that it should abide by those basic rules of good governance.

That view was taken by several Members in another place. They persuaded the Government to table an amendment to introduce the concept of good governance. However, we believe that it does not go far enough. In relation to the split between the chairman and the chief executive, we should recall the conclusions and recommendations of the Joint Committee chaired by Lord Burns. Paragraph 113 stated that

in the longer term we recommend that the posts of Chief Executive and Chairman should be separated and that a non-executive Chairman should be appointed. We see advantages in this of limiting the power of and focus on a single individual; enhancing the power of non-executive directors; and ensuring that control of the agenda does not lie exclusively with the executive.

I agree with those recommendations, although that is not a criticism of the present incumbent at the FSA. That Committee and I have a high regard for the talents of Mr. Davies. We are looking to the future structure—on the ground that Bills are for ever, while incumbents come and go. We want to lay down a structure for the future administration of the FSA.

We especially want to disperse power within the authority. There is already a sufficient concentration of executive power in the body, which is, after all, only a private company with statutory functions. Power should be dispersed within that company. There is also considerable merit in having one person running the FSA from within, while someone else acts as the public outward face and speaks for the authority in the outside world—a time-consuming job in itself.

A separate non-executive chairman and chief executive would enhance the role of the latter and would give confidence in the regulating community that complaints would be considered at some remove from the chief executive and his office. Of course, other aspects of the Bill deal with complaints and we shall debate those later. However, splitting those roles would improve and increase confidence in the way that the FSA carries out its statutory functions. The Government have, in principle, adopted the concept of corporate governance, but they have not been persuaded of the merits of splitting the roles.

Slightly alarmingly, the notes on the Government amendment passed in another place say only that the principles referred to in the amendment

might include those contained in the Combined Code of the Committee on Corporate Governance.

Therefore, it is not even clear that the FSA would adopt that combined code. The Government amendment is a watered-down proposal, which our amendment would strengthen. It would also ensure that good governance includes the concept of the authority acting in a way that is

fair, reasonable, open and proportionate.

I do not see how the Government could object to that. Indeed, other amendments would insert the concept of reasonableness into the Bill, so our amendment should be unobjectionable.

The principle of openness should also be more clearly stated in the Bill. The Government do not have a good record on openness. We have already discovered from our consideration in Committee of the Finance Bill that there is a report on tobacco smuggling. The report is familiar to Ministers, but the Government regard it as secret and have failed to publish it, even though it deals with a matter of public interest. They talk much about transparency and openness, but they have delivered little in practice. We want to ensure that the FSA, at least, operates openly when it consults on making or changing rules and across the whole range of its operations.

Our amendment would strengthen the commitment in the proposed new clause to good governance in the way that I have described. It would provide a stronger steer towards splitting the role of chairman and chief executive and it would ensure that the authority operates in a

fair, reasonable, open and proportionate

manner. Those are two modest concepts to tack on to the proposed new clause. I commend our amendment to the House.

Mr. Howard Flight (Arundel and South Downs): I merely wish to ask the Government what they intend by the words that they have used. In the other place, the Opposition's objective was to shift the presumption that the FSA was not required to have a separate chairman and chief executive to the presumption that it would separate the roles. The current arrangements exist essentially because of Mr. Howard Davies.

The proposed new clause contains the phrase

as it is reasonable to regard as applicable to it

and will operate in the context of the rather strange animal that is a private company with a particular statutory function. Given those words, our legal advice is that the presumption would not necessarily be for a proper corporate structure with a separate chairman and chief executive. What is the Government's intention and what do they believe the presumption in the proposed new clause will be?

It has become clear that, in an increasing number of cases—particularly phase two inspections—FSA teams have acted in a way that has not been reasonable or open. Why should the Government not accept the requirement that the body should act in a way that is

fair, reasonable, open and proportionate?

If they cannot accept those broad terms, we should assume that they are happy for it to act in a way that is unfair, unreasonable, closed and disproportionate. As the Minister will be aware, this is not the first time that we have raised the issue of trying to get the corporate governance right. The Government have yet to give a satisfactory explanation of why they are unwilling to accept the general requirement on the regulator's conduct.

4.45 pm

Miss Melanie Johnson: I shall first deal with why the Opposition amendment to Lords amendment No. 3 is unacceptable. The Opposition amendment would require the FSA to act in a

fair, reasonable, open and proportionate

way in discharging its functions. The Opposition tabled a similar amendment when the Bill was in Committee, and on 8 July my predecessor, now the Minister for Small Business and E-Commerce, explained why it was unnecessary. She said that the FSA must act in a fair, reasonable and proportionate way, discharging its functions in a proper manner. As a body exercising public functions, it is bound to operate in accordance with administrative law and, if it fails to do so, it runs the risk of judicial review. Moreover, as a public authority for the purposes of the Human Rights Act 1998, it will be subject to constraints imposed by that Act.

[Miss Melanie Johnson]

Opposition Members may therefore ask why we are rejecting their amendment if, in any event, the FSA is required to act in accordance with it. Accepting the amendment would risk throwing into doubt whether every other public body whose governing legislation did not specify such requirements would be required to act in accordance with those principles. I assume that Opposition Members do not seek such an outcome.

On openness, we have already put in place a variety of accountability measures and it may be worth while going through some of them quickly. In contrast with the current two-tier system, the FSA will be a single institutional regulator with clear objectives, regulatory principles and governance. However, in relation to procedures, the it will be required to consult, and to give the results of consultation, when making policy or changing rules and guidance. It will publish an annual report and have an open annual meeting. It will be required to provide a cost-benefit analysis of changes to its rules.

The FSA is also required to set up consumer and practitioner panels as part of its commitment to consult and must consider representations by them. If it disagrees with them, it must give them a written statement of its reasons for doing so. There will be an independent investigator of complaints, who will report publicly, and an independent tribunal to which the FSA's decisions can be referred. I took exception to the remarks of the right hon. Member for Wells (Mr. Heathcoat-Amory) about this Government and openness, as our track record on that is extremely good. Indeed, the track record of the previous Government compares unfavourably with ours. The measures on openness and accountability that I have just outlined speak volumes for our achievements in taking those issues forward.

Mr. Heathcoat-Amory: If the hon. Lady wishes to live up to her rhetoric, will she explain why the Government are suppressing the report on tobacco smuggling by Mr. Martin Taylor? That report was drawn up at public expense, so why does she not publish it?

Miss Johnson: I am puzzled, because earlier we heard that there was not enough time to discuss the Bill. The matter raised by the right hon. Gentleman is being discussed at considerable length by members of the Committee considering the Finance Bill. However, he has returned to it, even though it has nothing to do with the issue that we are considering.

The hon. Member for Arundel and South Downs (Mr. Flight) asked for clarification of the way in which the provision measures up to the principles of corporate governance. Principle A.2 of the combined code on corporate governance states:

> There should be a clear division of responsibilities at the head of the company which will ensure a balance of power and authority, such that no one individual has unfettered powers of decision.

There is no incompatibility between combining the roles of chairman and chief executive and adherence to that principle of corporate governance. The objective, as the principle makes clear, is to

> ensure a balance of power and authority, such that no one individual has unfettered powers of decision.

Code provision A.2.1 states:

> A decision to combine the posts of Chairman and Chief Executive Officer in one person should be publicly justified. Whether the posts are held by different people or by the same person, there should be a strong and independent non-Executive element on the Board, with a recognised senior member other than the Chairman to whom concerns can be conveyed.
>
> The Chairman, Chief Executive and Senior Independent Director should be identified in the Annual Report.

The FSA complies with all those requirements.

Public justification is on page 107 of the FSA's annual report. There is a strong and independent non-executive element on the board. Indeed, paragraph 3(1)(a) of schedule 1 specifies that the majority of members of the governing body must be non-executive. Moreover, there is a recognised senior member other than the chairman: the non-executive deputy chairman of the FSA—Stewart Boyd QC. We have repeatedly made clear the important role that we expect him to play on the board.

The chairman, chief executive and senior independent director are identified in the FSA's annual report. On the latter, page 108 states:

> Stewart Boyd QC acts as the company's lead non-Executive Director".

In other words, the FSA complies fully with the requirements recommended by the combined code for companies, which combine the role of chairman and chief executive.

I therefore stress that there is no incompatibility. The proposed structure is the best means of meeting the FSA's objectives of securing clear accountability and of ensuring speed of decision making. I therefore urge the House to agree with the Lords amendment and to oppose the Opposition amendment to it.

Amendment negatived.

Lords amendment agreed to.

Lords amendments Nos. 4 and 5 agreed to.

New clause

Lords amendment: No. 6, after clause 9, to insert the following new clause—*Duty to consider representations by the Panels*—

> (".—(1) This section applies to a representation made, in accordance with arrangements made under section 7, by the Practitioner Panel or by the Consumer Panel.
>
> (2) The Authority must consider the representation.
>
> (3) If the Authority disagrees with a view expressed, or proposal made, in the representation, it must give the Panel a statement in writing of its reasons for disagreeing.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—[*Miss Melanie Johnson.*]

Mr. Flight: I beg to move an amendment to the Lords amendment, in line **8,** at end insert—

> '(4) The Authority's statement must be published in such manner as the Authority considers appropriate.'.

The Government tabled the new clause on Third Reading in the other place in response to pressure from Conservative and Liberal Democrat Members. It concerns when the FSA disagrees with the view expressed or the proposal made by the practitioner or consumer panels in representations to the FSA. Under our amendment, the FSA would have to give the relevant panel a written

statement of its reasons for disagreeing. The Economic Secretary referred to that just a few minutes ago. As presently drafted, it is not clear under the new clause whether the FSA's statement should be made public. Our amendment would make that clear. We understand that the Government confirmed in the other place that such statements would be made public.

Miss Melanie Johnson: The new clause proposed in Lords amendment No. 6 responds to points raised in another place in connection with representations made to the FSA by the practitioner and consumer panels. In line with suggestions made by Opposition Members, it will improve arrangements for giving feedback to the panels.

The new clause will require the FSA to consider representations made to it by either panel in accordance with arrangements under clause 7 and, where the FSA disagrees with those representations, to make a written statement of its reasons for disagreeing. The new clause will add, in a structured way, a greater degree of transparency and therefore improves on the arrangements for the panels.

I was rather surprised to discover that the Opposition had tabled their amendment, especially given that their colleagues in another place welcomed the new clause so warmly—I believe that Lord Kingsland described himself as delighted by it. When the new clause was introduced, Lord Kingsland asked whether reasons given by the FSA would be made public; my noble Friend Lord Bach explained that they would. It is self-evident that if the FSA issues a formal response to a formal representation, by the very act of doing so it puts its reasons into the public domain.

It is a different matter to require, as the amendment would, that every such response is to be published by the FSA. To do so would be as likely to confuse as to shed light on discussions between the FSA and the panels. For example, it would be odd if the FSA were to publish its response to a representation that had, for whatever reason, not been published in the first place by the panel. Requiring automatic publication, without any regard to the nature of the issue involved, might also involve unnecessary and inappropriate expenditure by the FSA.

It is quite possible that one of the panels might make a representation to the FSA in connection with a serious flaw or loophole that it had identified in the rules; the FSA might not agree with the panel's proposed solution, in which case it would have to write to the panel to explain why. However, I find it hard to imagine that the FSA, the panels or the vast majority of consumers and practitioners in general would want the existence of such a loophole to be exposed before an appropriate solution had been identified.

Mr. Flight: Will the Economic Secretary explain clearly what the Government meant by giving a verbal assurance in the other place that the reasons would be made public? Either they will be set out, published and made public, or they will not—I do not understand why the Government appear to want to have their cake and eat it.

Miss Johnson: Ultimately, it will be for the panels to decide whether to publish statements made by the FSA when the FSA has decided, for its own reasons, not to do so. I have no doubt that both the FSA and the panels will give full and proper consideration on a sensible, case-by-case basis to whether publication is appropriate. I urge the House to accept the new clause and to reject the Opposition amendment.

Amendment negatived.

Lords amendment agreed to.

Lords amendments Nos. 7 and 8 agreed to.

Clause 14

POWERS OF APPOINTED PERSON AND PROCEDURE

Lords amendment: No. 9, in page 7, line 8, leave out subsection (4).

The Financial Secretary to the Treasury (Mr. Stephen Timms): I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 189, 211 to 227, 229 to 233, 265, 266, 269, 314 to 325, 374, 551, 565 and 652.

Mr. Timms: The main effect of the amendments is to rationalise the treatment in the Bill of legal professional privilege and to strengthen it. The changes are, in part, a response to concerns raised by the Opposition in Committee about the fact that privilege might not be adequately protected in all cases. Therefore, the amendments bring the Bill's definition of legal professional privilege into line with the Police and Criminal Evidence Act 1984. I believe that they will be broadly welcomed.

At the same time, the amendments consolidate existing provisions of the Bill into a single clause that extends to all the information and document-gathering powers in the Bill. The existing, separate provisions that prevent different powers being used to require a person to disclose or permit the inspection of material that is subject to legal professional privilege are, therefore, made redundant and omitted.

The amendments also simplify the drafting of clause 159 and other clauses in part XI that deal with the investigation powers of the FSA, and they align the investigation powers under part XVII in respect of collective investment schemes with the main provisions in part XI. I believe that all those amendments will be welcome and I urge the House to agree to them.

Lords amendment agreed to.

Clause 18

AUTHORISED PERSONS ACTING WITHOUT PERMISSION

Lords amendment: No. 10, in page 8, line 19, leave out subsection (2) and insert—

"(2) The contravention does not—

(a) make a person guilty of an offence;

(b) make any transaction void or unenforceable; or

(c) (subject to subsection (3)) give rise to any right of action for breach of statutory duty.

(3) In prescribed cases the contravention is actionable at the suit of a person who suffers loss as a result of the contravention, subject to the defences and other incidents applying to actions for breach of statutory duty.")

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 25 to 29, 33, 35 to 44, 78, 89, 178, 179, 250 and 251.

5 pm

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

In the light of points made in this House, particularly by the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell), and in the other place, the Government have reconsidered the different provisions in the Bill dealing with rights of action and enforcement of agreements.

The amendments on rights of action fulfil the Government's commitment given in Committee and on Report in this House to review and align the provisions on rights of action. The aim of the Government's amendments is to enable the current pattern of rights of action for rule breaches, as provided for under clauses 62 and 62A of the Financial Services Act 1986, to be reproduced as far as it is possible to do so given the different structure of the Bill in relation to contraventions of requirements imposed under parts IV, X and XIII.

The amendments will enable the Treasury, subject to Parliament, to give rights of action to private persons if an authorised person has handled client money without the appropriate part IV permission, but not for a breach of a capital requirement or premium income limit imposed under that part. The Treasury will also be able to extend rights of action to non-private persons acting in a fiduciary capacity for a private person.

Amendments Nos. 89 and 179 are technical improvements that relate to the transfer of the competent authority for listing function from the London stock exchange to the FSA. They ensure that the wording of the Bill properly reflects the fact that the transfer has taken place, but do not alter the basic position that clauses 141 and 142, which deal with rights of action for FSA rules made under part X, do not apply to listing rules.

The amendments on enforcement of agreements meet Opposition concerns raised in Committee and on Report in this House about the grounds on which agreements entered into in the course of, or as a result of, an unauthorised regulated activity or illegal financial promotion will be enforced.

As we said we would, we have reflected on those concerns and have tabled amendments that meet directly the points made by the right hon. and learned Member for North-East Bedfordshire and his colleagues. In particular, amendments Nos. 25 to 29, 33 and 38 to 44 introduce a single test for the court to determine whether an agreement is enforceable by considering whether it is just and equitable for it to be enforced.

The other amendments make technical and drafting improvements. I commend the amendments to the House.

Lords amendment agreed to.

Clause 19

RESTRICTIONS ON FINANCIAL PROMOTION

Lords amendment: No. 11 in, page 8, line 38, at end insert—

"(5A) An order under subsection (5) may, in particular, provide that subsection (1) does not apply in relation to communications—

(a) of a specified description;

(b) originating in a specified country or territory outside the United Kingdom;

(c) originating in a country or territory which falls within a specified description of country or territory outside the United Kingdom; or

(d) originating outside the United Kingdom.

(5B) The Treasury may by order repeal subsection (3)."

Mr. Timms: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 12 to 18, 172 to 174, 272 and 296.

Mr. Timms: Clause 19 prohibits financial promotion unless the communicator is an authorised person or the promotion is approved by an authorised person. Clause 231 prohibits promotion by authorised persons of collective investment schemes unless the scheme is either authorised or recognised. Both clauses were extensively debated during the Committee stage in this House. The amendments debated in the other place were largely technical, tidying-up amendments made in response to concerns expressed by hon. Members in Committee.

Amendments to clauses 19 and 231 allow for some exemptions to be made, including exemptions dealing with the territorial scope of each prohibition. Amendments to clause 137(1) on financial promotion rules ensure that the limits of this rule-making power are consistent with the limits on promotions by unauthorised persons. There are also some technical and consequential amendments to clause 19. I commend these amendments to the House.

Mr. Flight: There were two big issues in this territory. One arose from clause 19 and the issue of the FSA being empowered to regulate cyberspace and anything that could affect a UK person. Our understanding is that the exemptions that have been published achieve what we felt was appropriate to be dealt with in clause 19.

Secondly, we were particularly concerned that managers of UK-based collective investment schemes who were seeking to market those schemes outside the UK but within EU jurisdiction would be subject to competing regulatory jurisdictions. As the Bill was drafted, they would have been obliged to conform with the FSA's regulations and with those in the jurisdiction in which they were marketing the scheme. Again, we understand that the Government have addressed the issue satisfactorily. I merely ask for confirmation that that is so in both cases.

Mr. Timms: It is certainly my view that all those concerns have been addressed satisfactorily. I hope that the House agrees.

Lords amendment agreed to.

Lords amendments Nos. 12 to 18 agreed to.

Clause 24

AGREEMENTS MADE BY UNAUTHORISED PERSONS

Lords amendment: No. 19, in page 10, line 34, leave out ("("the purchaser")")

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 20 to 24, 30 to 32, 34, 46 to 48, 53 to 56, 88, 98, 100, 106, 110, 113 to 119, 121, 122, 160 to 167, 190, 191, 260 to 264, 349, 375, 397, 405, 433, 435, 444, 446 to 456, 462 to 484, 536 to 539, 555, 560, 563, 564, 616, 617, 632, 637 to 649, 661, 663, 664 and 672.

Miss Johnson: This large group of amendments provides a good illustration of the way in which the Bill's drafting has been improved and consistency achieved through technical refinement in another place. It is also an example of the fact that a minor drafting change to improve clarity in a Bill of this complexity can involve dozens of amendments representing absolutely no change in policy.

I am sad to see that the right hon. Member for Bromley and Chislehurst (Mr. Forth) is no longer present, but I hope that Opposition Members will not be too disappointed if I deal with the amendments fairly briefly. They achieve a number of things. First, they standardise the references in the Bill to the acceptance of deposits. Secondly, they rationalise the references to insurance. Certain amendments correct grammatical errors that we have noticed, insert, correct and delete defined terms, and correct references to other provisions that have somehow become inaccurate. I am happy to acknowledge that some of the amendments reflect points made by the Opposition, who have identified potential shortcomings in the Bill's drafting.

I am sure that hon. Members do not want me to deal with the amendments individually, despite the exhortations of the right hon. Member for Bromley and Chislehurst. The explanatory notes produced by the Treasury before the recess explain each of them for the benefit of those who are particularly curious.

Lords amendment agreed to.

Lords amendments Nos. 20 to 56 agreed to.

Clause 49

APPLICATIONS UNDER THIS PART

Lords amendment: No. 57, in page 22, line 28, after ("may") insert ("reasonably").

Mr. Timms: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 58, 74, 187, 188, 234, 235, 273, 304, 335, 372, 373, 430.

Mr. Timms: I will not push my luck too far; I will say a few words on this group.

The amendments were tabled in response to discussion in Committee and on Report in the House of Commons, where some inconsistencies were identified in the circumstances in which the Bill uses express concepts of reasonableness, for example, in relation to powers of the FSA. We have had some discussion on that point already this afternoon.

As a matter of administrative law, it is well understood that a body exercising public functions under statute must act "reasonably". That requirement will apply to the FSA, just as it does to other bodies such as the Treasury or the Secretary of State. If the FSA were to act in a way in which no reasonable authority would, that would give rise to a risk of challenge by judicial review.

Imposing express requirements for the authority to act reasonably in exercising certain powers under the Bill might therefore make little real difference in the way in which the authority was required to act under those clauses, but, at the same time, it might cast doubt on the need for the authority, or indeed other public bodies, to act reasonably in other cases where the requirement to act reasonably was not made explicit.

We have not sought to impose requirements in the Bill for the FSA to act reasonably in every particular circumstance, but we have tabled amendments to ensure that the Bill contains an express "reasonableness" element in identifying information that the authority may require a person to provide in support of an application. In such cases, it is appropriate to include such express provision because it qualifies the information that the authority can require a person to provide, as opposed to the way in which the authority is required to act.

Amendment No. 430 differs from the other reasonableness amendments only in that it concerns the powers of an appointed auditor or actuary under clause 331 to require information and explanations from the officers of an authorised person, rather than the powers of the FSA.

Amendments Nos. 187, 188, 372 and 373 amend clauses 301 and 152. At present, those clauses provide that the Director General of Fair Trading may require a person to produce documents only where they relate to a matter that is relevant to his investigation, but they do not make it clear that the same relevance test applies to a requirement to supply information. The amendments remedy that by applying the same relevance test to both documents and information.

I believe that the House will see that the Bill as thus amended is consistent in the way that I have described. I commend the amendments to the House.

Lords amendment agreed to.

Lords amendment No. 58 agreed to.

Clause 50

DETERMINATION OF APPLICATIONS

Lords amendment: No. 59, in page 23, line 3, leave out subsection (4) and insert—

"(4) If the Authority grants an application for, or for variation of, a Part IV permission, it must give the applicant written notice.

(5) The notice must state the date from which the permission, or the variation, has effect.

(6) If the Authority proposes—

(a) to give a Part IV permission but to exercise its power under section 40(6)(a) or (b) or 41(1), or

(b) to vary a Part IV permission on the application of an authorised person but to exercise its power under any of those provisions (as a result of section 42(5)),

it must give the applicant a warning notice.

(7) If the Authority proposes to refuse an application made under this Part, it must (unless subsection (8) applies) give the applicant a warning notice.

(8) This subsection applies if it appears to the Authority that—

(a) the applicant is an EEA firm; and

(b) the application is made with a view to carrying on a regulated activity in a manner in which the applicant is, or would be, entitled to carry on that activity in the exercise of an EEA right whether through a United Kingdom branch or by providing services in the United Kingdom.

(9) If the Authority decides—

(a) to give a Part IV permission but to exercise its power under section 40(6)(a) or (b) or 41(1),

(b) to vary a Part IV permission on the application of an authorised person but to exercise its power under any of those provisions (as a result of section 42(5)), or

(c) to refuse an application under this Part,

it must give the applicant a decision notice.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—[*Mr. Timms.*]

Mr. Deputy Speaker: With this it will be for the convenience of the House to consider an amendment to Lords amendment No. 59, Lords amendments Nos. 60 to 64, 71, 72, 75 to 77, 84 to 87, 97, 101, 102, 134 to 141, 236, 241 to 249, 252 to 254, 274 to 295, 297 to 303, 305 to 313, 393, 398 to 402, 503 to 525, 526, an amendment to Lords amendment No. 526, and Lords amendments Nos. 527 to 533, 546 and 604.

5.15 pm

Mr. Flight: Several Government amendments tabled in the other place dealt with procedural matters, particularly in relation to warning, decision and final notices. We view most of those amendments as improvements to the Bill and as having picked up many of the matters raised in this place in Committee. However, in the draftsman's haste to table the amendments, an error seems to have been made in Lords amendment No. 59. That is why we have tabled our amendment to that Lords amendment.

Clause 50 was substantially redrafted on Report in the other place. It is concerned with the FSA's obligation to determine applications for permission to conduct a regulated activity. However, as drafted it provides that if the FSA proposes, after receiving an application for permission, to impose limitations under paragraph 40(7)(a) on the description of a regulated activity for which application has been made, or a narrower or a wider description under paragraph 40(7)(b), or a requirement under subsection 41(1), the FSA would have to issue the applicant with a warning notice, then a decision notice, and then a final notice. The provision applies even if the applicant, as part of the consideration of his application, requests the FSA to impose the limitation or to include the stated requirement up front.

Therefore, currently the only alternatives are to go through the warning, decision and final notice procedure—which is surely a waste of everyone's time—or for the applicant to withdraw his application and resubmit it in the form acceptable to the FSA. The trouble with the second alternative is that the six-month period for considering applications would start to run in relation to the new application and could put an applicant at considerable disadvantage.

Therefore, our amendment to Lords amendment No. 59 provides that, if the FSA exercises its powers to impose limitations or specify particular descriptions of regulated activities under paragraphs 40(7)(a) or (b), or includes limitations under subsection 41(1) at the request of the applicant, the warning, decision, and final notice requirements would not apply. It is necessary to cover all the different types of notice, because the applicant may make his request at any stage—for example, after the warning notice has been given, but before a decision notice has been given.

Our amendment to Lords amendment No. 59 is very technical. However, the Opposition hope that the Government will readily agree to it, on practical grounds. Our amendment to Lords amendment No. 526—which proposes inserting a new clause after clause 376—is more substantial than our previous amendment and designed to prevent the whole Bill hitting the rails in relation to the European convention on human rights.

The Government have effectively made the European convention, which they clearly support, part of United Kingdom law. The House, too, has broadly indicated its support for the convention. Our amendment is intended to provide for compliance with the convention in relation to the disclosure of evidence to the accused. Other provisions of the Bill are simply not in compliance with the convention, although we have no doubt that the Chancellor of the Exchequer will certify—as required by the Human Rights Act 1998—that the Bill is compatible with the rights granted by the convention.

We are particularly concerned about two specific matters: the right given to the accused not to have used against him evidence that was extracted from him only under compulsion of law; and the right to legal assistance. The Government have quite rightly provided those protections in the case of market abuse, but have refused to grant them in the case of ordinary disciplinary proceedings. Unfortunately, it is not possible to raise the latter issue now, as no appropriate amendments have been tabled on which to hang a debate on it. That is why our amendment to Lords amendment No. 526 relates only to the disclosure of evidence and does not go any wider. We hope that the Bill will comply with the European convention at least on this issue.

We have requested repeatedly that the Financial Services Authority should give an accused person all the evidence available to it, even if it is helpful to the accused by showing that he could not have committed the offence. The Government have finally provided for that in certain cases. That is what our amendment is about. The new clause inserted by amendment No. 526 provides for important exceptions from that general principle. First, evidence does not have to be disclosed if it

has been intercepted in obedience to a warrant issued under any enactment relating to the interception of communications

or if it is subject to legal privilege. More worryingly, the new clause also allows the FSA to refuse the accused access to particular material if allowing him access

would not be in the public interest

or would not be deemed to be fair in the FSA's eyes because of a potential prejudice to someone else's commercial interests.

In all those cases, the European convention clearly requires the accused to be given access to the material, or at least to other protections in its place. That was the subject of three recent decisions of the European Court of Human Rights in February. All three cases related to the use of public interest immunity certificates by the UK Government. The court held that the withholding of such evidence under those certificates in principle contravened the convention. The court decided that the Government would comply with the convention if it gave the trial judge the withheld evidence, so that he could see its effect and decide for himself whether it should be introduced, or other protections could be provided, in particular giving the accused a summary of what was in the material that was not handed over. That is what we are seeking to achieve with the amendment, which provides that the accused must be told reasons for the refusal—although that is not sufficient.

The Minister may repeat the Government's objection that the provisions should not apply to civil offences, because the decisions in question relate to criminal cases. We do not believe that that view is legally correct. Both decisions were based on article 6(1) of the European convention, which requires a fair hearing. The court's decision was that the hearing would not be fair if helpful evidence was withheld. Article 6(1) applies to civil as well as criminal offences, although perhaps the fair hearing requirement can be tailored differently in each case. We have received clear legal advice that the requirement in article 6(1) applies to disciplinary proceedings, even when they are treated as civil matters.

The Minister will be aware that Lord Lester, who is one of the leading authorities on the subject, has written an opinion that was submitted to the Treasury and the Joint Committee. He said that disciplinary proceedings would be treated as proceedings on criminal offences for the purposes of the European convention. If they are not, they are at least quasi-criminal in our view, because the accused could be subject to unlimited fines and perhaps thrown out of the industry. The European Court of Human Rights is more likely to treat the proceedings as if they were criminal, rather than merely civil issues in this context. Quite apart from the European convention, it is a matter of English law that the prosecutor—as the FSA describes itself in the new regime—should give the accused access to all the evidence that it has, even if, or perhaps especially when, it is helpful to the accused.

There are two key principles. One is the principle of natural justice. The second is the need for the legislation not to be bowled out quickly if it is to be operative. We believe that that will happen unless the Bill addresses the point raised by the amendment.

Sir Nicholas Lyell (North-East Bedfordshire): My hon. Friend the Member for Arundel and South Downs (Mr. Flight) has put the points clearly and succinctly on what can be reasonably expected as a matter of legal fairness and in terms of whether or not the Government's proposals comply with article 6 of the European convention on human rights. The question at issue is whether, unless the amendment is accepted, the Government's proposals will give the accused—of whatever name or description—a fair trial.

It is now fundamental to our law, happily, that where someone is accused of something, those acting as prosecutor should disclose all relevant documents, and should particularly be astute in disclosing any relevant documentation or other information in their possession which would assist the accused. The failure to do that on many occasions in the past underlies a large number of the serious miscarriages of justice with which we have had to wrestle over the past 15 years.

The FSA will be an extremely powerful body. We do not object to its power—we are raising questions about the manner in which it exercises that power. It is important that these matters of quasi-prosecution—whether they come under a civil or criminal heading—should be conducted with scrupulous fairness. The FSA should follow rules that are likely to lead to fairness in practice.

I await with interest what the Minister says on the cogent points that my hon. Friend the Member for Arundel and South Downs has made and which I have sought to support.

Mr. Timms: These amendments fulfil an undertaking that we gave in Committee to table amendments to rationalise the decision-making procedures across the Bill as a whole. They do not just makes things neater and more consistent, but clarify a number of important issues raised during the Bill's passage.

I wish to refer to the nature of the tribunal. Following our consultation on the Bill in 1998, we amended it to make clearer the first instance nature of the tribunal. However, concern was raised that we had not eliminated all room for doubt, so we have gone further. The amendments to part IX make absolutely explicit the ability of the tribunal to consider any evidence that it considers relevant. The amendments also make it absolutely clear that disciplinary decisions and decisions to withdraw authorisation or approval cannot take effect while the matter is still open to review by the tribunal or higher courts.

Supervisory decisions, such as the imposition of requirements under part IV while a possible threat to the interests of consumers is evaluated, can take effect before that point—as Opposition Members acknowledged in Committee that they must—but only where the particular grounds for the action justify it taking effect earlier.

We have replaced the various separate provisions dealing with notices for payment with a single provision in amendment No. 522—a concern raised by Opposition Members. The amendments make clear that the FSA cannot publicise the actions it proposes in warning and decision notices while the matter is open to review. I refer hon. Members to amendment No. 523, as there has been confusion on that point.

In line with the recommendation of the Joint Committee, publication is generally required when any proposed action does take effect to ensure the necessary degree of transparency. However, information may not be published if that would be unfair or would prejudice the interests of consumers.

The amendments also include extended provisions, giving rights of access to material held by the FSA in disciplinary-type cases. We have taken on board representations made to us by the Law Society and Opposition Members. These rights would include not only

[Mr. Timms]

the material on which the FSA relied in reaching its decision, but material it considered but did not rely upon, or which it obtained in the course of an investigation into the matter and which it considered may assist the other party.

Those are generous rights of access, going beyond those generally available in administrative proceedings. They are modelled on those that apply in criminal cases, and we have introduced them for these cases to reflect the wide range of powers and sanctions under the Bill.

5.30 pm

Lords amendment No. 101 is a consequential change arising from the transfer of the official listing function. Other amendments in this group are consequential changes arising from the alignment of the sanctions for market abuse under part VIII with those available under parts V and XIV.

Lords amendments Nos. 134, 135, 137, 138 and 140 make consequential changes to the procedural provisions in part VIII to reflect the wider range of available sanctions.

I believe that the House will welcome these changes, which show how ready we have been to listen to the points made by the industry, other interested bodies and opposition parties, and how we have worked to improve the Bill at a technical level.

The amendment to Lords amendment No. 59 is identical to one that was debated in another place and my response will be along similar lines to the points made there.

When the authority grants a permission or variation in terms that the applicant has requested, that amounts to granting an application so the procedure that applies is the simple written notice procedure under clause 50(4) and not the warning/decision/final notice procedure under clause 50(6)(a).

That includes requirements imposed on the permission under clause 47 when those requirements are requested by the applicant. When the request is made after the initial application is made but before it is determined, that should not delay the date on which the applicant will be able to benefit from the new permission. Equally, when the applicant asks for permission narrower than that originally sought, there is nothing to prevent the FSA from treating that as an application for the narrower permission and proceeding to grant it through the simple written notice procedure.

The important point is that the amendment to Lords amendment No. 59 is unnecessary and, moreover, unhelpful because it casts doubt on whether clause 50(4) would apply in that situation. I agree with the hon. Member for Arundel and South Downs (Mr. Flight) that a person should be able to accept the requirements that the FSA proposes to impose if it grants the application. In practice, that will be achieved by the FSA telling the applicant that it is minded to impose a requirement, and the applicant will be able to accept the requirement either by submitting a notice under clause 50(3) withdrawing the application and a new application reflecting the requirements, or by submitting an application under clause 49(2) for a variation along the lines proposed by the FSA. In either case, the Bill allows appropriately streamlined procedures to apply, enabling the application to be suitably expedited.

The substance, although not the precise wording, of the amendment to Lords amendment No. 526 is also familiar from debates in another place. It would require a summary of any material withheld to be given to a person on whom the FSA proposes to impose a penalty. Subsections (2) and (3) of the new clause that amendment No. 526 will introduce will enable the FSA to withhold material in certain circumstances.

Requiring the FSA to provide a summary of any such evidence would be going too far. Subsections (4) and (5) require notice to be given of the fact that material is being withheld on grounds that it is subject to privilege, or because the FSA has taken the view that access would be unfair or against the public interest. When such a view has been reached, subsection (5) also requires those reasons to be included in the notice. That will enable the person who is subject to the notice to consider whether he should refer the matter to the tribunal, but, in line with the general approach under other legislation, notice will not be given of material that is excluded because it has been intercepted under a warrant or indicates that such a warrant has been issued.

I should remind the House that the FSA does not itself make use of such warrants, but in the interests of effective co-operation between law enforcement agencies we cannot exclude the possibility that it may have access to such material.

The summary that the amendment to the Lords amendment would require would appear to have to cover material withheld under any of the cases set out in subsections (2) to (5) of the new clause. It cannot be right that the FSA should give anyone a summary of material that indicates the existence of an interception warrant, material obtained under such a warrant or information that is subject to legal professional privilege, including legal advice, or is subject to public interest immunity—for example, because it suggests the existence of an informer. Even if the amendment applied only to material considered for comparative purposes under subsection (2), it still would not be right.

To the extent that the consistency of FSA decision-making is properly a matter for public concern, ample material will already be in the public domain on which to judge consistency with the FSA's general policy. The FSA will have to consult on and publish a statement of its policy on financial penalties. It will also publish material on the disciplinary actions it has taken in its annual report each year. That material will also be available to the tribunal, but the primary focus of the tribunal's decision will properly be the merits of the particular case before it. It is the merits of the case against which the proposed penalty must ultimately be judged.

Hon. Members asked about the position with regard to the European convention. Convention rights will be fully met at the stage at which a reference is made to the tribunal, including rights of access to evidence. That is the fair and impartial tribunal required by article 6, before which, and for the purposes of which, evidence will be disclosed. The new clause introduced by the amendment to amendment No. 526 would go further than we are required to go by the convention and further than it is sensible to go. I hope that the House will resist that amendment.

Question put, That the amendment to the Lords amendment be made:—

The House divided: Ayes 141, Noes 250.

Division No. 211] **[5.37 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Baker, Norman
Baldry, Tony
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Brady, Graham
Brand, Dr Peter
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Burstow, Paul
Butterfill, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Evans, Nigel
Fabricant, Michael
Fallon, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Greenway, John
Greve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Norman, Archie
Oaten, Mark
O'Brien, Stephen *(Eddisbury)*
Opik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Swayne, Desmond
Swinney, John
Syms, Robert
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wigley, Rt Hon Dafydd
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Geoffrey Clifton-Brown.

NOES

Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Benton, Joe
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Caton, Martin
Chapman, Ben *(Wirral S)*
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Corbett, Robin
Corbyn, Jeremy
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kidney, David
King, Andy *(Rugby & Kenilworth)*

King, Ms Oona *(Bethnal Green)*
Kingham, Ms Tess
Lawrence, Mrs Jackie
Laxton, Bob
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Look, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Prokthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheldon, Rt Hon Robert
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dan *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Jim Dowd and
Mrs. Anne McGuire.

Question accordingly negatived.

Lords amendment agreed to.

Lords amendments Nos. 60 to 64 agreed to.

Clause 55

PROHIBITION ORDERS

Lords amendment: No. 65, in page 24, line 24, leave out ("or an exempt person").

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 66, 67, 69, 70, 406 to 409, 416 and 417.

Miss Johnson: Following consultation, part XX was introduced on Report. The amendments debated in another place introduced further necessary refinements to ensure that part XX works properly and in a way that is consistent with the rest of the Bill. It has the effect that certain professional firms which, among other things, are subject to regulation by a designated professional body, and offer financial services as an incidental part of their professional practice, will not require authorisation under the Bill.

Amendments Nos. 65 to 67 and 69 and 70 will amend clause 55 on prohibition orders so as to enable such an order to be issued, preventing an individual from performing functions in relation to an exempt regulated activity carried on by a professional firm which benefits from the exemption from the general prohibition under part XX.

As for exempt persons, amendment No. 406 will amend the definition of "exempt regulated activities" in clause 316. The amendment is the first in a package that will enable a professional firm which has the benefit of a part XX exemption also to carry on regulated activities as an exempt person without contravening the general prohibition. Clause 318 sets out the tests which need to be met in order for a professional firm to qualify for the exemption.

Amendment No. 407 is the second amendment in the package. It means that a professional firm carrying on exempt regulated activities under part XX will not be held to be in breach of a prohibition set out in clause 318(5) where he is also carrying on regulated activities in relation to which he is an exempt person. Amendment No. 408—the third amendment in the package—would amend subsection (7) so that where a professional firm carries on exempt regulated activities under part XX, it may also carry on activities as an exempt person—for instance, as an appointed representative.

Clause 323 requires the designated professional bodies to make rules designed to ensure that professional firms that benefit from the part XX exemption do not carry on regulated activities that are not complementary to providing particular services to a particular client. Amendment No. 416 completes the picture in relation to professional firms which are also exempt persons. It means that the clause 323 rule-making requirement will not extend to regulated activities conducted by professional firms as exempt persons under the Bill.

Amendment No. 417 will introduce a new clause into the Bill after clause 323, making it an offence for a person to describe himself as one who has the benefit of the part XX exemption in relation to a particular regulated activity, or

> behaves, or otherwise holds himself out, in a manner which indicates (or which is reasonably likely to be understood as indicating) that he is such a person,

when he is not. The new clause would create an offence similar to that set out in clause 22, bringing persons who give the impression that they benefit from the provisions

of part XX when they do not, into line with persons who give the impression that they are authorised or exempt persons when they are not.

Clause 319 allows the authority to direct that the exemption from the general prohibition is not to apply to certain classes of professional. The authority may exercise this power only where it is satisfied that it is desirable to do so in the interests of clients.

Amendment No. 409 will require that any direction must be published in the way

"best calculated to bring it to the attention of the public."

It will allow the authority to charge a reasonable fee for providing a copy of the direction, and requires it to give without delay a copy of any direction to the Treasury. These requirements ensure consistency between directions given under this clause and those given under clauses 309 and 311, both of which are in respect of Lloyd's.

Lords amendment agreed to.

Lords amendments Nos. 66 to 78 agreed to.

Clause 72

THE COMPETENT AUTHORITY

Lords amendment. No. 79, in page 33, line 5, leave out ("Stock Exchange") and insert ("Authority")

Mr. Timms: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 80, 81, 83, 90 to 96, 99, 104, 105, 107 to 109, 111, 112, 436, 559, 626 to 631 and 633 to 636.

Mr. Timms: This group of amendments relates to the provisions of part VI, which deals with the listing of securities. They are consequential upon the decision to transfer the competent authority for listing function from the London stock exchange to the FSA.

The House will recall that when the Bill was originally drafted, the assumption was that the stock exchange would continue as the UK's competent authority. However, in the light of the stock exchange's decision to demutualise and become a for-profit company, which was announced in July 1999, it was inappropriate for it to continue to exercise the public function of competent authority. The FSA has now taken on that role under the Official Listing of Securities (Change of Competent Authority) Regulations 2000, which came into force on 1 May 2000.

Although the transfer of functions to the FSA has already taken place and is working well, it is clearly necessary that the Bill should also take account of the new arrangements. My hon. Friend the Economic Secretary therefore announced in Committee that we would be bringing forward amendments to that effect in due course. The amendments were made in another place.

The amendments fall into two categories. Some, such as amendment No. 79, which will replace the words "Stock Exchange" with the word "Authority", are simply drafting changes. However, there is a category of amendments which is intended to provide for how the FSA is to carry out its responsibilities as the competent authority. The key amendment in this respect is amendment No. 626, which will introduce a new schedule after schedule 6. That new schedule applies the provisions of the rest of the Bill to the authority, with modifications, when it is exercising the competent authority function. It does not simply apply the entire Bill en bloc to the competent authority because there are differences between the regulatory and listing functions, which it is helpful to allow for in the arrangements that we make.

So the schedule disapplies clause 7, which places a duty on the FSA to make arrangements for consulting practitioners and consumers. That is not necessary in the context of the competent authority because it already has a listing committee which fulfils that function, and which will continue in existence when the Bill comes into force.

The remainder of the amendments are very much along the lines that I have described, and I think that they will be broadly welcomed.

Mr. Flight: The change from the stock exchange to the FSA as the listing authority was debated at considerable length both in Committee and at the time of the relevant order. Many questions were raised. The central issue was how matters would go forward in future. Since then, the proposed merger of the London and Frankfurt stock exchanges has been announced. How are the Government expecting the listing role to work in that context?

In particular, under the new arrangements, it is envisaged that a continuing, traditional exchange in London will deal with established blue chip companies, and that growth and new economy stocks will be listed in Frankfurt. Do the Government intend the FSA to be the listing authority for such stocks, even if traded in Frankfurt, or do they intend to limit the FSA's role as the listing authority to stocks traded only on the continuing blue chip London stock exchange?

6 pm

I understand that the intention is that stocks could be listed by the FSA but traded in Frankfurt. That would give rise to major international problems because pension funds, collective investment schemes and other such vehicles frequently have requirements that securities should be listed and traded at the same recognised stock exchange. Therefore, many United Kingdom stocks could be listed not on the exchange but by the FSA as the listing authority, and traded on a different stock exchange—Frankfurt. That could happen quickly. The fact that Frankfurt is involved in a merger does not cease to make it separate from the London stock exchange. If that were the case, large numbers of stocks would be held illegally in various portfolios around the world.

Few of us expected the stock exchange proposals to come forth in their current form. The reaction of the members of the stock exchange suggests that the deal may not go ahead in that form, but the possibility that the London and Frankfurt stock exchanges might merge was contemplated when the FSA became the listing authority, and the Government have become involved in the process. It is fine to say that the stock exchanges can do what they want, but the Government clearly have a responsibility because the listing authority—the FSA—is part of the public sector.

In essence, the mechanism for transferring the team of people and the listing responsibility to the FSA has been provided for under the Bill, the amendments and the exemption order. That mechanism is operating, but a very

[Mr. Flight]

different stock exchange scene could come into play, against which it must interact. Therefore the Government should tell the House how they expect those issues to be addressed so that they do not damage the ability of investors throughout the world to invest in British securities.

Mr. Tim Loughton (East Worthing and Shoreham): I shall add some questions to those asked by my hon. Friend the Member for Arundel and South Downs (Mr. Flight). The story of the competent authority has been changing fast ever since it was first considered in Committee just after the summer recess. Indeed, we faced a wholly different scenario in Committee when we returned from the summer recess to be told suddenly that the stock exchange would lose its role as the competent listing authority, in favour of the FSA. That news was not heralded before the summer and it was certainly not envisaged by the head of the FSA earlier last year.

Now—just six or seven months later, as my hon. Friend said—the entire scenario is about to change again because of the proposed tie-up between London and Frankfurt, which, depending on the members of the London stock exchange, may or may not happen, although it has been agreed in Germany. Therefore, we must ask some questions. If that takeover goes ahead, what are the listings standards for the German equivalent of the FSA—the name of which I shall not attempt to pronounce, as some did in Committee.

Exactly what will be the link between the London and Frankfurt listing authorities? Where will the division of spoils lie, and for which stocks will which body be the competent authority? Are there any implications for alternative investment market stocks remaining with the stock exchange as the competent authority? I have raised those issues many times. If the new technology stocks, of which the AIM has many examples, go to Frankfurt—which seems likely—surely the AIM may go as well, in which case the stock exchange will be left with no listing responsibilities.

We have asked questions, which were never properly resolved, about the apparent conflict of interest between the FSA acting as the competent listing authority—raking in about £29 million, as the stock exchange did last year—and its power to regulate companies that have obtained a listing, for which they pay a fee to the FSA. The implication is that regulatory standards may be lowered to bring more companies to the market for listing, which will provide more listing revenue. Such conflicts of interests still exist, and are muddied even further by the division of responsibilities between London and Frankfurt.

I am not entirely clear about what will happen if the merger between London and Frankfurt takes place before NASDAQ comes on the scene. That third suitor waiting at one end of the aisle may change the entire scenario. Given the many changes that have taken place, we deserve a more detailed explanation of exactly what will happen. Companies that want to list need clarity. The regulatory authorities in London and Frankfurt may have different approaches, and we have heard only about the supposed commercial advantages of the merger, not about the effect on the companies to be listed, or to which regulatory authority they will be beholden. Will the Minister elaborate further?

Mr. Timms: The hon. Member for East Worthing and Shoreham (Mr. Loughton) is right about the speed at which the developments have unfolded, but we have no doubt that the provisions relating to the recognition of exchanges can cope with structures such as the proposed international exchanges. We are confident that the recognition requirements for exchanges will be robust enough to cope with issues that may arise because of the operations outside the UK of UK-based exchanges.

The hon. Members for Arundel and South Downs (Mr. Flight) and for East Worthing and Shoreham asked some detailed questions about the listing regime, but its details are not settled as yet. It would appear that companies will not be forced to give up their current listing, so both markets will be able to trade in the shares of companies operating under different listing regimes. That happens already; overseas companies listed on the London stock exchange do not have to comply with all the listing rules. The differences between UK and German listing regimes may be dealt with under the trading rules set by international exchanges. Those additional requirements may bring the two regimes more into line.

A misunderstanding may have arisen. The directives require each member state to appoint a competent authority for listing, but there is no requirement that securities have to be listed to be admitted to trade on an exchange. Listing is a seal of approval, ensuring that investors know that the issuers of a security will provide certain information to the markets at prescribed times. It is also an EU-wide concept; an enterprise admitted to listing in one member state can be admitted to trading as a listed security on any stock exchange in any member state. The announced merger would not therefore raise any problems for listing.

Lords amendment agreed to.

Lords amendments Nos. 80 to 102 agreed to.

New clause

Lords amendment: No. 103, after clause 92, to insert the following new clause—*Competition scrutiny*—

"*Competition*

—(1) The Treasury may by order provide for—

(a) regulating provisions, and

(b) the practices of the competent authority in exercising its functions under this Part ("practices"),

to be kept under review.

(2) Provision made as a result of subsection (1) must require the person responsible for keeping regulating provisions and practices under review to consider—

(a) whether any regulating provision or practice has a significantly adverse effect on competition; or

(b) whether two or more regulating provisions or practices taken together have or a particular combination of regulating provisions and practices has, such an effect.

(3) An order under this section may include provision corresponding to that made by any provision of Chapter III of Part X.

(4) Subsection (3) is not to be read as in any way restricting the power conferred by subsection (1).

(5) Subsections (6) to (8) apply for the purposes of provision made by or under this section.

(6) Regulating provisions or practices have a significantly adverse effect on competition if—

(a) they have, or are intended or likely to have, that effect; or

(b) the effect that they have, or are intended or likely to have, is to require or encourage behaviour which has, or is intended or likely to have, a significantly adverse effect on competition.

(7) If regulating provisions or practices have, or are intended or likely to have, the effect of requiring or encouraging exploitation of the strength of a market position they are to be taken to have, or be intended or be likely to have, an adverse effect on competition.

(8) In determining whether any of the regulating provisions or practices have, or are intended or likely to have, a particular effect, it may be assumed that the persons to whom the provisions concerned are addressed will act in accordance with them.

(9) "Regulating provisions" means—

(a) listing rules;

(b) general guidance given by the competent authority in connection with its functions under this Part.")

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this we may discuss Lords amendments Nos. 181, 182 and 183 and the amendment thereto, 184 to 186, 192 to 210, 337, 338, 353 to 371, 376 to 390, 392, 442 and 660.

Miss Johnson: This group of amendments completes the changes that we made in the House on the competition scrutiny regime for the FSA in the light of the Cruickshank report. The changes made in another place apply to recognised bodies under part XVIII the same scrutiny arrangements as apply to the FSA, and give the Treasury a power under part VI to do likewise for the competent authority listing.

The headline change is that we have given the Competition Commission an important role in the competition scrutiny arrangements and reduced the scope for Ministers to take a different view from the competition authorities.

In another place, changes were made to three aspects of the FSA scrutiny arrangements. First, improvements were made to the definition of what the regime was intended to cover. The description of what is bad for competition was revised so as to take the wording away from that used in article 81 of the European treaty. Similar language is, of course, used in chapter I of part I of the Competition Act 1998.

However, the Competition Act and the treaty are concerned with the behaviour of commercial undertakings. Given that the provisions of part X are concerned with the application of competition controls to the effect of law and practices adopted in the exercise of statutory functions, that language is not appropriate here.

Amendment No. 183 therefore removes that provision and replaces it with one that refers to

a significantly adverse effect on competition.

The amendment will also allow the director general and the commission to look at rules and practices of the authority that require or encourage a person to exploit a strong market position.

Amendments Nos. 184, 185, 186, 194, 195, 197, 200, 202 and 204 make consequential changes. Amendments Nos. 181 and 182 make further drafting changes clarifying what the authority's regulatory provisions cover and what, therefore, the competition authorities should consider.

Secondly, in another place, the exclusion from the Competition Act 1998 was narrowed from things "contemplated" by the FSA's regulatory provisions to those "encouraged" by them. We said that we would narrow the exclusion in response to the Cruickshank report. That is achieved by amendments Nos. 205, 207 and 209.

Amendments Nos. 206, 208 and 210 remove the exclusion from the Competition Act for things done as a result of the practices of the authority. That is because only the regulating provisions, including guidance, are relevant here.

6.15 pm

Sir Nicholas Lyell: I have been following the Minister's argument closely. I think that she is telling us that, as a result of the amendments, the Office of Fair Trading will be able to supervise the FSA in that, if the authority introduces rules that are anti-competitive, the OFT would have some influence. Is that the case?

Miss Johnson: Yes, but it would be more technically correct to say that the Competition Commission, rather than the OFT, would be in that position.

The third point is that drafting amendments were made to clause 153 concerning the role of the Competition Commission to bring it into line with similar provisions under the Fair Trading Act 1973. Those were amendments Nos. 192, 193, 196, 198, 199, 201 and 203.

Amendment No. 103 inserts a new clause after clause 92, giving the Treasury a power to subject the regulating provisions of the competent authority—the listing rules and general guidance it produces—and its practices to a competition scrutiny regime. The Treasury proposes to use that power to create a competition scrutiny regime for the competent authority that is broadly similar to the regime for the FSA—in its role as financial services regulator—as provided for by chapter III of part X. The power will enable the Treasury to provide for exclusions from the provisions of the Competition Act analogous to those for which chapter III of part X makes provision.

Mr. Andrew Tyrie (Chichester): The proposed new clause states:

The Treasury may by order provide for

Will the Minister tell us why the wording is not "will by order"? In fact, the subsection provides for matters

to be kept under review.

Why has the Treasury been given discretion not to keep matters under review?

Miss Johnson: Because that is what we wanted the new clause to say—that is the obvious answer. The hon. Gentleman may wish that it said something different, but it says what we want it to say. That seems perfectly reasonable.

Sir Nicholas Lyell: The point of my earlier question is also relevant to that put by my hon. Friend the Member for Chichester (Mr. Tyrie). I have been much concerned by a questionnaire sent to me by an independent financial adviser—I have passed it to the Minister. It contains 171 detailed questions that have to be answered every month. That will bear heavily on all independent financial

[Sir Nicholas Lyell]

advisers, but especially heavily on small ones. Under the provisions that the Minister describes, would the Competition Commission be able to intervene to make representations to, or to impose controls on, the FSA in respect of such over-regulatory questionnaires?

Miss Johnson: Yes, it would be able to do so and that is one way in which the provision may work.

Before the interventions, I was discussing amendment No. 103. It will insert a new clause after clause 92 that will give the Treasury a power to subject the regulating provisions of the competent authority—that is to say the listing rules and general guidance that it produces—and its practices to a competition scrutiny regime. The Treasury proposes to use that power to create a competition scrutiny regime for the competent authority that is broadly similar to the regime for the authority in its role as financial services regulator.

Arrangements were made in part XVIII to align the competition scrutiny arrangements for recognised bodies under chapters II and III of part XVIII with those applying to the authority under chapter III of part X and to reflect the fact that it is possible that a recognised body may itself exploit the strength of its market position. The relevant amendments are amendments Nos. 337, 338 and 353 to 371, 377 to 390 and 392. They will broadly align the roles of the director general, the Competition Commission and the Treasury with those provided for in part X in respect of the FSA. The only significant difference, and complication in terms of the drafting, arises from the fact that scrutiny arrangements apply to applicants for recognition as well as to bodies that are already recognised. Obviously, that is not the case with the FSA.

Amendments Nos. 442 and 660 will introduce a new clause and new schedule respectively that will make provision for the protection of information obtained by the director general and the commission under their powers of competition scrutiny under the Bill. These provisions closely reflect the equivalent provisions on protection of confidential information in section 55 and schedule 11 of the Competition Act 1998. I ask hon. Members to agree to the changes made in another place that align the competition regime for recognised bodies and the competent authority with those that we introduced in this House for the FSA and that make minor improvements to the drafting of the Bill.

Sir Michael Spicer (West Worcestershire): I have been thinking about the Economic Secretary's answer to the question of my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell). If burdens were imposed on a particular sector of the industry, he asked whether that would be a matter for Competition Commission referral to the Office of Fair Trading. She said that it would, but surely, if the burdens were imposed equally on everybody and it was just a matter of internal competition, it would not be a matter for referral. That is why our amendment to amendment No. 183, which distinguishes between internal and external competition, should apply. In the light of the answer to my right hon. and learned Friend's question, it appears that burdens will become anti-competitive only when they are seen to be externally anti-competitive in relation to other countries. Therefore, given the amendments that the Government have tabled, the Economic Secretary's answer was wrong.

Miss Johnson: The hon. Gentleman's interpretation of the question of the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) may be no better than mine. We can guess what the right hon. and learned Gentleman's intention was, but perhaps he will confirm that his point was that independent financial advisers, as small businesses, would be disadvantaged in some way. His point was about a level playing field between IFAs and other sectors of the financial services industry and that is different from the one that the hon. Member for West Worcestershire (Sir M. Spicer) has just raised.

Sir Nicholas Lyell: My question related to the comparative competitive position within the United Kingdom financial services industry. I was concerned that small businesses would find it even more difficult than larger ones to comply with what I regard as over-burdensome regulation. However, there is a second aspect to the issue. If there is over-burdensome regulation in the United Kingdom, it will drive business abroad and disadvantage consumers.

Miss Johnson: The right hon. and learned Gentleman is right in that regard. However, the hypothesis that he has described will not result from the Bill or from the work of the FSA. Among other things, the authority is bound to try to be proportionate in what it does. We have striven in drawing up the Bill and in our scrutiny of it to make sure that there is a balance between regulation and ensuring that competition is able to flourish. I believe that we have the balance right.

The Opposition's amendment to amendment No. 183 would insert a reference to

prejudicing the competitive position of the United Kingdom

into amendment No. 183, which defines what is meant by

a significantly adverse effect on competition.

The amendment is an old favourite. It first appeared in the Bill's Commons Committee stage—we debated it on 9 November 1999—and then regularly reappeared in one form or another in the later stages of the Bill's parliamentary process. The last time that such an amendment made an appearance was on 18 April this year on Report in another place. After the Opposition had heard what my noble Friend Lord McIntosh said, they said that they would examine his remarks and, in the light of them, consider whether to reintroduce the amendment on Third Reading in another place. Given that they did not do that, I thought that we might have seen the last of this matter, but it appears that we need to go over the ground one last time tonight.

It is hard to think what can be said that has not been said many times before about the relationship between competition and competitiveness, so I shall confine myself to repeating a few general remarks that I made on a previous occasion. I shall explain why the amendment would be undesirable.

Competition within the UK market and the UK's competitiveness are closely related, but they are nevertheless quite distinct. All regulation has an impact on competition. Regulation involves placing restrictions on who can perform a regulated activity and the way that

they perform it. No one doubts that an appropriate level of regulation is necessary, but nor can they doubt that too much can be counter-productive. That is why we extended and improved the special competition scrutiny regime for financial services that was first provided for in the Financial Services Act 1986. If the FSA regulates in a way that has a significantly adverse effect on competition, the competition authorities can investigate and, ultimately, the FSA can be directed to change its rules or practices.

Sir Nicholas Lyell: Will the Economic Secretary clarify whether the competition authorities in this country can intervene if the FSA regulates in a way that damages our international competitiveness, or do the authorities have power only in relation to internal competitiveness?

Miss Johnson: The best way that I can answer that question is to come to the point that I was just about to make. It deals with the relationship between competition and international competitiveness—an issue that the right hon. and learned Gentleman and the hon. Member for West Worcestershire have raised.

If the FSA regulates in accordance with its objectives and principles and in a way that does not have a significantly adverse effect on competition, what is there for the competition authorities to examine? I certainly acknowledge that there is the separate issue of the competitive position of the UK, but the problem with the Opposition amendment is that it would introduce that issue into the competition scrutiny regime. The issue is whether the regulatory framework to be set up by the Bill, including its objective and principles, remains the right one in the light of developments in the UK and the world financial markets. That is a legitimate issue, but it is not appropriate for the competition scrutiny regime.

Ministers will keep the legislation under continual review and, as a part of that process, they will consider its impact on the UK's competitive position. They will be responsible for their policies to Parliament in the usual way. If appropriate, they could decide to commission a review of the impact of the regulatory regime on competition and the competitive position of the UK.

6.30 pm

Mr. Tyrie: The Minister is now telling the regulated community and the country that the Treasury may decide to call for a review if things start to go wrong. Why not give them an assurance that, in three years, there will be the review that almost everyone involved in the Bill has called for?

Miss Johnson: If the issue arose, we would have to consider carefully whether the competition authorities would be the right body to carry out such a review, as suggested by Opposition Members, including the hon. Gentleman.

Mr. Tyrie: That was not the point that I was making. The Minister is conceding that it is possible that the Government may be wrong on this issue. I am happy to concede that we may be wrong on the issue, but we are not content that the Government should decide whether to have a review in due course, if they feel like it. Surely they should be prepared to commit themselves to re-examining the issue in three years or so in a thorough review. If they do that, many of the regulatory community's concerns will be assuaged at a stroke. Will the Minister now give such an undertaking?

Miss Johnson: Competition policy is about preventing and removing unfair barriers that hinder firms from competing. The Bill's competition provisions are intended to stop the FSA adding to those barriers, except when that is an unavoidable price to be paid for achieving the necessary regulatory purpose. Competition is undoubtedly beneficial to consumers. However, international competitiveness involves the strength and ability of UK industry as a whole to compete and secure business in home and international markets.

Sir Michael Spicer: Will the Minister give way?

Miss Johnson: I would like to answer the question asked by the hon. Member for Chichester (Mr. Tyrie), but I should be happy to give way in a moment.

The regulator's key job is to ensure that regulation in the UK is set at the right level and strikes the right balance between costs and benefits, as I said earlier. To ensure that UK business remains internationally competitive, we must ensure that it keeps costs down and innovation up. In the long term, the best way of doing that is to ensure that it is exposed to vigorous competition at home. On the other hand, the most effective way of restricting competitiveness is to stifle competition at home.

I do not believe that there is anything between the Opposition and the Government in relation to the importance that we attach to the UK's international competitiveness. However, we differ on the question of who should carry out a review, if appropriate, of the impact of regulation on the UK's competitive position. As I said, the Opposition are arguing that the job should be done by the competition authorities, but we do not want that requirement in the Bill. Of course, Ministers are fully accountable to Parliament, so if in the light of events we decide that a competitiveness review is appropriate, we shall commission one. However, we do not want to hold a review just for the sake of it. I hope that Opposition Members who are arguing—rightly, in this case—that we do not want bureaucracy and red tape for the sake of it, will support the view that we should not commit ourselves to something that may prove to be unnecessary.

Sir Michael Spicer: The Minister argued that competitiveness concerned the whole industry and its relationship with industries abroad, so was different from competition at home. Does she accept that competition and competitiveness have a much greater link? For example, British Airways' defence against the charge that it had a quasi-monopoly on internal competition was that it had strong competition abroad. Therefore, the argument about competition partly concerns competitiveness, and the two are closely linked, even if they are separate in the Minister's mind. They should be treated as one entity, as, indeed, they are by the Competition Commission and the Office of Fair Trading in competition arguments.

Miss Johnson: I was arguing that competition and competitiveness are two distinct concepts. None the less, in many ways they are closely related. It is pretty hard to think of a credible example in which the long-term interests of competition and competitiveness point in

[Miss Johnson]

opposite directions. Therefore, by ensuring that internal competition in the UK flourishes, we are addressing international competitiveness to a significant extent. Given the value of the financial services industry to the UK economy and its standing as a contributor, Treasury Ministers in any Government must, at all times, take due regard to ensure that our international competitive edge is maintained. This Government will certainly make sure that that is so in all that they do. I therefore commend most of the amendments, but I oppose the Opposition amendment and ask them not to press it.

Sir Michael Spicer: Once again, I shall declare an interest as president of the Association of Electricity Producers, in case there is an obscure read-across between what I am going to say about the amendments and the electricity industry.

Under the previous Conservative Administration, regulation involved moves towards competition. However, under the present Administration, regulation is, by and large, antithetical to competition. There are many examples of that in the FSA and the financial industry, as well as other industries. Indeed, that applies to every major regulator, such as the Rail Regulator, that is concerned with planning and integration, but not competition. The Post Office regulator is concerned about the degree of privatisation. The electricity regulator deals with fuel poverty, Oftel with the full coverage of telecommunications, Ofwat with the environment, and so on.

In all cases, especially that of the FSA, the regulatory regime is antithetical to competition. Therefore, the role of the Competition Commission, with which the amendments are concerned, together with the role of the Office of Fair Trading and the Director General of Fair Trading is of paramount importance in a discussion of a Labour regulatory Bill. The Lords amendments are therefore extremely important, as is our amendment. Of course, we welcome the sharpening of the competition rules and the restraints on the FSA's role with respect to competition, and that is why we agreed to amendment No. 82, and to clause 72, which certainly sharpened the competitive element in Parliament's instructions to the regulator.

As has been said already, page after page of the Bill shows that the regulator's basic rules and objectives are antithetical to competition and involve risk aversion. With other members of the Select Committee on the Treasury, some of whom are in the Chamber tonight, I spent a day at the FSA. I was struck by the enormous panoply of bureaucracy and expertise on intervention that was building up in the FSA that was against competition. I am sure members of the other party were also struck by that, but they were happy about it. A mass of economists were there to look in a detailed way at future risk taking by undertakings and to try to second-guess the market, presumably with the aim of introducing rules that are meant to be risk-aversive: anti-competitive. Unless one has risk, one will not have competition: they are two sides of the same coin.

Mr. Nigel Beard (Bexleyheath and Crayford): The essential purpose of the legislation and the Financial Services Authority is to secure the integrity and probity of financial markets in Britain. Without such integrity and probity, immense damage will be done to the competitive position of a major piece of industry in Britain. Is that not the central purpose? Is not the legislation therefore a vital ingredient to our financial industry competing internationally?

Sir Michael Spicer: The City of London must have been doing something right over the past 20, 30 or 40 years because it happens to be the most successful financial entity in the entire world—bar none. The hon. Gentleman's argument for increased regulation, control and intervention would be stronger were it arguable that the City of London and financial services had not been so highly competitive as to become the largest industry in this country, far overtaking manufacturing, for instance, in the generation of exports and income earned from abroad—not to mention employment. In order to substantiate the case for massively greater intervention of the sort proposed, he must argue that something has been going badly wrong in competition, which manifestly it has not.

The question is—I suspect that it interests hon. Members on both sides of the House—how we maintain probity and regulation but at the same time ensure that such a vital element of our national economy not only prospers as it has but does so to a greater extent in future. That is why, if there is to be a great panoply of intervention, risk aversion and so-called protection of the consumer, we have at the very least the right to ask that competition safeguards are firmly entrenched in the Bill.

The Government are arguing that they have achieved such entrenchment of internal competition, but there is a further argument for, as we have been debating, a strong link between internal and external competition. They do not always work quite, as the Minister has said, in the same way. There seems, to Opposition Members at least, to be the need to bolster the requirements on various authorities, including the FSA, to have in mind external competition.

Although it might be argued that the provision should be inserted in a different part of the Bill, the Government are denying that there should be a countervailing force to all the intervention and further regulation to ensure probity and so on, in order that the panoply of regulatory authorities takes into account the essence of what has made the City of London and the financial services of this country: its high competitiveness.

The closer that I look at the FSA's powers, potential for intervention and proactive determination to intervene and regulate, the more I am concerned for the future of our financial services. That is why out amendment to Lords amendment No. 183, which would ensure that authorities bear in mind the external competitiveness of the industry, is of such essence and importance.

6.45 pm

Mr. Heathcoat-Amory: I am pleased to follow my hon. Friend the Member for West Worcestershire (Sir M. Spicer) because he put his finger on the importance of competition and competitiveness. They are two slightly different concepts. During the passage of the Bill, we have constantly argued that the Government should pay more attention to the vulnerability of the United Kingdom's financial services industry despite its very success, as described by my hon. Friend. He is right that it is Britain's

biggest industry. It is a colossal foreign exchange earner. Indeed, without it, we would run a probably unsustainable persistent current account deficit. Precisely because of its success, we can easily become complacent and assume that people coming here to do business—to bank or to buy and sell securities—will go on doing so whatever the conditions. That is a dangerously short-sighted attitude.

We are lucky in this country because of our location; we are in the right time zone. We are lucky with the English language. We are lucky, too, to be comparatively lightly regulated, although that could easily change. We are therefore highly vulnerable to adverse changes.

I sometimes think that Labour believes that the City is rather like the Government. Governments, I am afraid, will always be with us because they have the compulsion that comes with having taxation at their disposal. Those trading here, however, cannot so demand revenue; they have to earn it. Therefore, the environment in which they trade is extremely important. The Government set that regulatory environment and we are worried that the regulatory itch is not under sufficient control—that there are not sufficient countervailing forces under the Bill to stop the inevitable tendency of any regulatory regime to grow and expand.

It is a natural feature of Governments that they will always look for more things to do. It has been said that fish swim, birds fly and regulators regulate. Governments will always find new things to regulate, and Governments come under political pressure to defend consumers, investigate and intervene in markets and to correct real or imaginary deficiencies.

The problems are evident; one need not look very far to find abandoned centres of markets and vigorous transactions. The art market is a good example. Paris used to be not just the biggest art market in Europe but, following the second world war, the biggest art market in the world. That all went because of bad and short-sighted regulation and an unfavourable tax regime. On the whole, the business came to London, but it is in the process of going to New York for much the same reasons. Owing to changes in value added tax and new levies on the resale of art, our market in art will probably go to the United States.

I do not want the same to happen to our capital market, but capital, by its very nature, is extremely mobile. Therefore, businesses that depend on very slim margins and small advantages could easily move to other centres that are hungry for such business—not just to the familiar big centres, such as Tokyo and New York, but to places such as Dublin, which is making a strong pitch for this country's business.

Frankfurt is a topical example. The London and Frankfurt stock exchanges are proposing to merge. The Government seem to have no view on how that is to be regulated, but I can tell them that which centre comes out on top from such a merger will depend very much on tax and regulatory differences. Already, unfortunately, the Government are refusing even to contemplate removing the 0.5 per cent. stamp duty on share transactions in London, which is not levied in Frankfurt. So there is already the clearest possible incentive for business to move to Frankfurt. The Government are being obstinate about that. The same problem might arise from a different regulatory regime. Remarkably, when that issue was raised in another place during discussion of the merger, Lord McIntosh of Haringey, speaking for the Government, said, in essence, that there was no problem. His words were:

> We are talking about two separate exchanges and, although there will need to be co-operation between the FSA and its German counterparts, there are separate regulatory jurisdictions.—[*Official Report, House of Lords*, 18 May 2000; Vol. 613, c. 373.]

He was saying that there was to be no merger—that there would still be two exchanges and two regulatory jurisdictions. That will present problems, which might lead to the phenomenon of regulatory arbitrage, whereby firms and transactions migrate to a more favourable regulatory regime.

That is not an argument for no regulation: everyone agrees that all markets need rules and that those rules have to be simple, understood and properly enforced. However, if we get it wrong and over-regulate, we might find that the merged exchange centres on Germany, not the United Kingdom. For all those reasons, we want to elevate the possibility of examining and, if necessary, taking action in circumstances in which the United Kingdom finds itself at a disadvantage.

We are well aware that, under clause 2, the FSA already has to

> have regard to . . . the desirability of maintaining the competitive position of the United Kingdom—

which is all right, in so far as it goes. However, a requirement to "have regard to" is much weaker than having competition or competitiveness as an objective of the Bill. There are four regulatory objectives but they do not include competition or competitiveness matters, and that is a weakness. Therefore, we have taken the opportunity to suggest that the Director General of Fair Trading should keep such matters under review, which represents only a modest extension of the Government's proposals.

The relevant part of the Bill has already been amended extensively. The entire competition regime was only introduced on Report in the House of Commons; now, it is being added to and amended. It would not take much to insert a requirement that the Director General of Fair Trading should have regard not only to the possibility of market dominance and abuse, but to the possibility that rulings and statements by the authority might prejudice the competitive position of the United Kingdom. That is what our amendment would achieve.

Sir Nicholas Lyell: On a point of order, Mr. Deputy Speaker. I am sorry to appear so ignorant, but I am finding it extraordinarily difficult to link the amendments as published with the provisional list of amendments, because the amendments as published do not have any numbers. I do not know how anyone can link them, and I should be grateful for an explanation.

Mr. Deputy Speaker: There is only one official Opposition amendment under discussion: the amendment to Lords amendment No. 131—*[Interruption.]*—sorry, I am getting confused too. The Opposition's amendment is to Lords amendment No. 183. All the other amendments are Lords amendments, grouped for the purpose of debate. The amendment to which the Opposition have been referring will not be voted on at this stage, but, for the

[Mr. Deputy Speaker]

convenience of the House, it has been grouped for debate now. I hope that the right hon. and learned Gentleman finds that explanation clear.

Sir Nicholas Lyell: Further to that point of order, Mr. Deputy Speaker. I am genuinely grateful. I gather that one takes the document headed "Consideration of Lords amendments" and attempts to find one that has about it a number that appears in the provisional selection list, and then tries to learn what the amendment to that amendment is.

Mr. Deputy Speaker: The right hon. and learned Gentleman might recall that, rather than call all the numbers of the amendments in the group, I said that amendment No. 103 had grouped with it amendments that were laid out in the papers before us. Lords amendments are confusing, even to me, but I hope that I have been able to help.

Mr. Michael Fallon (Sevenoaks): I might not be any the wiser, Mr. Deputy Speaker, but I certainly feel more intimidated. Nevertheless, I rise to support the amendment in the name of my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory). That is not to say that I am criticising the new clause, which I think is healthy and probably useful, but I do criticise the drafting, which has a last-minute air about it.

As my hon. Friend the Member for Chichester (Mr. Tyrie) says, subsection (1) of the new clause that would be inserted by Lords amendment No. 103 appears to be almost doubly discretionary, in that the Treasury "may" produce the relevant orders and the individual tasked with carrying out the review "may" then keep the matter under review.

The Economic Secretary could have cut through the problem if she had been prepared to make the obligation mandatory. I can understand why she does not want to commit the Government to a particular review at particular intervals; that is a matter of dispute between the Opposition and the hon. Lady. However, I do not understand why she will not accept the word "shall" instead of "may", which would make mandatory the duty to keep the issue under review. I assume that the whole question will be kept under review anyway, so I am a little surprised that she will not amend the new clause—she could probably use a manuscript amendment to substitute "shall" for "may". If the problem she refers to is genuine, the solution is equally genuine and the whole process should be made mandatory.

My hon. Friend the Member for West Worcestershire (Sir M. Spicer) spoke about subsection (2) of the new clause. It is right to say that anyone's view of the effect of competition cannot be entirely insular. I do not understand why the Government want to restrict that view to

a significantly adverse effect on competition

domestically. We might hold a view on that matter, but our view might differ, or come to differ, from views held elsewhere in the world, or from views taken of competition as it emerges in other markets and financial centres. It is wrong to box ourselves in.

Even if the Economic Secretary will not accept our amendment, she could at least broaden the new clause's definition of "a significantly adverse effect". Why will she not make the provision cover competition nationally and internationally? The insertion of those or similar words, or of some reference to the international marketplace and the significance of our competitive position and our changing competitive relationship with other financial centres, would answer the point. I support the new clause, but it would be improved if our amendment were accepted.

7 pm

Mr. Tyrie: I want to have one more go at getting across to the Economic Secretary my point about competition and competitiveness. It will be my last go, both procedurally and for some time, but I feel I must make just one more attempt.

The Minister should forget competition altogether and think only about competitiveness. Now think about the phrase "economic performance", which means the same. There is a trade-off between too much regulation leading to lower economic performance and not enough regulation also leading to lower economic performance. There is probably only one level of regulation that will give an optimal level of economic performance.

All markets need regulation. Markets are created by a body of rules. Without rules there are no markets. There is not a free-for-all or a free-market jungle: there is almost always monopoly as a consequence—an insight that Hayek brought to bear. It is important to understand that.

The key question is, does the optimal level of economic performance coincide with the point at which there is zero regulatory failure? The answer is almost certainly "no". If that is so, there will have to be acceptance of some regulatory failure. Does the regime that the Bill will put in place allow for that? I fear that all the incentives built into the Bill as drafted will result in over-regulation. There is no provision in the objectives of the Bill to take account of economic performance. There will be huge pressure from the Treasury to avoid regulatory failure. There will also be pressure on the FSA from the public and the media whenever there is a regulatory failure. The Opposition amendment is one more attempt, in a specific part of the Bill, to insert the notion of economic performance under the guise of the word "competitiveness".

Mr. Beard: The hon. Gentleman's thesis is that there is a golden means of regulation that will enhance competitiveness, and that beyond that golden means there will be damaging over-regulation. This issue has been debated at almost every stage, from the Burns committee onwards. The hon. Gentleman makes out that this legislation is over-burdensome. It is always an assertion, and we have been given no facts or evidence to justify that position. Having just repeated the same charge, can he produce evidence that the Bill is over-regulatory? I have seen none.

Mr. Tyrie: With a Bill that is not yet on the statute book, it is obviously difficult to provide evidence that it will be over-regulatory. I can provide the hon. Gentleman with a wealth of evidence from those who have

considered this issue and have given evidence to the Joint Committee, in newspaper articles and on many occasions stating—

Mr. Beard *indicated dissent.*

Mr. Tyrie: The hon. Gentleman shakes his head in denial, but that evidence is on the record. I shall not delay the House further by reading it all out, but almost everyone has said the same thing, which is that the incentives on the FSA will result in over-regulation. My hon. Friend the Member for West Worcestershire (Sir M. Spicer) is on the Treasury Select Committee, and he has told us that he and most members of the Committee came away with the same impression. Wherever one goes, the same message comes across. I am afraid that the hon. Member for Bexleyheath and Crayford (Mr. Beard) has not picked it up yet. Don Cruickshank agrees: his interim report makes the point clearly.

The hon. Gentleman and his Front-Bench colleagues have not been able to dispute my argument, so we must decide how to counterbalance the urge to over-regulate. There are three possible routes. One is to incorporate a competitiveness objective in clause 2. I shall not go through all the arguments about that again, as we have debated it on many occasions, but the Government rejected it. A second route is to introduce thoroughgoing cost-benefit analysis of every regulation. The Government have set their face firmly against that, too. They have rejected all attempts to put such a provision in the Bill.

The third possibility is to do what the FSA has decided is the only way forward, which is to publish its own document and accept some regulatory failure, and to move to what it has described as a risk-based approach to regulation. That is all very well under the current FSA headed by a man who seems to be fairly enlightened. What happens when there is a change of leadership? What happens when great pressure builds up on the FSA after a prominent regulatory failure? The Government have not thought about that. They seem to have little grasp of the extent of the pressure that they and the FSA will be under in those circumstances if there is no statutory counterbalance in the Bill to the urge to over-regulate.

The amendment is a small, last attempt to put back part of what is required to counterbalance an over-regulatory Bill. That counterbalance is crucial. There is only one other respectable route for the Government to take, which is to accept that there should be a thoroughgoing review after a few years to see if they or we were right. Instead, they have said, "Thank you very much, but we don't want to commit ourselves to a review. We don't want to have to wash our dirty linen in public. We don't want to discover later on that we got it wrong." There is no commitment to a thoroughgoing review.

It is essential to have that counterbalance in the Bill. The Government have not provided it, and unless we get such a commitment I hope that we will divide the House on this amendment.

Sir Nicholas Lyell: I agree that we must divide the House on this amendment, although it will be a symbolic Division, not merely because the massed ranks of Government supporters will troop into the Lobby against us—we are used to that—but because all we can do at this stage is to table an amendment that highlights rather than solves the problem. The amendment that would solve the problem would be one that made international competitiveness or competitiveness generally one of the statutory objectives. That is not what the key amendment we shall vote on does.

The Government are in a complete muddle on this matter. If they are not in a muddle, they are deliberately obfuscating. They know what they ought to do, but as is so often the case they will not admit that they have got this wrong, and consequently they will not take steps to put it right. *[Interruption.]*

The Government have failed to put right up front in the objectives the fact that over-regulation damages not only internal competitiveness, but international competitiveness. *[Interruption.]* Why do I say that the Government are obfuscating? Because we know from what the Economic Secretary has told us and from what Howard Davies, when he introduced the FSA document "A new regulator for a new millennium" in January this year—

Mr. Deputy Speaker: Order. The House must come to order. Many conversations are being held in the Chamber. The right hon. and learned Gentleman is addressing the House.

Sir Nicholas Lyell: I appreciate that people are coming in hoping that there will be a vote fairly soon. It is always difficult to hold the House's attention under those circumstances.

The Economic Secretary said on this very matter of competition that the FSA was bound to try to be proportionate and to balance regulation and competition. I am quite sure that what she meant by competition when she said that was competitiveness—she would have been right if she meant that, which I think she did. She did not mean balanced regulation and competition in the technical senses of most of the activities of the competition authority.

In the document "A new regulator for a new millennium", which was published this January, the FSA said of itself that it

> must take into account the international mobility of much financial business and must avoid damaging the competitive position of the UK—which works to the advantage of consumers as well as markets."

My right hon. and hon. Friends and I have been saying that until we are blue in the face. We are very glad to know that the Government recognise the truth of what we have said; what we criticise is their failure to do the right thing about it. Even at this late stage, the Government are not amending the Bill sensibly. Amending it sensibly would involve putting the point that we have made upfront, and making it clear to the FSA that one of its principal objectives was to do what it knows it is essential that it should do.

I support the amendment. It is a half measure, but at least—by means of the competition authority—it pushes the regulatory authorities slightly further in the right direction, although it shows a tendency to muddle their functions. I do not know what Sir Christopher Bellamy, the president of the Competition Commission, is to make of his role. I know Sir Christopher to be both a very experienced competition lawyer and an extremely skilful judge, recently returned from Luxembourg. I believe that he will do his wise best: I believe that when he finds

[Sir Nicholas Lyell]

that FSA activities are pushing us away from international competitiveness, he will be able to say so clearly enough to encourage the authority to try to mend its ways. That, however, is like trying to steer a horse and cart from behind without reins. It is much better to lead from the front, with the right objectives.

I support what our amendments seek to do, but, even at this eleven-and-a-halfth hour, I ask the Government to think again about the fundamental issue.

Mr. Flight: Yet again, the Government fail to accept that we live in a global world. Employers in London—in the financial services industry and the institutional marketplace—are international players: their headquarters are in Germany, America, Hong Kong and all over the place. We have taken a leaf out of the Chancellor's book when his party was in opposition, and been to see them all. They told us, as one might expect, "If this happens we will operate from New York, or from somewhere else." They run their businesses in a global fashion.

It is absurd to enact legislation, in 2000, that pretends that global competitiveness does not matter. It is the most important single factor.

Hitherto, the Government have refused to act on the ground that the Office of Fair Trading has not been equipped, for some reason, to keep an eye on global competitiveness. It can hardly be a difficult task to equip the OFT for the purpose. As it happens, the FSA is so equipped, and has done its best, but without any mandate.

It must come as no surprise that we have been banging on about this throughout the Bill's passage so far. Unless the necessary provision is written into the legislation, the poor chaps running the FSA, who must be given legal briefing, will not be able to give proper attention to it: they will have to override all sorts of other things. I warn the Government that, unless the problem is dealt with, huge mistakes will be made in crucial areas. I am thinking of market abuse, for instance. Business will go to other centres, and there will be a massive loss of jobs.

In the last 30 years, the City of London was revived—by, I might add, a Labour Government who introduced the right law when the equivalent of the withholding tax obtained. America, foolishly, had an interest equalisation tax; we allowed tax-free Euro-banking here, and hence got all the global dollar deposit business. What the Government did then led, almost by accident, to a recovery in London, because they got the fiscal regime right. If we do not get the competitive regulatory regime right now, down it will go again. I am very upset by the present Government's refusal to address this central issue.

7.15 pm

Miss Melanie Johnson: I have heard nothing new this evening, but I appreciate the reiteration by some hon. Members of points that they had already made. I particularly appreciated what was said by the hon. Member for Chichester (Mr. Tyrie). As my hon. Friend the Member for Bexleyheath and Crayford (Mr. Beard) suggested, one reason why the hon. Gentleman's arguments did not make more progress was his lack of evidence in their favour.

Let us remind ourselves of what the Bill says. Opposition Members have made passing reference to its content.

Mr. Tyrie: Will the Minister give way?

Miss Johnson: I will, briefly.

Mr. Tyrie: May I read this into the record?

I am concerned that there will inevitably be a tendency to err on the side of reducing the risks of the regulator at the expense of the regulated. The FSA and its chairman will probably be judged harshly if there is even modest wrongdoing that escapes their gaze.

I could quote dozens of examples from people who have given clear evidence proving that the Minister is mistaken, but you, Mr. Deputy Speaker, would prevent me from doing so. It is nonsense to suggest that the Government have not been told about the position, and that there is no evidence; there is ample evidence.

Miss Johnson: I believe that the hon. Gentleman was reading from his own book. Let me return to the Bill, because it is the Bill with which we are concerned. Clause 2(3)(e) states—

Mr. Tyrie: Will the Minister give way?

Miss Johnson: No. I want to make some progress.

Mr. Tyrie *rose—*

Miss Johnson: I will give way very briefly.

Mr. Tyrie: Although I was quoting from my book, I was quoting someone else's words. I was quoting the words of the chief executive of Britain's largest pension fund, Hermes, Alastair Ross Goobey.

Miss Johnson: Right.

Clause 2(3)(e) states—*[Interruption.]*

Mr. Deputy Speaker: Order. The Minister is addressing the House. Conversations should not be taking place.

Miss Johnson: As Opposition Members have raised a number of points, I assume that they will be interested in responses to those points.

Clause 2(3)(e) states that the FSA must have regard to

the international character of financial services and markets and the desirability of maintaining the competitive position of the United Kingdom.

That is a duty that the Bill places on the FSA. Opposition Members have given scant recognition to the force of the requirement, and to its exact wording.

We are not, as some Opposition Members have suggested, interested in increased regulation; we are interested in better regulation, which is very different. We are interested in maintaining the right balance between consumers and risk. I took the point made by a number of Opposition Members that it was a question of balance. We strongly agree that this is a question of balancing the various aspects of the issue, and securing regulation at the right point. However, the fact that it is a question of

balance does not mean that anything in the Bill will damage competition; quite the reverse. We want to ensure that the balance continues to be right, but it needs to be right for consumers as well.

I hesitate to mention the words "pensions mis-selling" here, because Opposition Members seem to have forgotten that it existed, but there was pensions mis-selling, and there have been significant failures in regulatory regimes. The issues must be addressed genuinely, and they are being addressed. However, there have also been changes in the way in which financial services business is done. For example, many organisations that used to provide just one aspect of financial services now provide several, including banking insurance. The existence of a single regulator will provide the right flexibility, and a single reference point reflecting the changed nature of financial services in the United Kingdom.

If we do not make these changes, we shall be in danger of doing what Opposition Members say they want to avoid. We shall be in danger of slipping behind in the international competitiveness stakes, and failing to move ahead in a way that will ensure our continuing leadership in financial services in what the hon. Member for Arundel and South Downs (Mr. Flight) rightly described as a global economy and a global marketplace. I would have thought that there was ample evidence. If I had more time, I would be happy to spend a long time citing the many pieces of evidence that the Government are at the forefront of recognising the fact that we are in a global economy.

It is important that we get the balance right. A bad balance is poor ground to grow a flourishing financial services industry. The document entitled, "A new regulator for the new millennium", to which the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) referred, does indeed strive to carry that forward in terms of the practicalities that the FSA will face in conducting its regulations. That document has been extremely well received. It is an indication that the FSA is getting the balance right and is working in the way in which the Bill anticipates it will. The Bill puts in place an improved and extended competition scrutiny regime that ensures that there are external checks to ensure that the FSA gets that balance right. I commend the amendments, with the exception of the one tabled by the Opposition, to the House.

Lords amendment agreed to.

Lords amendments Nos. 104 to 126 agreed to.

Clause 109

MARKET ABUSE

Lords amendment: No. 127, in page 51, line 18, leave out subsection (3).

Miss Melanie Johnson: I beg to move, That this House agrees with the Lords in the said amendment.

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 128 to 130, 131 and the amendment thereto, 132, 133, 142, 143, 180 and the Government motion to disagree and Government amendment (a) in lieu and amendment (b) in lieu, 228, 487, 488, 489 and the amendment thereto and 490 to 501.

Miss Johnson: This group of amendments covers a number of different points relating to the market abuse arrangements introduced by the Bill. It contains some relatively minor improvements to the market abuse provisions, which I will describe briefly. We can then debate the specific questions of the takeover panel and the amendments tabled by the Opposition to the Lords amendments.

Before discussing the detail of the Lord amendments, it is important to remind ourselves why the Government have introduced part VIII. The new market abuse regime has been recognised to be an important addition to the regulator's armoury to tackle abuse of the financial markets. It closes a gap in the protections for markets, allowing the regulator to take action against anyone, regulated or unregulated, who abuses the markets. Having well-regulated, fair and efficient financial markets is in all our interests.

I said when the Bill left the House that we had no intention of changing the substance of the market abuse provisions, which are effective and fair. I did say, however, that we might look at whether any further, more technical changes were necessary.

Noble Lords in another place supported the aim of the new regime and understood the arguments for our approach. Relatively minor but none the less important improvements were made in another place on a few fronts. I ask hon. Members to agree that those amendments should be part of the Bill.

The first improves the protections available for those who have reasonable grounds for believing that their behaviour is not market abuse, or who take care to avoid engaging in market abuse. We introduced protections along those lines in Standing Committee. The effect of amendments Nos. 127 and 131 is to improve those protections. Rather than being things to which regard must be had in determining whether behaviour amounts to market abuse, the amendments mean that the FSA cannot impose a penalty for market abuse if, having heard representations, it is satisfied on reasonable grounds that someone had reasonable grounds for their belief or exercised due diligence. That is, of course, something that the tribunal can review.

Sir Nicholas Lyell: The Minister might perhaps clarify the following matter. She has pointed out that, in another place, amendments were accepted that put the burden of proof on the defendant in market abuse cases. Is it still the case that one can be found guilty of market abuse without having intended to abuse the market? If that is the case and if the burden is put on the defendant, is that in conformity with the European convention on human rights?

Miss Johnson: May I answer the right hon. and learned Gentleman's question in a moment? The answer to his first point is yes, but I should like to answer his second point in a little more detail in a moment.

To maintain the high degree of transparency provided for in the Bill, amendment No. 133 places a duty on the authority to include in the statement issued under clause 114 on the imposition and amount of penalties, indications of the circumstances in which it will be satisfied that a person comes within the proposed safe harbours in clause 113. Amendments Nos. 489 and 496 introduce those protections into the restitution provisions as well. Amendments Nos. 490 to 493 and 497 to 501 make consequential drafting changes.

[Miss Johnson]

The other change made in another place in the area of protections was to provide that behaviour does not amount to market abuse if it conforms with rules specified by the FSA. The effect of the safe harbour put into clause 109 in Standing Committee was too uncertain in that it provided a safe harbour for behaviour that conforms with any of the FSA's rules. The provision would have extended to all rules, even completely unrelated ones. That was going too far and could have had uncertain and random effects.

7.30 pm

The second set of changes concerned the alignment of the provisions on sanctions for abuse with those in parts V and XIV. Under the Bill as it left the Commons, the FSA could not make a public statement about someone as an alternative to imposing a penalty. Lords amendment No. 132 corrects that anomaly. Lords amendment No. 228 provides that a statement obtained under compulsory powers from a person cannot be used in proceedings against that person to make a public statement that he has engaged in market abuse.

The third set of changes involved ensuring that the provisions on those who require or encourage others to engage in abuse work as intended. The changes involved two features. The first entailed closing a potential loophole by which those who required or encouraged others to engage in abuse could escape sanction by using an unwitting third party to perform their abuse for them. Lords amendments Nos. 129 and 130 achieve that objective.

The second feature concerned restitution. The need for the change arises from the fact that someone who requires or encourages another to engage in abuse is not, under the Bill's definitions, said to be engaging in abuse. Consequently, the restitution provisions do not bite on such a person whereas, clearly, they should. Lords amendments Nos. 487, 488, 494 and 495 correct that.

The Opposition have tabled a couple of amendments—to Lords amendments Nos. 131 and 489—and I shall happily respond to their points. The amendments are very similar in form. The first is intended to extend the protection that is offered by clause 113 in relation to the imposition of penalties for market abuse, and the second is intended to have an equivalent effect on clause 370, which deals with restitution for market abuse.

The first part of each of the Opposition's amendments—that is, paragraph (c)—would provide that penalties or restitution were not payable if a person engaging in behaviour that was likely to give a regular user of the market a false or misleading impression did not intend to give such an impression or was not reckless about whether he might give anyone such a false or misleading impression.

It is difficult to see why such amendment is thought to be necessary, given that amendments made in another place would have the effect that the FSA cannot impose a penalty if there are reasonable grounds for it to be satisfied either that the person concerned believed on reasonable grounds that his behaviour did not amount to market abuse or that he took all reasonable precautions and exercised all due diligence to avoid engaging in market abuse. We believe that the tests of reasonable belief and due diligence—not the tests of intent and recklessness, which the Opposition amendments would add—are the right ones.

Sir Nicholas Lyell: Does the Minister recognise that she is saying that she is reversing the burden of proof?

Miss Johnson: I do not recognise that, but, as I just said to the right hon. and learned Gentleman, I am happy to come back to the point in a moment. I think that the point he has just made is linked to the one that he made earlier.

As I said, we believe that reasonable belief and due diligence are the right tests, and that intent and recklessness—which is the force of the Opposition's amendments—are not the right tests. Let us suppose, for example, that we are dealing with a person who, not having bothered to make the inquiries that a reasonable person would have done, engages in behaviour that misleads the markets. It would be quite wrong for such a person to be given a blanket protection from the consequences of his actions, viewed from his own perspective.

The appropriate question is not what a person thinks about his own actions—which, obviously, could vary widely between individuals, depending on their level of knowledge and experience—but whether the person can show reasonable grounds for believing that his action would not be regarded as abusive by a reasonable person who uses the market regularly, or that he took the precautions and displayed the diligence that a reasonable person would expect. Those are clear and proper protections.

Conversely, the Opposition's amendments would significantly weaken the new market abuse regime. As the Opposition in another place did not return with amendments of that type on Third Reading, I had assumed that, at long last, this particular set of coach and horses had been put back in the stable; obviously I was wrong.

Sir Nicholas Lyell: Why is this particular set of coach and horses so different from, for example, the situation in trading standards? In trading standards legislation, one is not guilty of misleading the market unless one intended to do so. Why should such intent not have to be present in financial services?

Miss Johnson: I am not an expert on trading standards matters. I am also not quite clear that that comparison is one that we need to take on board now. However, as the right hon. and learned Gentleman is seeking an answer to his question on intent, perhaps I can return to that and say that intent is not a feature of the mischief of market abuse—the markets can be damaged regardless of someone's intent. The burden of proof rests with the FSA, which has to prove that someone has engaged in abuse.

We have addressed the issue of whether the protections that we have introduced—which require people to demonstrate that they are covered by them—might be regarded as shifting the burden of proof, and we have concluded that they do not. The Bill is in conformity with

the requirements of the European convention on human rights, and we are confident that there has been no change in that position.

Sir Nicholas Lyell: Could the Minister give just a short explanation of what the FSA has to prove to demonstrate that there has been market abuse? Could she give just one short example?

Miss Johnson: That is pretty difficult to do. What will damage a particular market depends on the standards expected of that market. That is the point of the regular user test. In certain circumstances, abuse might or might not involve a mental element. However, it is pretty hard for me to say what those circumstances might be. It is really a question for the users of the various markets to be covered by the regime.

Accepting a blanket exemption for behaviour that is not intended to distort the market would make it impossible to take action against behaviour that may damage a market in certain circumstances. It would be reckless to make such a change. If we went down the path that I think the right hon. and learned Gentleman is advocating, it would be very difficult in various ways to pursue market abuse.

Sir Nicholas Lyell *rose—*

Miss Johnson: I shall give way on this matter one more time.

Sir Nicholas Lyell: I am very grateful to the Minister. Are there not two defences for the financial public—the civil defence and the criminal defence? Someone who is damaged by market abuse can seek compensation and restitution, and such action does not require the same burden of proof as action against someone who is to be prosecuted for a crime of market abuse. Does the Minister not recognise those differences? Do they not have exact parallels in trading standards generally, and in the case of someone who has taken away someone else's goods in circumstances that might be a civil tort, but not a criminal wrong?

Miss Johnson: The right hon. and learned Gentleman causes me some concern. Market abuse is a civil offence, and I am not quite sure where the criminal part of his distinction enters into the matter. My understanding is that, in United Kingdom law as proposed in the Bill, market abuse is not a criminal matter. He seemed to connect market abuse and criminality.

Sir Nicholas Lyell: Am I not right in thinking that market abuse can lead to very large penalties?

Miss Johnson: Yes, it can lead to large penalties, but that does not necessarily make it a criminal matter. In UK law, market abuse is a civil offence, not a criminal one.

Sir Nicholas Lyell: The Minister cannot simply say that market abuse is called a civil offence when it has effectively criminal penalties, including unlimited fines. She cannot, like Humpty Dumpty, make words mean what she wants them to mean to that extent. Surely she recognises that the European Court of Human Rights will regard such behaviour as criminal. Perhaps she could take some advice and explain later how the Bill conforms with the convention.

Miss Johnson: The Bill does conform. I said that market abuse was a civil offence under UK law. It may be construed as a criminal offence under the ECHR requirements, but it is a civil offence in the UK. The UK regime is non-criminal. We have introduced various protections that would be appropriate if a case was considered as a criminal matter under the ECHR only because we want to be as safe and circumspect as possible. I repeat, it is a civil offence under UK law.

The amendments also deal with market abuse by firms when control of information rules—or so-called Chinese walls—are in operation. We are well aware that appropriate protection needs to be provided. That is the point of clause 109(9), as amended. We could specify in the Bill the situation set out in the Opposition amendment, but we think that it is better to leave it to the FSA, which will have discretion to make control of information rules. It will do so and work is in hand, but the legal position, as now, is that it does not have to. Putting explicit safe harbours in the Bill rather than leaving it to the FSA to decide when safe harbours should apply would not change the position, as we shall be able to do under clause 109. Be that as it may, the point of our approach is to provide flexibility, because the FSA may want to form a safe harbour from market abuse in other areas. The obvious example is price stabilisation rules.

The FSA will have to consult on all its rules. In doing so, it may identify situations in which further protection is warranted. Equally, it may conclude that it does not want to give protection in all circumstances to everything that is done in accordance with permissive rules. Let us remember that the unscrupulous are very good at exploiting loopholes. The better approach is to leave it to the FSA to consider on a rule-by-rule basis, having regard to consultation responses.

Sir Michael Spicer: I am getting very confused. During her interesting exchange with my right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell), the Minister said that although market abuse was a civil matter in this country, it would be treated as a criminal matter under European law. Is she saying that corpus juris has arrived already? Some of us fear that it might, but the Government's official position was that it would never arise. Will she clear that up? It would be very serious if a matter were treated under civil law here and under criminal law in Europe.

7.45 pm

Miss Johnson: I did not intend to give the impression that a criminal regime would apply under the ECHR. I intended to make it plain that we have built all possible safeguards into the Bill, including establishing the independent tribunal, to ensure that every safeguard is afforded to anybody against whom a charge of market abuse is made. The Government gave extensive evidence to the Joint Committee a considerable time ago, explaining in detail our reasoning and conclusions on reporting on compliance with the convention. I am sure that the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) is familiar with that evidence and it would be helpful for him to look at it again.

[Miss Johnson]

I was proposing to turn to the role of the takeover panel in cases of market abuse.

Mr. Loughton: The Minister is going back to the Burns committee, where we heard clear evidence from Lord Lester and other highly learned professionals in the area. They gave clear warnings that the clause contravenes article 6 of the European convention on human rights. Those fears have not been assuaged by the changes that have been made. Treasury solicitors had to admit that European law in this area comes about only by precedent and there are no precedents yet to suggest that the Bill will not conflict with the ECHR. How can the Minister explain that?

Miss Johnson: As I am sure that the hon. Gentleman is well aware, different evidence was given to the Joint Committee by different legal experts. We are content that there is no problem with the market abuse regime in relation to the ECHR. That point was made on our behalf in the evidence.

Mr. Loughton: Even though one of her predecessors was in charge of the Bill at the time, the Minister must admit that the Treasury's solicitor, who brought along an expert in European law, told us that it was not clear that the Bill was not in breach of the convention, because European law is built up from precedent and there is no precedent yet. She cannot give us an assurance.

Miss Johnson: The Bill is ECHR-compliant. There is no problem with the market abuse regime in that context.

Mr. Beard: The hon. Member for East Worthing and Shoreham (Mr. Loughton) has only half represented the evidence that was given to the Burns committee. I do not want to repeat all the evidence, but the conclusion was that the market abuses that were subject to relatively moderate penalties would be consistent with the convention if they went by civil procedures and levels of proof, but, as the penalties became larger, a criminal procedure would be necessary. The Bill as amended reflects that. Lord Lester's opinion was not the only one given. As the penalties are graduated, there is a need to move to criminal procedure. That is what my hon. Friend is saying.

Miss Johnson: I am grateful to my hon. Friend for confirming my points. He was a member of the Joint Committee and was present when the discussions took place.

The role of the takeover panel on cases of market abuse will also be of considerable interest to the House. There is much common ground on these issues. It is a common aim across the House to ensure that takeovers continue to be regulated in the same speedy and effective manner as they currently are. At the same time, the new market abuse regime needs to work as effectively and coherently as possible to prevent and deal with abuse of the financial markets. Those aims are not at issue, but how we achieve them is.

Lest there should be any misunderstanding, let me make it clear that we support the takeover panel. Its work in regulating the conduct and process of takeovers is important for the effective and efficient operation of capital markets and for the protection of shareholders. We are in no doubt about that.

We also believe that it is vital that our financial markets are protected from the effects of market abuse, wherever and whenever it occurs. That is why we have introduced the new market abuse regime. Well-regulated markets attract business, which is good for the market, good for investors and good for the economy.

We do not think that these two aims are in conflict in any way. Clearly, market abuse—indeed, very serious market abuse—can occur during takeovers. It is important that proper procedures and arrangements are in place between the FSA and the takeover panel. We do not want unnecessary duplication or to create unnecessary uncertainty or the risk of tactical litigation in this sphere. We take the practical arrangements seriously. The FSA and the panel are working on operating agreements and setting out formal mechanisms for liaison and information sharing, similar to those that the FSA is working on with the investment exchanges.

The FSA and the panel are also drawing up policy statements concerning the circumstances in which the FSA or the panel would take the lead. As Lord Saatchi said in another place, the best solution is an agreement on a sensible modus operandi. We are of the view that the FSA will be able to adopt robust policy statements which mean that it will only take action against market abuse which occurs during a takeover in exceptional circumstances.

Of course people can seek judicial review if the FSA declines to take action, but as long as the FSA acts reasonably it has nothing to fear. The courts have been very clear that they will not generally intervene during the course of a takeover. Why would we expect the courts to take a different view depending on whether it was the panel that was being reviewed or the FSA?

Even if judicial review were sought, that would not cause problems for the timing of takeovers—the issue about which the panel is concerned. If the FSA does get involved, it will only do so to deal with any market abuse that has occurred or is likely to occur. There is no reason to expect it to impact on the timetable. We think that the procedures and arrangements that the panel and FSA are working on will ensure that problems do not arise, but we have accepted the need for what I might call a safety valve.

Our amendment, like the amendment passed in another place, will allow the FSA to provide a safe harbour for behaviour in conformity with the City code produced by the takeover panel. However, there is a crucial difference between our amendment and Lords amendment No. 180.

Under our amendment, the decision whether behaviour amounts to market abuse will always rest with the statutory regulator, the FSA, and, ultimately, the independent tribunal to be established under the Bill. Under the amendment made in another place, there would be circumstances in which that decision would in substance rest with the takeover panel. By providing a safe harbour for behaviour which, in the panel's opinion, conforms with the code, the amendment gives the panel the power to determine that a person has not engaged in market abuse.

The issue we face is in some ways a narrow one, but it is extremely important. Where market abuse takes place during a takeover, should the ultimate decision on whether

action should be taken rest with the statutory regulator, the FSA, and the tribunal or the non-statutory takeover panel? I think that the answer is equally straightforward. In what I would expect to be the very rare event of a disagreement between the FSA and the panel, it must be right that the last word should rest with the statutory regulator and the independent tribunal to be established under the Bill.

Mr. Flight: Under Lords amendment No. 180, the last word rests with the FSA in relation to market abuse, except for the specific territory covered by the code. Any other area in which market abuse might be committed, or where the FSA might sniff out market abuse, is entirely a role for the FSA—even while a bid is taking place.

Miss Johnson: The hon. Gentleman has made exactly the same point as me, although his "except" is the important point. That is the difference. It is not a big difference, but it is important to realise that we have set up a regime that is supposed to have a single definition of market abuse, to be accountable, to be statutorily underpinned and to have reference to an independent tribunal. The hon. Gentleman, with his "except", would transfer some things into an arena where none of that provision was in place.

If amendment No. 180 were allowed to remain part of the Bill—I will encourage the House to remove it—I believe that there would be important consequences, particularly in terms of the European convention on human rights, that were not appreciated by those who drafted the amendment. Giving the panel a determinative role in the question whether particular behaviour amounted to market abuse would, in effect, give it statutory functions. These functions would involve the determination of civil rights and even, possibly, criminal charges under the convention.

Throughout the passage of the Bill, Opposition Members have insisted, rightly, that in exercising such functions the FSA should be subject to comprehensive accountability arrangements, and that there should be the safeguard of full access to an independent tribunal for those accused of market abuse. We have ensured that the market abuse regime is fair, transparent and certain, with appropriate safeguards set out in the Bill. These include those safeguards to ensure compliance with the European convention on human rights that are needed where a body has a role in determining civil rights and criminal liabilities.

That does not mean that we are questioning the arrangements for the accountability of the panel in the usual context in which it operates. It simply means that those arrangements are not appropriate in this context. They were never designed to deal with the determination of whether market abuse has occurred in terms of part VIII of the Bill. Against that background, I am pleased that the Opposition appear to have had second thoughts, although, for reasons that I will explain, we cannot agree to their proposed substitute.

I refer now to Government amendment (a). If the problems which people have argued might arise do arise, the Government amendment in lieu of amendment No. 180 provides a proper and adequate mechanism for dealing with them. The FSA will, with the approval of the Treasury, be able to provide for safe harbours for all or part of the City code produced by the panel. In giving such approval, the Treasury would, of course, be answerable to Parliament.

Our amendment is very similar to the amendment that Lord McIntosh tabled in another place on Third Reading, and which Lord Donaldson described as achieving "all that is necessary". However, we have given careful thought to concerns expressed about it in another place by both Conservatives and Liberal Democrats.

We have listened to those concerns and, as a result, the amendment has been further improved. As my noble friend Lord McIntosh said in another place:

> Given . . . the nature of the code and the panel's role in interpreting and applying it, I would naturally expect the FSA to take the panel's view before it decided whether behaviour fell within the safe harbour which the Government amendment would enable it to provide. It would be very foolish if it did not . . . I would expect the tribunal and, if the matter came before them, the higher courts, to attach due weight to the panel's views in accordance with established case law.—[*Official Report, House of Lords*, 18 May 2000; Vol. 613, c. 403.]

The Conservative spokesman in another place, Lord Kingsland, made it clear that he would have been willing to support our amendment had we been willing to refer expressly to the City code as applied by the takeover panel. That reflects the concern, which we fully understand, that in looking at safe harbours provided by the City code, the FSA should not be able simply to impose its own interpretation, but should, in essence, be guided by the panel's interpretation.

The FSA will have arrangements for ensuring that the panel's views on whether behaviour is in conformity with the City code are sought and listened to. The panel's views will not be—and, for reasons I have explained, cannot be—determinative in law. However, they will be highly persuasive. Subsection (4) underlines this and, I hope, provides additional reassurance.

The FSA will be under a statutory duty to keep itself informed of the way in which the panel interprets and administers the relevant provisions of the code and, it follows, fully reflect that in its decisions about whether to act in cases of possible market abuse arising in a takeover.

That is the right result. To go further would be to go too far in terms of making the panel the final arbiter as regards market abuse in this area. Our amendment will ensure that if problems do arise in this area—we are confident they will not—adequate and effective safe harbours can be provided without compromising the position of the panel or the single statutory regulator, the FSA.

8 pm

We cannot accept amendment (b) in lieu of Lords amendment No. 180. It is based closely on the so-called gatekeeper amendment which Lord McIntosh described in another place as

> the worst of all the amendments before us.—[*Official Report, House of Lords*, 18 May 2000; Vol. 613, c. 414.]

The amendment would prevent the FSA from acting during a takeover unless it was given permission to do so by the takeover panel, a non-statutory body. I recognise that the prohibition would be temporary, in the sense that it would last only as long as the takeover was in progress.

[Miss Johnson]

I also note that a new provision has been added requiring the panel to co-operate with the FSA in the ensuing period, although I doubt whether that adds much, since—

Sir Nicholas Lyell: On a point of order, Mr. Deputy Speaker. I apologise for asking again. I seek clarification. To which amendment are we referring?

Mr. Deputy Speaker: It is not for the Chair to advise the right hon. and learned Gentleman which amendment is being referred to. I have called Lords amendment No. 127, and we are discussing it along with all the other amendments that are grouped with it on the selection list. It is not for the Chair to advise on what amendments are under discussion. The Chair is confused enough as it is.

Miss Johnson: I hesitate to disagree with you, Mr. Deputy Speaker, but I am not confused at all. I am completely clear about what we are discussing. Having said that, however, I seem to have lost my place in my notes.

I note the new provision requiring the panel to co-operate with the FSA in the ensuing period, but I doubt whether that will add much, because that is the kind of behaviour that one would expect of a body in the panel's position when dealing with a statutory regulator.

On the other hand, I note the blanket nature of the prohibition. It would apply to each and every one of the FSA's powers, not just those in relation to market abuse. It would apply to market abuse of all kinds, no matter how trivial or how serious, and to any action instigated during the course of a takeover, regardless of whether it was likely to disrupt the timetable of the bid. I cannot believe that the Conservative party really wants the FSA to be hamstrung in that way.

I believe that it would be a mistake for the Bill to contain a provision that hands over the powers of the statutory regulator in the area of market abuse to a non-statutory regulator that is not subject to the same checks and balances. We expect the FSA to adopt a general policy of not intervening in a way that could disrupt the course of a takeover bid. That will be part of the sensible administrative arrangements to be put in place with the panel. However, it is not impossible to imagine circumstances in which an exception might need to be made—for example, if the regulator became aware of serious market manipulation that it, but not the panel, was in a position to do something about.

As a matter of principle, it would be wrong to fetter the discretion of the statutory regulator in the way contemplated by amendment (b). I commend Government amendment (a) in lieu of Lords amendment No. 180 to the House and urge the House to reject amendment (b).

Mr. Heathcoat-Amory: This is a very large group of amendments and has inevitably caused some confusion. It may be of assistance if I speak only to the issues concerning the takeover panel, and my hon. Friend the Member for Arundel and South Downs (Mr. Flight) deals with the other amendments.

The key issue concerns the possible conflict—and certainly overlap—between the jurisdictions of the Financial Services Authority and the takeover panel, which the Government have not satisfactorily addressed. One of the City of London's great advantages is that it offers certainty, speed and flexibility in dealing with takeovers and mergers. In a previous debate, we discussed whether the United Kingdom, and London in particular, can hold its own in an international market. I believe that it can if it holds on to its traditional flexibilities in dealing with mergers and bids. That is important internationally and for the dynamism of the United Kingdom market. We have here something very precious.

The FSA is charged with dealing with market abuse and the takeover panel regulates mergers and bids. The Economic Secretary praised the takeover panel and said that she did not want to do anything to damage it. It has indeed been a success story. It was established in 1968 and is widely admired. The panel itself has raised directly with the Treasury serious concerns about the Bill, and I do not believe that she gave an adequate response.

The danger of overlap occurs in several areas. It must be objectionable in principle for someone to be vulnerable to double jeopardy. Someone abiding by one set of rules, published by the takeover panel, should not be vulnerable in relation to a second set of rules, published by a second regulator.

It must be bad for the market for uncertainties to develop about which regulator is responsible in each individual case. For instance, it would be dangerous if the FSA said that certain behaviour during a bid was abusive and the takeover panel said that it was not. Who would decide the outcome? If the matter went to appeal, it would certainly be very embarrassing if the court had to arbitrate between two different regulatory bodies. It is bad for the City and for the regulatory regime itself to have the possibility of conflict and overlap.

It must be recognised that parties to a bid can themselves seek to manipulate the regulatory process. Tactical litigation can be launched by the object of a bid in order to frustrate the whole process. The scope for that will be immeasurably greater if that party can appeal to the FSA outside the traditional authority of the takeover panel.

The Economic Secretary seemed simply to deny that there was such a problem. She suggested that any involvement of the FSA would not affect the timetable of a bid, and would not delay it because the action would simply be aimed at the market abuse. That view demonstrates ignorance of how bids progress. For instance, under the takeover code, a bidder usually has to complete the process within 60 days, or the bid lapses. So there is a limited time for the bid to be declared unconditional.

One can imagine a situation in which a hostile bidder for another company publishes a document in order to persuade independent shareholders to accept the bid. The hostile bidder might do that just before the expiry of the 60-day period. The target company might complain that the document was misleading in several material respects. At present, that issue would be considered immediately by the takeover panel, which has a reputation for dealing with such matters efficiently and swiftly, so the bid could proceed if the allegation were groundless.

However, under the Bill, the target company would be able to bring in the FSA to determine whether the behaviour in question was market abusive, and that would introduce a most unwelcome delay. Indeed, if that

happened, the takeover panel might have to agree to extend the bid deadline, or, even more damagingly, one of the companies concerned could apply for judicial review, if the FSA refused to examine the issues and the particulars of the case. If that led to an injunction, it would cause unwelcome delay as well as introducing new and expensive litigation into a process that, until now, has always been dealt with swiftly and efficiently.

The Minister has not dealt with the point about delay and expense. However, she did recognise that the problem might exist. That is why, in the other place, my noble Friends succeeded in passing amendment No. 180, which would provide a safe harbour. It would provide that, in a bid situation, if those concerned conformed to the City code as published by the takeover panel, that would be a safe harbour against allegations of market abuse. It is also important to recognise that, despite that provision, the FSA would remain the lead regulator and would be able to include conditions and limitations on the effect of that safe harbour. It would be the FSA that would issue a statement, modified as necessary, indicating conformity with the City code that would be a safe harbour against market abuse.

Mr. Nicholas Soames (Mid-Sussex): I declare an interest in that I advise a number of companies in the City. Does my right hon. Friend agree that anything that undermines the exceptional speed and efficiency of the way in which the takeover panel works will undermine the position of London as the capital market centre of the world?

Mr. Heathcoat-Amory: My hon. Friend is right. It is not always understood how fast moving such bids can be. Decisions sometimes have to be taken within hours, and that cannot be done if parties to the bid could appeal to another regulator, or to a court for judicial review, which might then lead to an injunction and all the consequential delays and expense. That would undermine London's premier position as a centre in which such business can be done expeditiously and economically.

The Minister is worried about Lords amendment No. 180, because—she says—it gives too much authority to the takeover panel. It is true that Lords amendment No. 180 would give the panel the job of determining whether certain behaviour is in conformity with the City code. That is a sensible demarcation between the responsibilities of the FSA and those of the takeover panel. The FSA would still be the lead regulator and it would issue the first statement about whether the safe harbour existed. Under subsection (3) of the new clause, it would also be able to include conditions and limitations on that safe harbour.

8.15 pm

My hon. Friend the Member for Arundel and South Downs pointed out in an intervention that the FSA will still be able to regulate and pursue market abuse outside the City code. It would not be delegating the whole issue of market abuse to the takeover panel.

We were somewhat at a loss to understand exactly what the Government object to in Lords amendment No. 180. In response, they have tabled Government amendment (a) in lieu, which would provide that the FSA must keep itself informed of the way in which the panel interprets and administers the relevant provisions of the City code. In other words, the panel would not decide whether behaviour was in conformity with the code, because the authority would do that after discussions with the panel.

The Government's response is hopelessly flabby and inadequate. It would create no demarcation of responsibility or any jurisdictional boundary between the FSA and the takeover panel, because discussions would take place anyway. No one supposes that the authority and the panel would not keep each other informed, so Government amendment (a) in lieu would add nothing. However, it would still leave the FSA with the responsibility to take action over market abuse during a bid. If it had that power and responsibility, and did not exercise it, it would be vulnerable to judicial review.

It is no good having some modus operandi or self-denying ordinance whereby the authority says that normally it would leave the decision to the takeover panel. That would not wash in court. The target of a bid would allege market abuse and would ask the FSA to investigate the circumstances. If it refused, it would be vulnerable to judicial review. The FSA would always have to consider whether to exercise its powers in each case. The very fact that it would have to consider the issue would introduce a most undesirable element of delay.

The Government are apparently determined not to accept Lords amendment No. 180, but I have said enough to show that their alternative—which was apparently cooked up with the Liberal Democrats—is not a compromise but a dangerous alternative. It would leave in place the overlap between the authority and the panel, and deal a grievous blow to the United Kingdom as a place to do business. I hope that the rumours about the Liberal Democrats are not true, although they caved in on the issue in the other place. The Liberal Democrats in their places tonight owe it to the House to explain why they have had a change of heart on the issue.

Our alternative to Government amendment (a) in lieu is amendment (b) in lieu. If the Government are determined to overturn Lords amendment No. 180, our alternative would be superior to theirs, and achieve the same objectives by another route. It draws on the Datafin court case of 1986, in which the Court of Appeal ruled that the takeover panel was subject to judicial review, but that the court would not normally interfere while a bid was taking place.

Our amendment (b) in lieu proposes that the FSA step back from a bid process while it is in progress. Provided that the takeover panel agreed, the authority would be prevented from exercising its market abuse powers. The new element in the amendment was also tabled in another place but was not pressed to a Division. It would ensure that the takeover panel notified the FSA about any suspected market abuse, and co-operated fully in any subsequent action by the authority.

Crucially, under the amendment, the takeover panel would not decide what constituted market abuse. That decision would remain with the FSA but, in line with the Datafin case, the matter would be dealt with only after the bid had taken place. That alternative approach does not provide a safe harbour, but is another way to deal with the same problem. If the Government persist in overturning Lords amendment No. 180, our amendment would certainly be superior to theirs.

Sir Nicholas Lyell: I shall be brief. This is a highly technical subject and I shall focus on what I consider to

[Sir Nicholas Lyell]

be the key elements, for fear of getting something wrong, and in order to help myself—if no one else—to see the wood for the trees.

Two matters are being debated in connection with the amendment. The first is the role of the takeover panel, as opposed to that of the FSA, in relation to takeovers, especially where the question of market abuse arises. The second is market abuse—which the Economic Secretary sometimes calls an offence and sometimes a purely civil matter—and whether it should involve criminal intent on the part of the alleged market abuser.

I have read Government amendment (a) in lieu, and believe that it is all a question of the Government trying to retain control and the whip hand in all circumstances. I hope that they recognise that, in practice, the takeover panel organises takeovers exceptionally well, and that it is necessary for it be in command of events when it is supervising a takeover. The panel's ability to supervise and control takeovers has won worldwide admiration over the past 20 or more years. I think that the Government accept that. However, although they are not content to leave matters as they are, their amendment (a) in lieu is the nearest that they dare go towards doing just that.

The amendment suggests that the last word in a takeover should be returned to the FSA. However, subsection (2) of their proposed new clause states:

> But the Treasury's approval is required before any such provision may be included in the Authority's code.

The Minister smiles quietly at that; I am sure that her officials have told her that the Treasury must have final control over such matters. However, the amendment also provides that the FSA may include in its code an element that makes it clear that the City code—drafted and controlled by the takeover panel—shall apply to takeovers.

Subsection (3) is another delightful and revealing provision. It states:

> If the Authority's code includes provisions of a kind authorised by subsection (1)—

that is, if the authority's code states that the City takeover panel's code shall apply—

> the Authority must keep itself informed of the way in which the Panel on Takeovers and Mergers interprets and administers the relevant provisions of the City Code.

Goody, goody. I am glad that the authority will be required, by statute, to tell itself that it should know what it is talking about before it exercises any administrative function.

I have never seen such a provision before, but perhaps the Economic Secretary will refer to a precedent. If she does not, perhaps we can pop this precedent into other Bills as the months go by—but I do not wish to be flippant. The key point is who should have the whip hand and real control in the organisation of takeovers. The sensible and simple option is proposed in Lords amendment No. 180, which states, fairly and squarely, that the takeover panel should have control. It leaves the matter at that.

If the Government amendment is accepted, I hope that the Government will promptly take the option that they have left open and hand back effective control to the City takeover panel. However, it would be better to stick to the amendment passed in the House of Lords.

The second question that we are debating is whether the offence of market abuse should require intent. The FSA is entitled to impose unlimited financial penalties for market abuse, so under any reasonable interpretation, it is bound to be construed, here and in Strasbourg, as a criminal offence. If that were recognised, the Bill would be a great deal simpler, as intent would be expected and required.

The FSA seems to consider that it is difficult to convict anyone of market abuse. In the same way, it has turned out to be pretty difficult to convict people of insider trading, which is a very common form of market abuse. However, the FSA does not need the powers contained in the Bill, as not many prosecutions in this area are to be expected.

The Bill establishes an offence—civil or criminal—of market abuse. It provides that the FSA, after consultation, will draw up a code to describe what constitutes market abuse. A penalty will be incurred by anyone who commits market abuse.

I hope that in most situations, if not all, the FSA would be able to draw up a description of the types of market abuse that it wished to avoid. Rightly, it does not consider that it would have too much difficulty with that. I do not see, either, that there should be too much difficulty in convicting any experienced operator in the market who deliberately abused the market. It would be much healthier if that were considered the normal approach to take, just as it is in other questions of trading standards.

The Bill deals with trading in financial services. The market in financial services is no different from the markets in washing machines or motor cars. We are talking about practices that would amount to abuse of that market. For instance, it is a classic abuse of the motor vehicle market to change a car's recorded mileage—to "clock" the car. Proving that abuse, too, requires proof that the person involved intended to carry out the abuse. It is usually easy to show intention, because when there are prosecutions, the people involved have usually done the same thing to scores or hundreds, if not thousands, of cars, and someone has picked them up.

8.30 pm

In serious cases of market abuse, one would expect conduct that was obviously intended to mislead the market, and lead people up the garden path, on the part of an experienced operator. It would not be too difficult to get a jury to convict. In my long experience of the Serious Fraud Office, the one element in the system that seldom causes any problem is the jury. If the Financial Services Authority tells 12 good men and women and true about a piece of crookery carried out by Mr. X or company Y, putting it in straightforward terms, and the jury is shown the facts, they will be ready to convict.

The object of criminal offences, or offences in general, is not principally to convict the one or two people who are prosecuted but to act as a deterrent to the market and to set limits and boundaries. It is far more sensible to do that in a straightforward and up-front way than in a very complicated way.

I said that I would try not to let my speech get too complicated. However, in the provisions that follow clauses 109 and 110, which I think were probably introduced by the Government in another place,

with agreement, such an offence starts off being described as civil. To try and get it past Strasbourg, an elaborate system is set up whereby in order to impose a penalty, one has to apply to a tribunal or the courts. The Bill is trying to set up by the back door a court system that would be much better set up by the front door.

The Government want to get the Bill on to the statute book. However, they have got this bit of it wrong; they should have been straightforward. I think that it is a good idea for a code to set out what constitutes market abuse. If the Government had brought that about, it would not be too difficult to secure convictions—but the very elaborate system set out in these provisions will go wrong. I advise the Government not to go further down that route, and, in so far as it is open to them on the amendments under consideration tonight, to correct the position.

Mr. Flight: May I first briefly comment on the code and the panel? However, as my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) said, I intend essentially to speak about intent in relation to market abuse.

I wish to report to our Liberal Democrat friends in particular the comments of Patrick Drayton, the head of the takeover panel, on the amendment. He says that the panel does not feel that the revised amendment addresses any of the concerns that it expressed in relation to the original Government amendment, and that subsection (3) does not address its concerns about the amendment raised in the note that it issued.

It remains the case, under the revised amendment, that the question of whether behaviour complies with the code and hence qualifies as a "safe harbour" would fall to be determined by the FSA in the first instance. That gives rise to—this is the whole problem—the potential for different interpretations of the takeover code, with messy consequences. It will cause uncertainty while the FSA decides whether it agrees with the panel. Disagreeing will have serious consequences for the reputation of each regulator. It may impact adversely on the panel's ability to interpret the takeover code flexibly, and parties may wish to seek clearance on interpretations of the code from the panel and the FSA.

The key problem is that the Government amendment does not sort out who is in charge of a bid situation. What weight would the FSA attach to an interpretation or practice of the panel that is notified to it under subsection (3)? What would happen if the FSA disagreed with an interpretation or practice?

Given the effort that the Government are putting into this, I assume that it is not their intent to accept the European Union directive on takeovers and mergers. Under the directive, the panel and the code would be things of the past, and mergers would be governed by statutory arrangements, with a great deal less flexibility.

I should like to have a last go at intent. My right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) made the key point that, sooner or later, whether from the EU or elsewhere, the courts will determine that the offence is criminal, and intent will have to be given voice. I repeat the earlier point that, although the Government have said that it is impossible to give intent a voice, there has been no problem in the United States with the Securities and Exchange Commission defining intent in relation to market abuse and what to look for as evidence of intent. Indeed, there are some provisions for doing just that.

Our attempt, in the amendment, is limited to the single limb of market abuse, consisting of giving a false or misleading impression. This is our last opportunity to include the principle of intent clearly into the Bill. For an innocent man or woman to suffer merely because someone misinterpreted what they said must be wrong. Individuals may not realise that what they said could be misleading or misunderstood. This is particularly relevant in a bid situation, when either side may make announcements.

The Minister seemed to misinterpret our amendment, which relates to amendment No. 131 to clause 113. Under our amendment, even though a person has committed market abuse, the FSA cannot impose a penalty in certain circumstances. If those circumstances are satisfied, the FSA can neither impose a penalty on the abuser nor issue a public censure. That will also be the position in relation to the requirement to pay compensation. We welcome both those concessions, which resulted from an undertaking given to the Joint Committee, but we would be grateful if the Minister would explain what happens in relation to market abuse. For example, is it treated as a disciplinary offence for an authorised firm or approved person? If that is the position, we would like to know that the FSA cannot impose a penalty under the disciplinary procedures.

The amendment would extend the exemption from a fine in two different ways. The first is to provide that a penalty cannot be imposed where the person concerned has not intended to give a false or misleading impression. That follows the criteria for the criminal offence of making misleading statements, which come within section 47 of the Financial Services Act 1986 and which are replicated in the Bill.

If somebody did not intend to give anyone a false or misleading impression and cannot be blamed for failing to realise that he might, it is surely too much of a nanny state and too unfair to subject him to any fine. The Bill provides already that the FSA's policy on fining must take into account when deciding on the size of the penalty whether the behaviour was deliberate or reckless. In that sense, the Bill demonstrates—intention is the key point—that recklessness can be recognised when it occurs. It follows that it is plain wrong to make somebody liable to a fine if he could not be expected to say something different from that which he said.

The second part of the amendment, on which I think the Minister did not comment, relates to Chinese walls. It is straightforward. As everyone will be aware, the Chinese wall is a concept within one financial services group to keep entirely separate corporate finance activity and the goings on in that area. The Government indicated in Committee in this place that, if a person employed by a firm on one side of the Chinese wall were to create a misleading impression because he did not know what was known by employees of the firm on the other side of the wall, that firm could not be guilty of market abuse. That is an important point that needs to appear in the Bill. It should not be left to the FSA to make a ruling.

The Government have amended the Bill to provide expressly, in the context of the criminal offence of making a misleading statement, that firms should not be guilty if

[Mr. Flight]

they were using an effective Chinese wall. That should therefore be spelt out expressly in the context of market abuse. We proposed a similar amendment in another place, and Lord McIntosh expressed surprise that we wanted a Chinese wall defence for individuals. The amendment before us makes our position clear.

We have suggested also an anti-avoidance provision, which would mean that the firm could still be guilty of market abuse if an individual on one side of the wall who is in possession of information tells someone on the other side of the wall to engage in the relevant behaviour, even though he does not tell him the nature of the information. Due to the speed with which we have had to table amendments, we have omitted a couple of words, which are "or requested" in addition to the requirement to engage.

As appears from amendment No. 128, the Government have amended the clause in another place in a way that we consider to be inappropriate. As a result of previous pressure on our part, the Minister agreed to introduce a provision that behaviour does not amount to market abuse if it conforms with the FSA rules. That appeared in clause 109 before it was amended in another place. As amendment No. 128 makes clear, the safe harbour for compliance with FSA rules now applies only if the rule includes an expressed provision that "behaviour conforming" does not amount to market abuse.

That leaves at large the possibility that compliance with other FSA rules may be viewed as market abuse, and that firms could be in a difficult position if they do what the FSA rules tell them. They could still find themselves engaging in market abuse. I cannot believe that the Government intended that to be the position. When we last debated the issue, we felt that we had resolved it.

We understand that the Government are afraid that a comprehensive safe harbour will validate market abuse, which is not supposed to come within it. Let us say that the rules provide that there should be best execution—that is buying or selling shares at the best price—and the firm concerned complies with that obligation but does so in a trade that in itself amounts to market abuse.

In the Government's view, the safe harbour for behaviour conforming to FSA rules will mean that a firm cannot be guilty of market abuse in those circumstances. That is a wrong interpretation; the rules do not require insider dealing to have taken place, and it cannot therefore conform with them. Firms need to know that they will not run the risk of being accused of market abuse if they do what the FSA rulebook tells them. Therefore, amendment No. 128 must be disagreed to. Similar amendments apply to restitution and clause 489.

8.45 pm

Dr. Vincent Cable (Twickenham): Several references have been made to my colleagues in the other place. Indeed, we have people there who are experienced City practitioners and lawyers. I am neither, but I shall try to interpret their approach to the problem that was brought to their attention by the takeover panel, which, as has been generally observed, was concerned about the way in which its practices should be properly incorporated into the Bill, and by independent investors who have been effectively protected by the way in which it operated.

Two essential problems have been adequately described. The first is duplication and overlap between the market abuse investigations and the work of the takeover panel and its City code, and the other is fairness, which the right hon. Member for Wells (Mr. Heathcoat-Amory) explained at some length. The principle of fairness means that a company that has complied in good faith with the takeover code should not be subject separately to a market abuse investigation—the problem of double jeopardy.

Our understanding is that that problem has been adequately taken on board. The Government have accepted the thrust of the criticism from the Opposition and the City that a safe harbour should be explicit in the Bill for companies that comply with the City code. Therefore, the basic point about unfairness has been adequately addressed, but that leaves a residual problem: how to deal with conflicting judgments. In other words, there can be different interpretations of compliance with the City code and its overlap with market abuse. That problem constitutes a narrow area of disagreement that still remains.

The broad proposition that guided debate in the other place was summarised by Lord Donaldson—a Cross-Bench peer, not part of the party politics on the matter. He said:

> My Lords, I take it that it has been generally agreed that, as a general proposition, in principle the views of the FSA on these matters should prevail over those of the Takeover Panel.—[*Official Report, House of Lords*, 18 May 2000; Vol. 613, c. 406.]

If there is a conflict of jurisdiction and a choice has to be made, the FSA should prevail. The amendments make that clear so that the uncertainty and ambiguity about which Conservative Members have expressed concern do not arise. However, in the view of peers and the takeover panel, the interests of the panel and its operation should be properly recognised.

Our understanding is that the reference to the panel's need to keep itself informed of how it interprets and administers the provisions is sufficient. That may be flabby language, as the right hon. Member for Wells said, but it represents an attempt to find a form of words in which the FSA's primacy is clearly accepted and in which the need to make cross-reference to the code is recognised. The peers' judgment was that there was no need to raise further objections because the fairness point had been accepted, the jurisdiction had been clearly defined and the work of the takeover panel had been incorporated. Therefore, 90 per cent. of the objections of those who were concerned with code and the takeover panel had been met.

Mr. Loughton: I have a few brief comments in support of Opposition amendment (b) in preference to the Government's ham-fisted effort amendment (a). I take it that the Liberals support the Government's amendment as they seem to have done some strange deal in another place.

The panel of takeovers and mergers, which has had a good track record for more than 32 years, is under attack from the Government. Can the Minister give me any example from those 32 years of when the panel would have done its job better, or of when it failed in its job because it did not have another authority—such as the FSA—constantly looking over its shoulder or because

such an authority was in competition with the regulation that the panel was trying to impose? If the Government get their way, there will be a severe case of too many cooks spoiling the broth.

It is not only Opposition Members who say that; the takeover panel itself expressed serious concern—even after the Government cobbled together their new amendments. My hon. Friend the Member for Arundel and South Downs (Mr. Flight) quoted Patrick Drayton, the director general, whose comments on the amendment are littered with warnings of the uncertainty that will be caused. Mr. Drayton warns that the UK system will become slow and over-regulated. The uncertainty will have serious consequences for the reputation of each regulator.

Those are serious words from an organisation that has acquitted itself exceedingly well in the conduct of takeovers and mergers in the City of London for the past 32 years. My right hon. and learned Friend the Member for North-East Bedfordshire (Sir N. Lyell) has an understanding of the legal implications of the measure that is infinitely superior to that of the rest of us—as the Minister found to her cost. As he pointed out, it comes down to a question of control. The Government are obsessed that the FSA should keep control in that matter and that they should keep control of the FSA, even though there is the prospect of a serious clash—potential double jeopardy, as my right hon. Friend the Member for Wells said earlier.

Why do the Government want to denigrate the success of the panel by causing confusion as to its future role? The panel has been successful because it offers speed, certainty and flexibility in takeovers. In Committee and subsequently, Government Members gave as a reason for not splitting the roles of the chairman and chief executive of the whole authority the need to act swiftly when there were potential cases of market abuse or other issues that required action. Some of the fastest-moving aspects of the financial services industry relate to the mergers of large firms in a highly cut-throat and competitive market. They are playing for large stakes; huge fees are involved for an enormous phalanx of professionals in the City and abroad.

The reason for the great success of the takeover panel is that it exists in a spirit of co-operation with the people it supposedly regulates; it relies on a huge reputation for integrity in the City of London. This is a case of "If it ain't broke, don't fix it." Would the takeover of Mannesmann by Vodafone or the merger under way between Glaxo and SmithKline Beecham have happened as smoothly—especially as there were other suitors on the horizon—if organisations other than the takeover panel had been involved? The panel has a clearly defined code of conduct for such matters, but what would have happened if another authority had had a look-in at the feast? We know that one large takeover—the merger between British Airways and American Airlines—was frustrated because of excessive regulation, especially in Europe and America. The whole deal was called off.

There is potential for extra confusion as a result of the Government's proposals to replace the Lords amendment. We desperately need to be able to take decisions quickly. Two decision-making bodies might come up with two different decisions. That must take longer than if just one were involved and it would materially affect the outcome of any takeover that may be taking place.

We also need to be assured that the FSA is capable of working within the tight time scales within which the takeover panel operates; it usually makes a ruling within 60 days. If the Government amendment is accepted, the panel's decisions will no longer be final. However, we need the certainty that any decision will be final. The amendment will deter co-operation between takeover partners and the takeover panel, because the partners might fear that they may be implicated in market abuse. There will be great confusion as to whose interpretation of the takeover code is conclusive. Will it be the interpretation of the takeover panel or that of the FSA?

My biggest fear has already been mentioned. There is a real threat that parties could deliberately drag the FSA into their attempt to frustrate a bid. They could use that as a spoiling tactic to sabotage a takeover. In the world of takeovers and mergers, an unwilling party who is the subject of a takeover bid has an incentive to do just that.

All that confusion will replace the well-versed certainty and successful track record of the takeover panel. Extra overlap, over-complication and uncertainty all amount to over-regulation. As we have found out during its passage through Parliament in the past two years, that is what the Bill is all about.

What are the compensating benefits of the additional powers that the FSA will have to stick its nose into takeover panel territory? Where has the panel gone wrong? What will be better as a result of the new role that is proposed? Our amendment (b) would not mean that all powers would be given exclusively to the takeover panel. The amendment contains the phrase:

Except at the request of . . .

If the panel deems it appropriate, it could call in the FSA at an early stage. The matter would be left to the discretion of the panel; our amendment would not give it powers wholeheartedly and irreversibly. The panel would co-operate with the FSA, but it needs to be clear who has the upper hand during a sensitive takeover bid.

As my right hon. and learned Friend the Member for North-East Bedfordshire pointed out, our amendment contrasts with the meaningless waffle in Government amendment (a) which states that

the Authority must keep itself informed.

What does that mean? It means that, if a large multinational company is trying to make a friendly merger with, or a hostile takeover of, another large company, certainty and clarity will go out of the window. Only by accepting amendment (b) can we restore the credibility, confidence and clarity that the City so desperately needs and that will be such an important part of its continued success.

Miss Melanie Johnson: I shall deal first with the takeover panel and return to the other points later.

The hon. Member for Twickenham (Dr. Cable) is no longer here as he has had to go home because of a family illness. However, he rightly sketched out the two issues involved and pointed out that the remaining problem was overlap. He explained what would happen if there were conflict. It is interesting that the right hon. and learned Member for North-East Bedfordshire (Sir N. Lyell) admitted that overlap would not often occur. The implication of his remarks was that it would, as we believe, occur rarely. It will certainly be a rare event, so

[Miss Melanie Johnson]

the question is who, ultimately, will determine an issue if there is any dispute about it which relates to market abuse. We say, as we have always said, that the FSA must take such decisions at it is the statutory regulator and the accountable body. People have recourse to definitions of market abuse in the Bill and to the independent tribunal. Those matters contribute to the provision on the work of the market abuse regime and stop it being something that it should not be.

9 pm

Sir Nicholas Lyell: Perhaps I did not make myself clear, but the hon. Lady has taken one part of my speech and transferred it to another. I said that there would not be many prosecutions for market abuse, which is entirely different from the turmoil that can be created by players in the market seeking to frustrate takeovers by contrasting the views of the FSA with those of the takeover panel. I certainly did not say that that would not be frequent. My hon. Friends frequently make the important point that it is one of the dangers of the current position, about which the takeover panel rightly warns.

Miss Johnson: I apologise if I misunderstood the right hon. and learned Gentleman. None the less, we believe that such disputes will be rare. We can be persuaded to believe that, because so far there have been few problems with judicial review—even though there is currently an overlap between the regulatory regime and the takeover panel's code, and between that code and the criminal offences of insider dealing, market manipulation and misleading statements and practices.

Those overlaps could be used in the takeover process in the same way that Opposition Members and the takeover panel worry that they could be used in the market abuse regime. To date, people have not sought to frustrate takeover bids by such means. The only thing that will change after the introduction of the new market abuse regime is the potential degree of overlap, not its nature or form.

It is hard to see how involving the FSA will have any impact on the bid's timetable. That is the panel's main concern, but no one has given a plausible explanation of the way in which that might occur. The panel said that it is worried about injunctions for market abuse, but they would be aimed at the abuse, not the merits or otherwise of the bid, and would not interfere in the takeover process. Indeed, under current provisions there has been no interference in the overlap between the takeover panel and certain areas of legislation.

I therefore presume that no has ever pressed the FSA to seek injunctions under section 61 of the Financial Services Act 1986 alleging possible breach of the market manipulation offence. That course is open to people who are in the process of takeovers, but to my knowledge it has never been taken.

Mr. Loughton: Surely there could be real change to the timetable for a bid if it became known that the FSA was looking into market abuse regulations. Acceptances of a takeover would inevitably fall off so that, at the first acceptance date, the required number of acceptances would not be forthcoming and the bid would be pushed further back. Indeed, a takeover could be suspended if it was surrounded by uncertainty caused by the FSA, which would surely affect the timetable.

Miss Johnson: The hon. Gentleman used the word "surely", but he did not give any reasons why that situation should arise. Concern has been expressed that the courts will force the FSA to intervene. However, it has a stated policy of not seeking to intervene, except in exceptional circumstances. As Lord McIntosh explained in another place, it is clear to us, as it is to the FSA, that it could adopt a policy of not intervening where it thought that it was being dragged in for tactical reasons. There is no reason for it not to take that course of action. It is clear that it could adopt a policy of leaving it to the panel to take action where it is satisfied that the panel can deal with the mischief adequately.

Mr. Heathcoat-Amory: Did not the hon. Lady listen to my points about that? She is just reading out her brief without responding to the points that we have made. The authority's self-denying ordinance will not work. If it has the ability to intervene, it is vulnerable to a judicial proceeding that requires it to intervene. It is no good the Minister simply saying that the FSA may decide that, in general, it will not intervene. Provided that it has the power to do so, it will have to examine the circumstances when it is requested to do so, and that will cause the delay and the possibility of litigation about which we have been complaining.

Miss Johnson: I do not know who is not listening to whom. I have just explained that although there is already a significant overlap in legislation which could cause people to interfere in the work of the takeover panel—as the right hon. Gentleman fears might occur—that course of action has not been taken. So, there is no reason to believe that it will be taken any more often in the case of market abuse than it has in matters that might be more vigorously pursued and which certainly count as more serious legally.

Mr. Tyrie: If what the Minister says is correct, she is effectively stating that there will be no overall effect on takeover practice as a consequence of the Government's decisions and this legislation. Is that her view? Does she expect no change in the number of takeovers?

Miss Johnson: I expect that the FSA and the takeover panel will need to work closely together to sort out the practical arrangements. Indeed, they are in the process of doing so. Those practical arrangements need to be sorted out, but I expect very little or no change in the takeover panel's ability to work. As I said in my opening remarks, none of us differs in the objective. The only question is how best to achieve it given the problems lucidly set out by the hon. Member for Twickenham.

Mr. Tyrie: I was trying to draw out the Minister on the point made by my right hon. Friend the Member for Wells (Mr. Heathcoat-Amory). He said that the threat of judicial review could generate a change in behaviour and that that would lead to a change in the number of takeovers that eventually go through. Is it the Minister's considered view that there will be no change in behaviour and in the number of takeovers as a consequence?

Miss Johnson: I think that I have already answered that point. The right hon. Member for Wells

(Mr. Heathcoat-Amory) touched on the Datafin case. I cannot recall his exact remarks, but that case obviously formed the basis of the position that the courts have adopted on judicial interference in takeovers. As a result, the courts may not look kindly on parties to a bid and others involved in the bid seeking to circumvent such an approach.

Again, I refer Opposition Members to the remarks of Lord Donaldson. He said that the amendment that we tabled in the Lords, which was very similar to the slightly enhanced one before us, was all that was necessary. He has had a considerable amount to do with these matters. If we are seeking legal justification for which way things are likely to go, Lord Donaldson's views are important and should be taken into account.

Questions were asked about the way in which safe harbour would work in relation to the existing takeover panel provision. Part of Lords amendment No. 180 states:

"the opinion of the panel" includes any revised opinion formed by the Panel as a result of any further consideration

in conformity with the City code

as applied by the Panel and as amended from time to time by the Panel.

Therefore, in respect of takeovers, the panel would be able to say what is not market abuse. The crux of the issue is the fuss that would have arisen had we said that market abuse is whatever the FSA says it is, and that, at least in respect of takeovers, the FSA can change its mind case by case, without consulting anyone or being accountable to anyone. Had we made such proposals, extreme concerns would, rightly, have been expressed in Committee, in the House of Commons and in another place.

There are practical problems with the Lords amendment which have not been properly thought through. In addition, there are significant differences between Lords amendment No. 180 and the Opposition amendment in lieu, and I am not clear which is the preferred approach. The two amendments would not have the same force. The Lords amendment makes no provision for a gatekeeper role, which arises in the amendment in lieu. I am not clear how the Opposition want to pursue their case.

The right hon. and learned Member for North-East Bedfordshire asked about the takeover panel and the precedents for subsection (3) of the Government's proposed new clause, and he said that the provision is unusual. I refer him to clauses 307 and 316 of the Bill as it stands, which relate to Lloyd's and the designated professional bodies.

The hon. Member for Arundel and South Downs (Mr. Flight) asked precisely what weight the FSA would attach to the panel's rulings. We expect the FSA to attach considerable weight to them. The panel's view will be highly persuasive in takeover matters. If disagreement arises, we believe that, as the statutory regulator in respect of market abuse, the FSA's view should be the determining view; however, we also believe that disagreement is most unlikely in such cases.

We have spent a long time debating the ingredients of a good market abuse regime—one in which people clearly understand the definition of market abuse, the means by which that definition has been reached, what safe harbours exist in respect of market abuse and, therefore, how they can comply with the regime and so ensure that they do not engage in market abuse. Such provisions will be considerably undermined if we accept the Lords amendment or the Opposition's amendment in lieu, as to do so would leave many issues open to further debate. In addition, there would be not one but two bodies with effective responsibility in respect of market abuse; it is easy to foresee the consequences of that.

The right hon. and learned Member for North-East Bedfordshire also raised the issue of the European convention on human rights. The ECHR institutions regard the classification of provisions in national law as not conclusive in respect of our categorisation for convention purposes. A person who engages in market abuse will not commit an offence under UK law and will not have a criminal record. That is an important point to emphasise. Intent is not a necessary element of a criminal offence, as I am sure I do not need to point out to the right hon. and learned Gentleman.

9.15 pm

The provisions of the Bill are compatible with the European convention on human rights. They were compatible with article 6 relating to civil matters before the Joint Committee deliberated, but the changes made after the Joint Committee will provide the additional safeguards required in the regime if it were found to be criminal. Those extra safeguards make it absolutely sure that people will have recourse to the elements that will make the provision compliant with the European convention.

A number of offences contain no element of intent. That point was raised by the right hon. Member for Wells. I refer to section 4 of the Financial Services Act 1986, which covers investment business without authorisation, about which a similar point may be made.

The key differences between us are small. It is worth while running through the differences between the Lords amendments and the Opposition amendments. The amendment carried in the Lords is concerned with safe harbours and allows the FSA to provide a safe harbour for behaviour when the panel thinks it is in conformity with the code, whereas the Opposition amendment before us would provide a gatekeeper to enforcement action and would prevent the FSA from taking any action during a takeover unless the panel requested it to do so.

I have outlined why I believe that the arrangements that we have put in place for the takeover panel are the rights ones. We accept that there is a difficulty to be dealt with. We believe that we have dealt with it properly and in a way that maintains the coherence and integrity of the market abuse regime while allowing the takeover panel to continue its work, as we expect it to do, in dealing rapidly and effectively with takeovers. That is what we believe will be the upshot of the support that I hope the House will give to our amendment.

Lords amendment agreed to.

Lords amendments Nos. 128 to 130 agreed to.

Clause 113

POWER TO IMPOSE PENALTIES IN CASES OF MARKET ABUSE

Lords amendment: No. 131, in page 54, line 6, at end insert—

"( ) But the Authority may not impose a penalty on a person if, having considered any representations made to it in response to a warning notice, there are reasonable grounds for it to be satisfied that—

(a) he believed, on reasonable grounds, that his behaviour did not fall within paragraph (a) or (b) of subsection (1); or

(b) he took all reasonable precautions and exercised all due diligence to avoid behaving in a way which fell within paragraph (a) or (b) of that subsection."

Amendment proposed to the Lords amendment: in line 9, after final 'subsection', insert ': or—

(c) he did not intend to give anyone a false or misleading impression falling within section 109(2)(b) and in engaging in the relevant behaviour he was not reckless as to whether he might give anyone that false or misleading impression; or

(d) where the relevant behaviour fell within section 109(2)(b) and was engaged in by a person other than an individual, the impression given by his behaviour was misleading only because of information which the individual who engaged in that behaviour on his behalf did not know about and that individual was an individual to whom subsection ( ) applies.

( ) This subsection applies to an individual if the information was withheld from him in circumstances permitted by control of information rules and he was not directly or indirectly required to engage in that behaviour by a person who did know the information.'.—[*Mr. Heathcoat-Amory.*]

Question put, That the amendment to the Lords amendment be made:—

The House divided: Ayes 112, Noes 301.

Division No. 212] **[9.19 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Collins, Tim
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Geoffrey Clifton–Brown and
Mr. Peter Luff.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim

Fitzsimons, Mrs Lorna
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Llwyd, Elfyn
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Greg Pope and
Mr. Mike Hall.

Question accordingly negatived.

Lords amendment agreed to.

Lords amendments Nos. 132 to 179 agreed to.

New Clause

Lords amendment: No. 180, after clause 149, to insert the following new clause—*Market abuse: behaviour conforming with City Code—*

("CHAPTER IIA

POLICIES RELATING TO TAKEOVER REGULATION

.—(1) Subject to subsections (2) and (3), the Authority is authorised to include in the code issued under section 110 a statement that behaviour of a person which is in conformity with the City Code does not amount to market abuse.

(2) Subsection (1) does not apply in respect of behaviour which satisfies the condition in section 109(2)(a).

(3) A statement made under subsection (1) may include such conditions and limitations as the Authority considers appropriate, including conditions and limitations specifying the behaviour and the persons covered by the statement.

(4) The Authority may at any time alter or replace any statement made under subsection (1).

(5) If a person behaves in a way which fulfils the requirements of any statement included pursuant to subsection (1) in the code issued under section 110, that behaviour of his is to be taken, for the purposes of this Act, as not amounting to market abuse.

(6) In this section—

"behaviour of a person which is in conformity with the City Code" means behaviour of a person which in the opinion of the Panel conforms with the responsibilities imposed on that person by the City Code;

"the opinion of the Panel" includes any revised opinion formed bythe Panel as a result of any further consideration;

"City Code" means the City Code on Takeovers and Mergers issued by the Panel as applied by the Panel and as amended from time to time by the Panel;

"the Panel" means the Panel on Takeovers and Mergers.")

Motion made, and Question put, That this House disagrees with the Lords in the said amendment.—*[Mr. Jamieson.]*

The House divided: Ayes 304, Noes 110.

Division No. 213] **[9.35 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*

Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mr. Clive Betts and
Mr. Mike Hall.

NOES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Grieve, Dominic
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mrs. Eleanor Laing and
Mr. Peter Luff.

Question accordingly agreed to.

Motion made, and Question put, That amendment (a) in lieu of Lords amendment No. 180 be made.—[*Mr. Timms.*]

The House divided: Ayes 302, Noes 110.

Division No. 214] **[9.48 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*

Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheffld Heeley)*
Milier, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Opik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mr. Clive Betts and
Mr. Graham Allen.

NOES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Collins, Tim
Cran, James
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Grieve, Dominic
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyne, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and
Mr. Peter Luff.

Question accordingly agreed to.

Lords amendments No. 181 and 182 agreed to.

Clause 150

INTERPRETATION

Lords amendment: No. 183, in page 70, line 28, leave out from ("a") to end of line 30 and insert

("significantly adverse effect on competition if—

(a) they have, or are intended or likely to have, that effect; or

(b) the effect that they have, or are intended to have, is to require or encourage behaviour which has, or is intended or likely to have, a significantly adverse effect on competition.

( ) If regulating provisions or practices have, or are intended or likely to have, the effect of requiring or encouraging exploitation of the strength of a market position they are to be taken, for the purposes of this Chapter, to have an adverse effect on competition.")

Amendment proposed to the Lords amendment: after "position", insert ', or of prejudicing the competitive position of the United Kingdom,'.—*[Mr. Heathcoat-Amory.]*

Question put, That the amendment to the Lords amendment be made:—

The House divided: Ayes 129, Noes 283.

Division No. 215] **[10.1 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Baldry, Tony
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Butterfill, John
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cran, James
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Greenway, John
Grieve, Dominic
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Keetch, Paul
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkwood, Archy
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Geoffrey Clifton-Brown.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berrningham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul

Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheffld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Noes:
Mr. Clive Betts and
Mr. Graham Allen.

Question accordingly negatived.

Lords amendment agreed to.

Lords amendments Nos. 183 to 267 agreed to.

Clause 223

AWARDS

Lords Amendment: No. 268, in page 115, line 1, leave out from ("for") to ("of") in line 4 and insert ("—

(a) financial loss; or

(b) any other loss, or any damage,")

10.15 pm

Mr. Timms: I beg to move, That this House agrees with the Lords in the said amendment.

The amendment is technical; it clarifies subsection (3) of clause 223 and results from concerns raised on Report in another place that the provision might be open to misinterpretation. There was concern that the subsection might be read as requiring the ombudsman to try to construct hypothetical contracts, or to award compensation according to whether there had been a breach of an actual contract.

In fact, the provision was only ever intended to set out the type of loss or damage for which the ombudsman could make awards. To require the ombudsman to make awards based on actual or hypothetical contracts would contradict the principle set out in clause 222 that cases should be determined on the basis of what is

fair and reasonable in all the circumstances.

The amendment puts matters beyond doubt. It recasts subsection (3) so that the reference to awards of a kind a court could make for breach of contract is replaced by a more straightforward distinction between financial loss and other loss or damage "of a specified kind". I commend the amendment to the House.

Mr. Flight: I raise one point for clarification. The ombudsman schemes allow consumers redress to the courts if they are not happy with the scheme, with a three-year time limit from when they first raise a matter. In several cases, the Personal Investment Authority ombudsman took at least two years to address a matter and time ran out, so the issue is whether the three-year

period should run from the time of the first referral or whether the time taken by the ombudsman should be excluded when calculating the three-year period.

Mr. Timms: The standard limitation period is, of course, six years, although it can vary according to the type of case and according to judicial discretion. If a lengthy complaint was before the ombudsman and a statute bar appeared on the horizon, it would be up to the consumer to institute protective court proceedings to ensure that the limitation period did not run out. Perhaps I could provide the hon. Gentleman with further information to resolve the question that he raises.

Lords amendment agreed to.

Lords amendment No. 269 agreed to.

New clause

Lords amendment: No. 270, after clause 229, to insert the following new clause—*Open-ended investment companies*—

".—(1) In this Part "an open-ended investment company" means a collective investment scheme which satisfies both the property condition and the investment condition.

(2) The property condition is that the property belongs beneficially to, and is managed by or on behalf of, a body corporate ("BC") having as its purpose the investment of its funds with the aim of—

(a) spreading investment risk; and

(b) giving its members the benefit of the results of the management of those funds by or on behalf of that body.

(3) The investment condition is that, in relation to BC, a reasonable investor would, if he were to participate in the scheme—

(a) expect that he would be able to realize, within a period appearing to him to be reasonable, his investment in the scheme (represented, at any given time, by the value of shares in, or securities of, BC held by him as a participant in the scheme); and

(b) be satisfied that his investment would be realised on a basis calculated wholly or mainly by reference to the value of property in respect of which the scheme makes arrangements.

(4) In determining whether the investment condition is satisfied, no account is to be taken of any actual or potential redemption or repurchase of shares or securities under—

(a) Chapter VII of Part V of the Companies Act 1985;

(b) Chapter VII of Part VI of the Companies (Northern Ireland) Order 1986;

(c) corresponding provisions in force in another EEA State; or

(d) provisions in force in a country or territory other than an EEA state which the Treasury have, by order, designated as corresponding provisions.

(5) The Treasury may by order amend the definition of "an open-ended investment company" for the purposes of this Part.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—[*Miss Melanie Johnson.*]

Mr. Deputy Speaker: With this we may discuss amendments (a) and (b) thereto and Lords amendments Nos. 271 and 558.

Mr. Flight: The new clause that will be inserted in the Bill by amendment No. 270 is technical, but it is important for domestic and international funds. Domestically, it will govern the regulations to which the fund vehicle is subject and whether that is prospectus law or the marketing of collective investment schemes. For companies established outside the UK, it will determine the tax regime that will apply. Therefore, accuracy and clarity of definition are important.

The new clause provides that a company will be open-ended only if it satisfies the two conditions—the property and investment conditions—that are set out in the Bill, and amendments (a) and (b) relate to the investment condition. Under subsection (3) of the proposed new clause the investment condition will be satisfied if a reasonable investor is able to realise his investment within a reasonable period. Our amendments would sharpen up that test.

Under amendment (a), a company will not be open-ended if the investor can receive his money back on the liquidation of the company, but the Government's definition does not appear intended to include a liquidation. A company's byelaws often provide that it is to be wound up at a specified later date, so someone who becomes an investor close to that later date could be deemed to be able to realise his investment within a reasonably short period. Therefore, different categories of open or closed-ended could apply, depending on when different investors invest in a fund.

Amendment (b) would impose important restrictions on what is meant by realising an investment. As it stands, the condition will be satisfied, as is normally the case, if shares are transferable and the investor knows that he can sell his shares to someone else. It would be wrong to treat a company as open-ended for that reason. Our amendment uses the words in the undertakings for collective investment in transferable securities directive which allows cross-border marketing within the European Union of certain classes of collective investment scheme. That wording also appears in the Financial Services Act 1986 and it should continue to be used. The concept of an open-ended company relates to one that can buy back its shares and our wording covers that.

It is wrong to provide for a company to be open-ended if the expectation is that the investment can be realised within a reasonable period. We thought about submitting a specific definition of time although we did not wish to undo the constructive negotiations that are taking place between the Treasury and the industry. However, it will be useful for the FSA to specify what "reasonable" means so that there is clarity. That is particularly important for non-UK funds where an unknown change in the tax position could have a material effect on UK investors.

For example, if the rules of a fund provide for a right of redemption to arise one year down the line and the fund manager thinks that that is outside the reasonable period required by investor conditions, he will proceed on the basis that the company is not an open-ended investment company and therefore not a collective investment scheme. If the regulator or tax inspector takes a different view, there will be conflict and a tremendous tax row.

I raised this issue in Committee, but there is still a lack of clarity in the Bill. What would happen if one investor says that the period is reasonable and another says that it is not? The fund could be open-ended if it followed the advice of one and closed-ended if it followed the advice of the other.

[Mr. Flight]

There might be scope to address the issue by FSA regulation, but it would be helpful if the Government could tell us that they are committed to tidying up these loose ends and potential conflicts.

Miss Melanie Johnson: Amendment (a) seeks to specify the time at which the expectation of the reasonable investor whom we have postulated for the purposes of the investment condition leg of the OEIC definition should be assessed. It proposes that the assessment should take place when the investor decides to participate in the scheme.

The Government have stressed the importance of flexibility in all the debates on the definition of an OEIC. By defining an OEIC in the Bill and introducing regulations governing their incorporation and operation, we are facilitating important developments in the UK collective investment schemes industry, and it is essential that we do not stifle future innovation by being overly prescriptive in framing the definition. Indeed, when the Government introduced the current definition, the Opposition's spokesman in another place welcomed it as providing

a much more flexible and forward-looking definition of open-ended investment schemes.—[*Official Report, House of Lords*, 30 March 2000; Vol. 611, c. 942.]

The Opposition amendment would introduce an element of ambiguity that is absent from the definition. To specify

the time he decides to participate in the scheme

begs the question whether that is when the investor makes his decision or when he will participate, which could be some time later than his decision.

Any words specifying a particular time are unnecessary because it is clear that the relevant time of the assessment to be made by the hypothetical investor is immediately prior to hypothetical participation in the scheme. The fact that the investor and his investment are hypothetical means that the idea of him deciding to participate is the wrong approach to the point. The proposition needs to expressed in conditional language—hence

if he were to participate . . .

The fact that the investor is hypothetical also ensures that the test is flexible. It is a test that can be applied from time to time to allow for the possibility that a closed-ended company can become open-ended and vice versa, on account of significant changes to the way in which the operation of the company and its constitution are structured which push the company over the boundary between the two types. The test has been put together with the need to accommodate changes specifically in mind. This is a dynamic industry—we must have a dynamic definition.

Mr. Tyrie: To be perfectly honest, I have not got a clue what the Minister is on about. I may be alone in that, but for my benefit at least, will she summarise in plain English what she is trying to say?

Miss Johnson: I shall endeavour to do so. There are two types of investment companies—open-ended and closed-ended—and both need to be clearly defined. Schemes can move between one arrangement and the other, depending on how quickly they can be realised. That point was made by the hon. Member for Arundel and South Downs (Mr. Flight). We want a definition that is flexible but not unduly ambiguous, and we are concerned that the Opposition amendment would introduce ambiguity that is absent from our present definition.

Mr. Flight: Our particular concern is that under the present arrangements a scheme can be open-ended and closed-ended at the same time, depending on when an investor invests.

Miss Johnson: I am not sure whether the hon. Gentleman's point relates to liquidation, with which I am about to deal. I am puzzled by his remark, which does not square with what I understood to be the effect of the Opposition amendment. It is clear that under the hon. Gentleman's proposal the test would exclude a company that was about to go into liquidation. We are talking about a reasonable investor. Someone who invests in a company knowing that it is about to be liquidated—and, for all he knows, it may be an insolvent liquidation—is not a reasonable investor. That is a question of common sense. The same goes for the other exclusions: a reasonable investor would not invest in the expectation that the company was going to default.

Mr. Flight: Many closed-ended investment companies provide that their life will end by liquidation at a certain date. If an investor, who may or may not be fully aware of that provision, invests within six months of that date, his investment will have a life of only six months and will then be liquidated, so he could be judgeable as investing in an open-ended company. That situation particularly applies to closed-ended non-UK funds. That has tax consequences because his investment, which he thought was to be in a closed-ended fund, becomes open-ended and does not have distributing status. The investor thus ends up with an income tax bill on the total return rather than capital gains tax as he expected, so the matter is one of liquidation in the context of closed-ended funds that end their life in the liquidation of assets.

10.30 pm

Miss Johnson: The answer to that point is that we emphasised when we introduced the definition that its aim and effect is to cover companies that look, to a reasonable investor, like open-ended collective investment schemes. I appreciate that the hon. Gentleman is alleging that a closed-ended scheme looks like an open-ended one if it is approaching liquidation, but that is not our understanding of the way in which it would be regarded.

The investor's expectations could involve consideration of when he would be able to invest in the company and when, having done so, he would be able to realise his investment. A reasonable investor's overall expectations of potential investment in a company when its status with respect to the definition is being judged will determine whether it meets the definition. The matter is therefore definitional rather than one of proximity to liquidation.

Amendment (b) specifies what is meant by "realise his investment". The effect would be to limit realisation to the repurchase or redemption of the shares or their sale on an investment exchange arranged by the company.

That would be an unacceptable limitation on the means by which an investor can realise his investment. It would prevent the development of OEICs allowing realisation by other means in certain circumstances and thus restrict the types of OIECs that the Government, the FSA and industry may in future want to be made available.

In another place, the Opposition expressed interest in the definition allowing

scope for a wider range of authorised funds which are intended for domestic consumption—[*Official Report, House of Lords*, 30 March 2000; Vol. 611, c. 943.]

The amendment would run counter to future efforts to do precisely that.

Similar companies established outside the UK must be capable of coming within the definition. For example, companies may have a mixture of shares—some redeemable, some not. Those partly open-ended, partly closed-ended companies enable investors to realise their investments without having their shares redeemed, repurchased or sold, perhaps by raising loan funds to pass on to investors who want to realise their investments.

In such a case, the hypothetical reasonable investor should look at the company as a whole. He will think to himself, "If I invest in this body, would I expect to be able to realise my investment and be satisfied that the value would, on the whole, be calculated in the specified way?" If the answer is yes, the company should fall within the definition. Amendment (b) would preclude that.

However, I reassure Opposition Members that the forms of realisation that they specify are covered by the current definition. With that, and my earlier comments, I hope that they will find it possible to withdraw the amendment.

Mr. Flight: We had not intended to put the issue to the vote; it is highly technical. I believe that the Government's intent is bona fide, but there are still some problems. Perhaps we might discuss the matter, as it is purely an industry one. The broad intent must be clarity for an investor in assessing whether he is investing in an open-ended or closed-ended company. We do not wish to press our amendment to the vote.

Lords amendment agreed to.

Lords amendments Nos. 271 to 442 agreed to.

New Clause

Lords amendment: No. 443, after clause 342, to insert the following new clause—*Authority's duty to co-operate with others*—

.—(1) The Authority must take such steps as it considers appropriate to co-operate with other persons (whether in the United Kingdom or elsewhere) who have functions—

(a) similar to those of the Authority; or

(b) in relation to the prevention or detection of financial crime.

(2) Co-operation may include the sharing of information which the Authority is not prevented from disclosing.

(3) "Financial crime" has the same meaning as in section 6.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—[*Miss Melanie Johnson.*]

Mr. Heathcoat-Amory: I have a question or two about the new clause that the amendment would insert. It would place on the authority an obligation to co-operate and share information with

other persons (whether in the United Kingdom or elsewhere).

What restrictions are placed on that? For example, is it envisaged that the authority will share information with private investigators, or will disclosure be confined to the public sector? As it stands, the only restriction is that the persons to whom information will be given must be connected with the prevention or detection of financial crime. That is a wide definition. Many bodies and people could claim to be preventing or detecting crime, but it would nevertheless be unwise to share information with them.

Will information be provided only on a reciprocal basis? Otherwise, we could disclose information to parties, particularly in other countries, without any reciprocal arrangement—they may have banking secrecy laws, for instance. I believe it wrong for this to be a one-way street. Perhaps the Minister could enlighten us a little about how the new clause will operate.

Mr. John Butterfill (Bournemouth, West): In her response, will the Minister say what the definition of "crime" will be? What may be a crime in this country may not be a crime in some other regulatory regime, and vice versa. What will be the test of what amounts to a financial crime? Will any other jurisdiction that may have a completely different definition of crime be able to request this information from us, even though the act concerned may not be a criminal act in this country?

Miss Melanie Johnson: The right hon. Member for Wells (Mr. Heathcoat-Amory) asked to whom disclosure may be made. I refer to the restrictions contained in part XXIII, which will apply in this case as elsewhere. Financial crime is defined in clause 6(3), and that definition of crime is to be understood in this context.

I hope that that answers the points raised, but if the right hon. Member for Wells or the hon. Member for Bournemouth, West (Mr. Butterfill) have further queries I shall undertake to write to them, as there is no amendment on that subject.

Mr. Heathcoat-Amory: With the leave of the House, Mr. Deputy Speaker. I am grateful to the Minister for her offer to write to us. She clearly does not have the information that we requested. She points me to other provisions in the Bill, but it would have helped if she had answered the questions that my hon. Friend and I asked. I think that we will take up her offer to enlighten us by correspondence.

I am slightly surprised that the Government, having tabled amendments at this very late stage, apparently do not have the answers to our questions at their fingertips. We are trying to be sparing with our questions, given the short time we have in which to debate these important amendments. When we alight on something of more general interest, it would assist if we could have immediate answers.

10.45 pm

Miss Johnson: I thought that I had in outline answered both the main points that the right hon. Gentleman and his hon. Friend made. I offered to write to them only in the event of their wanting more detail on those outlines—

[Miss Johnson]

if, indeed, there is more to be said. I am happy to supply more information, but I believe that they have had a basic answer to both points.

Lords amendment agreed to.

Lords amendments Nos. 444 to 588 agreed to.

Schedule 1

THE FINANCIAL SERVICES AUTHORITY

Lords amendment: No. 589, in page 219, line 8, leave out sub-paragraph (4) and insert—

("(4) in a case where the investigator—

(a) has reported that a complaint is well-founded, or

(b) has criticised the Authority in his report,

the investigator may include in his report a recommendation to the Authority that it takes steps to remedy the matter complained of including, if appropriate, by making an ex-gratia payment.")

Motion made, and Question proposed, That this House agrees with the Lords in the said amendment.—*[Miss Melanie Johnson.]*

Mr. Deputy Speaker: With this it will be convenient to discuss the amendment thereto and Lords amendments Nos. 590 and 591.

Mr. Flight: The issue raised by Lords amendment No. 589 and our amendment to it is one of the most important outstanding issues. Given the virtual legal immunity enjoyed by the FSA, it is essential that there should be a full, clear and open complaints scheme. The Government accepted Lords amendment No. 589 in the other place; our amendment to that amendment was, I believe, supported in the Lords, but was not actually tabled.

To put it simply, our amendment proposes that the investigator should be able, if he sees fit, to investigate complaints, whether or not the FSA has recommended him so to do. It also proposes that the complaints scheme should confer on the investigator the power to recommend to the authority, as he sees fit, appropriate compensatory payments or any other remedies. Together with Lords amendment No. 589, it would give an independent complaints investigator the power to look into complaints and recommend appropriate redress, fairly and without being leant on by the FSA.

Miss Melanie Johnson: I can be brief. I am grateful to Opposition Members for seeking to restore the safeguard that seemed to have been unwittingly removed during debate in the other place on amendment No. 589. We are happy to support the amendment to the amendment, which, as the hon. Gentleman says, restores one of the safeguards of the investigator's independence.

Lords amendment and amendment thereto agreed to.

Lords amendments Nos. 590 and 591 agreed to.

Schedule 3

EEA PASSPORT RIGHTS

Lords amendment: No. 592, in page 229, leave out line 19 to 23 and insert—

("12.—(1) Once an EEA firm which is seeking to establish a branch in the United Kingdom in exercise of an EEA right satisfies the establishment conditions, it qualifies for authorisation

(2) Once an EEA firm which is seeking to provide services in the United Kingdom in exercise of an EEA right satisfies the service conditions, it")

Motion made, and question proposed, That this House agrees with the Lords in the said amendment.—*[Miss Melanie Johnson.]*

Mr. Deputy Speaker: With this we may discuss Lords amendments Nos. 593, 594 and the amendment thereto, 595 to 603 and 606 to 615.

Mr. Flight: We come to a subject beloved at the Committee stage: the territory of European Union passporting. Our amendment relates to the use of the incoming single European passport by non-United Kingdom firms that are passporting into the UK under EU law, and schedule 3, which reflects that.

Amendment No. 594 as it stands is helpful, but we fear that it gives rise to some possible confusions, which our amendment seeks to prevent. Amendment No. 594 looks at the position of a European Economic Area firm that wants to do business under its passport, but that does not comply with the notification requirements imposed by schedule 3. The amendment tries to lessen the consequences of that failure by the passporting firm by providing that, although it is as a result unauthorised, its contracts will not be unenforceable, even though otherwise they would be. One of the reasons why we feel that it is desirable to be sensitive in this area and in the case of EEA firms using the passport where technical breaches are committed, is that the more aggressive our treatment of EEA firms here, the worse our firms are likely to find European regulators treat them about Europe.

Our amendment tries to prevent the confusion that is likely to arise from amendment No. 594. The question of enforceability arises under the sections listed in amendment No. 594 only if the firm is not authorised under the legislation. The policy, which is the same as the policy that we adopted in the Financial Services Act 1986, is that an authorised firm will not be committing a criminal offence if it acts outside its permitted business, although private investors who suffer as a result can sue the firm for compensation. Accordingly, the sections listed apply only in relation to a firm that is not authorised.

A firm can, however, be authorised under the legislation as a result of the normal authorisation process—getting permission under part IV—for some regulated activities, even though it wants to use the passport for others. Most firms may try to do that because the passport is by no means comprehensive. Therefore, the first change to Lords amendment No. 594 would ensure that the paragraph applies initially only to a firm that is not an authorised person, albeit in relation to non-passported activities.

The second change that we propose making to Lords amendment No. 594 is to provide that the disapplication of the unenforceability provision should apply only in relation to passported activities. The Lords amendment provides that the unenforceability provisions do not apply to an agreement entered into by the firm. The firm may enter into other agreements, and not only into agreements covered by the passport. The Lords amendment therefore provides that any agreement entered into by the firm is covered.

Accordingly, the unenforceability provisions would not apply even in the case of agreements that had nothing at all to do with the passport. Although we support the unenforceability provisions already made in the 1986 Act, we would not like what is admittedly a helpful amendment to have that potentially undesirable result.

The subject—like that of the EEA passporting territory—is extremely technical and obscure, and we had hoped that, by now, it had been entirely put to bed. However, if Ministers are not willing to accept our amendment to Lords amendment No. 594, an unsatisfactory situation will develop in a territory in which many British businesses are EU-EEA passported.

Miss Melanie Johnson: In the course of our debates, we have given much further thought to the enforcement provisions, and we have made various amendments to meet the concerns expressed by Opposition Members and by their colleagues in another place. We have also reconsidered their application in this context, but concluded that their amendment is probably disproportionate and possibly discriminatory.

If, an outgoing United Kingdom authorised person conducts activities covered by the relevant directive in another European economic area state without having gone through the relevant procedures, the Bill would not render unenforceable transactions effected by that person in the course of conducting those activities. Therefore, to apply the enforcement of agreements provisions to incoming firms that fail to follow the proper procedures might be discriminatory.

The new paragraph that we propose to insert after paragraph 15 therefore disapplies clauses 24, 25 and 27 in relation to any agreement entered into by an EEA firm in the course of, or any agreement entered into by an authorised person as a result of, regulated activity conducted without the relevant procedures having been completed.

Conversely, the Opposition amendment would apply the non-enforcement provisions of those clauses in most circumstances. Although I am not sure that that is the intention, use of the term "permitted activity" might be intended to narrow the paragraph's effect to activities covered by the directives, rather than to any regulated activity. However, if that is the intention, it does not work.

The definitions of "permitted activity" in paragraphs 13 and 14 are related to the activities specified in the "consent notices" provided for in those paragraphs. A "permitted activity" is therefore only an activity for which notification has been received by the FSA from the home state regulator or the firm concerned. The effect of the Opposition amendment would be to disapply the non-enforcement clauses only when the home state regulator or the firm concerned has begun the procedure which leads up to the firm qualifying for authorisation. However, it is just as necessary to cover cases in which that first step has not been taken as well as cases in which it has been taken.

Additionally, the Opposition amendment simply would not work in certain cases. A credit institution, for example, that wishes to do business on a services basis only has to give a notice of intention. Once it has given such a notice, it qualifies for authorisation. The Opposition amendment would apply to a credit institution that has not given a notice of intention, but would define that institution's "permitted activities" in terms that depend upon it having given a notice of intention. That does not make sense.

The Opposition amendment—for reasons that I do not quite understand—also fails to deal with the effect of the provisions of clause 27. As I explained, we believe that the amendments made in another place are necessary if the UK is not to be open to charges of discrimination. We also believe that the Opposition's amendment is inconsistent with that and is defective in any event. For that reason, I hope that they will withdraw it, but if they do not, I urge the House to vote against it.

It being Eleven o'clock, MR. DEPUTY SPEAKER *put the remaining Questions required to be put at that hour, pursuant to Order [this day].*

Lords amendment No. 592 agreed to.

Question put, That this House agrees with the Lords in the remaining Lords amendments:—

The House divided: Ayes 287, Noes 114.

Division No. 216] **[11.1 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Allen, Graham
Anderson, Janet *(Rossendale)*
Atherton, Ms Candy
Austin, John
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brand, Dr Peter
Brinton, Mrs Helen
Brown, Russell *(Dumfries)*
Buck, Ms Karen
Burgon, Colin
Burstow, Paul
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell-Savours, Dale
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Cleiland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Cotter, Brian
Cousins, Jim
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John

Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fearn, Ronnie
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Grocott, Bruce
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Linton, Martin
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWilliam, John
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stunell, Andrew
Sutcliffe, Gerry
Swinney, John
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*

Tellers for the Ayes:
Mr. Robert Ainsworth and Mr. Clive Betts.

NOES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, Rt Hon James
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Butterfill, John
Cash, William
Clappison, James
Collins, Tim
Cran, James
Davies, Quentin *(Grantham)*
Day, Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Gill, Christopher
Gillan, Mrs Cheryl
Gray, James
Greenway, John
Grieve, Dominic
Hammond, Philip
Hawkins, Nick
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Jack, Rt Hon Michael
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard

Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Noes:
Mr. Geoffrey Clifton-Brown and
Mr. John Randall.

Question accordingly agreed to.

SECTION 5 OF THE EUROPEAN COMMUNITIES (AMENDMENT) ACT 1993

Motion made, and Question put forthwith, pursuant to Standing Order No. 118 (6) and Order [11 May].

That this House takes note with approval of the Government's assessment as set out in Financial Statement and Budget Report 2000-01 and the Economic and Fiscal Strategy Report 2000-01 for the purposes of section 5 of the European Communities (Amendment) Act 1993.—*[Mr. Clelland.]*

Question accordingly agreed to.

Post Offices (Sutton and Cheam)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

11.13 pm

Mr. Paul Burstow (Sutton and Cheam): I am very pleased to have the opportunity to debate this subject. I sought the debate because sub-postmasters in my constituency have genuine concern and anxiety about their very future. I hope that some of their concerns can be aired through this debate and that the Minister will be able to go some way towards allaying them.

Like many hon. Members, I was greatly impressed by the lobby of Parliament organised by the National Federation of Sub-Postmasters on 12 April. Before the lobby, I undertook a survey of the 16 sub-post offices in my constituency, to test the pulse and see what the views and concerns were. I found a group of hard-headed, realistic business men and women who were struggling to survive and keep their businesses as going concerns. Many of them have seen the value of their assets collapse, and it is getting harder and harder for them to make a decent return on the investment and commitment that they have made to providing a postal service.

Over the past 10 years, my constituency has lost four Crown post offices, in Sutton, Cheam village, North Cheam and Worcester Park, although I concede that they were all lost during the previous Conservative Government's term in office. Fortunately, those post offices were replaced by agency post offices, but those business men and women who took on those agencies now find that the investment and commitment they put in are beginning to turn sour.

What those business men and women need, and what my constituents expect, is the Government to act to protect the sub-post office network. As things stand, the switch from pension book to credit transfer will mean that at least one in three of the 16 sub-post offices in my constituency will be under threat, because more than 40 per cent. of their business comes from work for the Benefits Agency. When the Government tabled their amendment to the Postal Services Bill earlier this year to empower the Secretary of State to introduce a subsidy scheme for the public post offices, that initiative was generally welcomed. The Government have recognised the need for some action.

The Government's acceptance that they had a role to play in securing the future of the network was welcome. I read with great interest the Minister's recent speech to the conference of the National Federation of Sub-Postmasters. It was an under-reported speech and I could find only one article in the national press that did any justice to it. I was not present, but on the subject of closures, the text of the speech read:

> unless we find a lasting solution that is acceptable across Government; finds favour with the Post Office; and offers your members a secure future—it won't be the last.

The Minister was right when he said that and a consensus must be found that secures the network not on the basis of a narrow financial assessment, but on a wider appreciation of the social and economic value of the sub-post office network.

The national federation has described its members as the general practitioners of government. They are a one-stop shop for Government services and much

[Mr. Paul Burstow]

potential exists for the development of that role with the expansion of e-government. However, the network is not just a group of small business men and women struggling to make an honest return; it also plays a vital role in sustaining the vitality and viability of smaller, more marginal shopping parades. The closure of sub-post offices can create a domino effect, with other businesses suffering the knock-on consequences of a loss of trade, following the demise of their local sub-post office.

I have already referred to the uncertainty felt by sub-postmasters in my constituency. It could even be described as a crisis of confidence. Only last week I learned that the sub-post office on the London road in North Cheam is due to close on 7 June. It will close its doors because the temporary sub-postmaster has resigned and nobody has expressed any interest in taking on the agency permanently. That post office provides an important service to residents in the Cheam Park Farm and Brocks estate. Its closure will leave many of my constituents, especially the elderly and disabled, with the prospect of a long walk or bus journey to the next nearest sub-post office at Stonecot Hill or the Queen Vic in the North Cheam district centre.

One of the greatest strengths of the network is its accessibility. In my constituency, the local branch of Age Concern contacted my office in the past day or so to express its concern about the closure. The Post Office retail network manager for the area, Elaine Wright, has told me that the Post Office is trying hard to restore services to the locality as soon as possible. I know that the Government are committed to convenient access to all post offices—as the Minister told the national federation at its conference in Bournemouth—and I hope that the Minister will do all that he can to ensure that the restoration of that particular sub-post office is carried through expeditiously and is seen as a top priority by the Post Office.

The closure of sub-post offices contributes to the growing financial exclusion suffered by pensioners and people in other low-income groups. The decision to press ahead with plans to pay pensions and benefits directly into bank accounts from 2003 makes the search for the lasting solution to which the Minister referred even more urgent.

Post Office network managing director Dave Miller told the National Federation of Sub-Postmasters conference that the decision to proceed with direct payments to bank accounts would take away something like a third of the income of Post Office Counters Ltd., and reduce customer visits by almost a half. Ministers have been at pains to reassure sub-postmasters that claimants would be able to draw cash out of post offices, but post offices—and Post Office Counters Ltd.—are still waiting to hear how that will happen in practice. The Minister's conference speech does not make it clear how the Government intend to proceed.

Clearly, although there is no coercion, there is undoubtedly Government encouragement for the way in which the Benefits Agency offers to pay benefits, which leads people to see automatic credit transfer as the only option available. It is important to make it clear that a choice does remain, and to show how it will be secured in the long run. People need to know that there is a choice about how they can gain access to their pensions and benefits entitlements, but it is also important to make it clear how an exclusive payments system at post offices will mean that people who cannot have or do not want bank accounts can get their money.

Sutton and Cheam is neither rural nor urban, but suburban. Its leafy image of wealth and affluence masks many pockets of deprivation. It also hides the fact that a growing number of elderly people are often asset rich—in that they own a home—but are income poor.

I said that the Minister's speech did not attract much press comment. However, *The Guardian* of 17 May carried a report by Patrick Wintour. Its introductory paragraph rang alarm bells for me when it stated:

> Tony Blair is planning to pour cash into inner-city and rural post offices to protect them from the impact of a huge loss of revenue caused by the automation of benefits payments.

That might be considered to be a good introduction to an article on this matter, but it mentioned inner-city and rural post offices. The article went on to mention the Minister's speech, which I made a point of reading in preparation for this debate.

In his speech, the Minister shared with sub-postmasters some of the highlights of the performance and innovation unit's examination of the network. It is clear that rural post offices have a place in the Government's plans, as do offices in deprived urban areas, but what about suburban post offices? Where does that network fit into the Government's plans? It did not feature in the Minister's conference speech and, given the content of the various speeches made in the House on the matter, it is not clear that that question has been addressed.

Do the Government accept that sub-post offices in my constituency, and other suburban post offices, have an important role to play and are an important part of the fabric of the local community? They need a clear and unambiguous guarantee that they will not be left out in the cold.

The Minister has talked in the past of the need for the post office network to achieve a soft landing. The previous Government's desire to privatise the Post Office meant that a better analogy would have been with the landing made by a kamikaze pilot. Under that Government's stewardship, nearly 4,500 post offices closed, but the achievement of a soft landing now will require a comprehensive and fair package that supports the whole network.

The lobby on 12 April demonstrated the strength of feeling on this matter, as the Minister recognised. Many of my constituents signed petitions organised by the sub-postmasters, and I shall be presenting 4,500 additional signatures later this week to the House. Those signatures came from customers of sub-postmasters and also from the Sutton seniors forum in my constituency. I know, from talking to members of that forum, that they feel strongly that the network must be safeguarded.

I hope, for the sake of residents in my constituency, particularly on the Brocks estate, and for many others in Sutton and Cheam, that suburban post offices will continue to feature on the Government's agenda, along with those in deprived urban areas and rural post offices. I hope that the Minister can give us some reassurance on those points.

11.25 pm

The Parliamentary Under-Secretary of State for Trade and Industry (Mr. Alan Johnson): I congratulate the hon. Member for Sutton and Cheam (Mr. Burstow) on securing the debate tonight. I have listened carefully to his speech, and welcome the opportunity to respond to the issues and the points that he raised. The House has not exactly been bereft of debates on the Post Office network—this is one of many to which I have responded, and I doubt whether anything that I say tonight will be fresh and new. However, it is important to emphasise the Government's position with regard to this important matter.

The concerns voiced by the hon. Gentleman centre on the future of the network and the move to the payment of benefits and pensions by automated credit transfer. He also made an important point about the suburban network, and I hope that I can give him some reassurance about that.

The future of the post office network is a matter of public concern in all communities, irrespective of whether they are urban or rural. The challenges facing the network are of interest to all of us. That was demonstrated on 12 April, with the presentation of a record-breaking petition to No. 10 Downing street, which contained more than 3 million signatures. In addition, the network has been extensively debated in the House. As the hon. Gentleman said, the focus of this concern is the progressive migration, over a two-year period, of state benefit payments to ACT as the norm.

The hon. Gentleman also made the point that the network has been declining for some years. He said that four Crown post offices were converted in his constituency. This Government, of course, placed a moratorium on Crown post office closures, so that we could have a proper appraisal of the system. I understand that an office that had been converted to sub-post office status in the high street in Sutton has now been re-converted to a branch office. That suggests that the review of the system has been fruitful. Indeed, in last year's White Paper, we said that 15 per cent. of all transactions will go through Crown post offices, so a flagship of Crown post offices will remain.

The harsh reality is that, despite its many strengths and its importance to the community, the network has not modernised sufficiently over the past 20 years to respond to, and keep pace with, social, economic and technological changes. The previous Government had a well-intentioned plan to computerise the network with the benefit payment card. It was a private finance initiative project. The key objectives of the contract were to automate the network and provide the Benefits Agency with a computerised service.

The contract was for only eight years—it was never going to be a permanent solution. Shortly after we came into office, it was clear that the project had run into significant problems. By late 1997, the project was incurring substantial cost over-runs and would have come into service some three years later than planned.

We knew that we could not go on against that background. We concluded that changes had to be made, and took the tough decisions necessary to get that project back on track. Our decision was to get Horizon working as a simple public procurement, and that has been very successful. We are converting 300 offices a week. This huge network will be completely online and computerised by the spring of 2001.

The argument about ACT, as I have mentioned many times in the House, has been a constant problem. I said at the conference that the National Federation of Sub-Postmasters rallied in the early 1980s when the previous Government introduced ACT for the first time, and it rallied in the early 1990s when ACT was extended to cover other benefit payments. If we do not solve that problem, once and for all, in a way that suits the Benefits Agency, the network, the Post Office and sub-postmasters and sub-postmistresses, we will not have a lasting solution. The move to ACT is accelerating; 500,000 more people are voluntarily having benefits paid into ACT every year, and that number will grow as a new generation used to cashless pay reach pensionable age. We have to resolve that problem.

We must also ensure that the solution deals with how people access their cash once it has been transmitted by ACT. It would benefit no one if the Post Office ignored customer preferences, and the NFSP certainly does not believe that it would. The organisation is not comprised of luddites, and it has raised real concerns that we are trying to tackle constructively. The solutions that we have identified must concentrate on allowing people to access their cash in a modernised network that can thrive, rather than simply survive, clinging on by its fingernails, as has been the case for too much of the past. We need to change that for the 21st century.

The emerging vision that I unveiled at the NFSP conference contained three specific opportunities—in financial services, in e-commerce and in Government services. Important initiatives can be taken, and when the policy and innovation unit report is published shortly, I hope that that emerging vision will be one that both sides of the House can sign up to as a way forward for the Post Office.

On financial services, the Post Office has done well at developing new lines of business. Contracts with institutions including the Co-operative bank, Lloyds-TSB and, most recently, Barclays allow people to access their bank accounts through the post office network. I hope that the incentive of the Horizon automation platform, which reduces the cost to the banks of transactions made across post office counters, will encourage banks to extend that situation to cover many more accounts.

Our arrangements with the high street banks do not by any means cover the sizeable group of customers—three and a half million—who have no form of traditional bank account. We welcome the Post Office's work in developing a universal bank. In his Budget speech, my right hon. Friend the Chancellor invited the banks to work with the Post Office to offer not just a substitute distribution network, but a basic banking service to all.

A universal bank in partnership with the banks could help address the problems of financial exclusion. It would greatly reduce the number of people who do not have a bank account. More importantly, it would provide a post office-based solution, allowing a post office card to replace benefit books, allowing people to access bank accounts and pay bills—as many pensioners, particularly the elderly, like to do when they draw their pensions across post office counters. It could meet our clear pledge that, even after the move to ACT, any customer who

[Mr. Alan Johnson]

wants to access benefits or a pension across a post office counter in cash, undiluted by bank charges, should be able to do so. The Post Office is well placed to expand its role in financial services, both in social banking and as a substitute distribution system for the high street banks.

Despite the recent boom and almost immediate gloom in the dot.com sector, there is a wide consensus that e-commerce will be a major growth area over the next few years. The Post Office must think creatively about how to take advantage of the opportunities that that offers. Many people will order goods across the internet, but will not be at home to receive them. Post offices could become places where many customers can order and pay for goods over the internet, and where they can collect the products.

On Government services, the reach of the post offices, which are ubiquitous, makes the network a major national asset. Millions of people already see post offices as places in which to do Government business. There is potential to build on. We are also looking at the role post offices may be able to play in the Government's crusade to bring internet access to all by 2005.

The Government, the Post Office and sub-postmasters will need to work with the private sector, especially the high street banks, to turn that vision into a reality. We want Post Office management to forge a strong future in diversified lines of business. Some of that has started, but there is much still to do. We want rapid movement on that matter.

The contribution of sub-postmasters, which is recognised as one of the greatest strengths of the network, could be utilised more, so that sub-postmasters continue to provide the crucial service of running shops and post offices in many areas that have few or no other facilities. The dedication of sub-postmasters will be essential if we are to unlock and build on the potential of the network.

However, we in Government also have to play our part. We are already investing £500 million to computerise the network. The issues raised in the debate highlight the range of problems of managing and maintaining a retail network of more than 18,000 post offices.

The hon. Gentleman referred to North Cheam sub-post office, which unfortunately had to close on Wednesday because the temporary sub-postmaster had resigned. I am not sure why, but I am aware that sub-postmasters and mistresses resign for a range of reasons. Sometimes they want to retire and the post office is in their private home. Many sub-postmasters and sub-postmistresses—especially the elderly ones—are resigning as computerisation comes on line. However, whatever the reason, the Post Office goes to enormous lengths to keep a service running.

I assure the hon. Gentleman that I will ensure that every effort is made in that case. I am informed by the Post Office that it is intended to restore the service in north Cheam as soon as possible. I shall certainly keep an eye on the matter.

Although the Post Office network management might not get everything right all the time, they remain strongly committed to maintaining post office counter service provision wherever possible—often with considerable ingenuity; we should not allow ourselves to forget that.

I do not know where *The Guardian* reporter found the information in his first paragraph about lots of cash being put into inner-city and rural post offices. We included a subsidy clause in the Postal Services Bill, because, in a measure that will remain on the statute book for a generation, it would be remiss of us not to include at least a safety net, in case subsidy was necessary. As the hon. Gentleman was kind enough to mention, that is a clear demonstration of our determination to support the network.

No one wants subsidy to be the answer; we want transactions. We want the Post Office network to be a going commercial concern. We need to ensure that business flows across the counters in order to meet that objective.

However, we are committed to protecting and modernising the rural network. The reason for the emphasis on that network and the need for post offices in socially deprived areas is that, at present, those offices are cross subsidised within the network—more heavily used offices subsidise those that are used less frequently. That has been true for many years.

The focus on rural and deprived urban areas does not mean that we are not equally committed to the rest of the network. Indeed, we believe that there could be bigger and brighter post offices in suburban areas. The NFSP accepts that many post offices are not pleasant places to visit. We could improve the accommodation; this review offers us an important focal point.

We are looking to work with the NFSP and with the Post Office to reinvent and modernise the network. We are committed to ensuring convenient access to all post offices. We are prepared to define what we mean by a nationwide network of post offices—unlike the previous Government, who talked about achieving that while closing half the network. We are looking to define what is meant by such a network through access criteria.

I set out the Government's emerging vision for the network at the conference of the National Federation of Sub-Postmasters on 16 May and the performance and innovation unit report will be published shortly. It will provide the platform for us to take the vision forward, so that we have a network equipped for the 21st century and that is able to provide a secure future for sub-post offices and the communities that rely so heavily upon them. That includes post offices in Sutton and Cheam. They provide a valuable service and are part of the social fabric of this country. This Government are pledged to protect them.

Question put and agreed to.

Adjourned accordingly at twenty minutes to Twelve midnight.

House of Commons

Tuesday 6 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF NEWCASTLE UPON TYNE BILL *[LORDS] (BY ORDER).*

Order for Third Reading read.

To be read the Third time on Tuesday 13 June.

GREENHAM AND CROOKHAM COMMONS BILL *(BY ORDER)*

Order for Second Reading read.

To be read a Second time on Tuesday 13 June.

RAILTRACK (WAVERLEY STATION) ORDER CONFIRMATION BILL

Considered; to be read the Third time.

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

Cancer Treatment

1. **Mr. David Crausby** (Bolton, North-East): What progress is being made on reducing waiting times for cancer treatment. [122859]

The Secretary of State for Health (Mr. Alan Milburn): In April last year, we introduced a two-week waiting time standard for women referred urgently by their general practitioners with suspected breast cancer. This new high standard of care is being put in place for all other urgent cases of suspected cancer during this year. We will be publishing a national cancer plan in the autumn, which will set out our strategy to ensure all cancer patients benefit from prompt access to high-quality diagnostic and treatment services.

Mr. Crausby: I thank my right hon. Friend for that reply, and warmly welcome the increased resources that have been made available for cancer treatment. However, although my constituents receive good cancer services from Royal Bolton hospital, they would benefit enormously from quicker diagnostic care, better oncology services and improved palliative care. The Bolton district is among the most poorly funded areas in the country. Would my right hon. Friend visit the hospital to discuss these important services? He would be made most welcome.

Mr. Milburn: My hon. Friend is right. We have put extra resources into the Royal Bolton hospital to replace X-ray equipment for breast cancer screening. My hon. Friend will know too that we put in more than £100,000 extra over the previous financial year to improve waiting times for treatment. However, there is always more that can be done, and I am aware of the problems in my hon. Friend's constituency with regard to cancer survival rates. We must continue working on that problem, by improving treatment, and also by focusing on prevention.

Finally, I should be happy to visit the Royal Bolton hospital when I am in the area, as would any of my ministerial colleagues.

Mrs. Marion Roe (Broxbourne): Cancer is a scourge of modern life, and it is right to concentrate on reducing deaths from that terrible disease. However, should not the Government pay more attention to bringing our outcomes into line with those achieved by our European partners, and less to gimmicks? How would the Secretary of State respond to the remarks made by Dr. Joan Austoker of the Cancer Research Campaign, who said that the two-week rule has led to a waste of resources and of specialists' time?

Mr. Milburn: The hon. Lady cannot have her cake and eat it. Like me, she wants response times for people with suspected cancer to be faster. That must be the right objective, as it must be very worrying to be told by a GP that one is suspected of having cancer. The sooner a person in those circumstances can see a specialist, the better the chances of successful treatment. It is right for the Government to make sure that people suspected of having cancer see a specialist in hospital as quickly as possible, and we are making good progress on that.

The hon. Lady mentioned cancer survival rates. She served on the Select Committee on Health and knows from her own experience that the picture in the UK is pretty mixed: in some respects we have better survival rates than our European partners—for example, in connection with cervical cancer—but in others, our survival rates our lower. That is why the Government have made the war on cancer such a top priority. It must be right for us to make sure that cancer treatment is improved, and to achieve a proper focus on prevention—for example, by tackling smoking.

Mr. Derek Twigg (Halton): It is right that the Government should give priority to the treatment of cancer, which should be at the forefront of the war on ill health. Is my right hon. Friend aware that a public health report published this week shows that Halton has the highest incidence in the country of cancer from all causes? It also has the second highest incidence of death from all causes. Those figures are obviously appalling for my constituents, and for those of my hon. Friend the Member for Weaver Vale (Mr. Hall). Will my right hon. Friend examine the figures to which I have referred, and will it be possible for my hon. Friend and me to have a meeting with Ministers to discuss them?

Mr. Milburn: I am sure that that will be possible. My hon. Friend will know from his constituency

experience that the distribution of cancers across the United Kingdom, and England, is uneven, and that poorer areas tend to have the highest rates of cancer and of coronary heart disease. That is why, when we put extra resources into the national health service to improve cancer treatment, we must ensure that the money goes to the right areas. My hon. Friend will be aware that the Minister of State, my hon. Friend the Member for Southampton, Itchen (Mr. Denham), announced in March a further expansion in the number of cancer specialists—the doctors who work in cancer services. We must increase the numbers of such doctors, just as we must increase the numbers of nurses and of treatments available. That will help us tackle cancer, and the appalling health inequalities that scar our nation.

Mr. James Gray (North Wiltshire): My father died of cancer, and my mother is currently a sufferer. Opposition Members welcome every penny that can be spent on cancer, but I am worried that the Government seem to concentrate more on gimmicks, such as reducing the waiting time to see GPs. The head of the World Health Organisation cancer specialist team has said that diagnosing cancer is no problem, and that it is entirely misplaced to claim great credit for having cured it. The same specialist described last year's cancer summit in No. 10 Downing street as a total waste of time, and said that participants would have done better to spend an hour moaning about cancer down at the pub.

Will the Secretary of State please tell the House that yesterday's NHS summit in Downing street was more substantive than that, and that some improvements in the diagnosis and care of cancer may come out of it?

Mr. Milburn: It simply is not true to say that getting to see a hospital specialist is not a problem—it is a problem in many parts of the national health service. There have been well reported cases of people who have been told by their general practitioner that they have suspected cancer having to wait for weeks and, in some cases, months on end, to see a specialist. That cannot be right, which is why we have put such a high priority on ensuring that people get to see hospital specialists as quickly as possible.

That is not the be-all and end-all, however, as the hon. Gentleman is aware. We have put a huge amount of new investment into cancer equipment in particular. On 1 January this year, I announced the biggest increase in investment for new cancer equipment that the country has seen. That means that in three or four years' time, our cancer equipment will rival anything that is available in hospitals in comparable countries such as Italy, Germany and France. That is the right thing to do—it is not a gimmick, but getting on with the job of modernising and improving the NHS.

Audiology Services

2. **Mr. John Healey** (Wentworth): If he will make a statement on plans to improve audiology services and the provision of hearing aids on the national health service. [122860]

The Minister of State, Department of Health (Mr. John Hutton): We are funding a £4 million project in England which, for the first time, will provide NHS patients with new digital hearing aids. The first wave of 15 NHS trusts, which we announced on 25 May, are expected to start to supply digital aids from September this year. A further five trusts will begin the provision of digital hearing aids from next year.

Mr. Healey: Having once worked for the Royal National Institute for Deaf People, and run the fair hearing campaign 12 years ago to press for better NHS hearing aids, I welcome that reply, and also the news of the pilot schemes.

Is my hon. Friend aware that last year 72 children from the Rotherham area had audiology first appointments at the Sheffield children's hospital, which is running one of the pilot schemes, and that many of those children will in the future benefit from the best technology available?

Is my hon. Friend planning any further pilots in this field? What hope can he give adults in our area that in time they, too, will be able to benefit from a thoroughly modernised NHS audiology service?

Mr. Hutton: My hon. Friend is absolutely right. This is a major modernisation of NHS hearing aid services, and it is only right that NHS patients should have the advantage of the latest technology at the earliest opportunity. I am glad that children from my hon. Friend's constituency will be among the first to benefit from the new technology.

We are working closely in partnership with the Royal National Institute for Deaf People. Our partnership with the institute is ground-breaking—it is helping us oversee the monitoring of this project. We hope that as soon as the project is completed, we can discuss the greater availability of digital hearing aids across the national health service, so that the constituents of all right hon. and hon. Members can benefit from the new technology's undoubted benefits.

Mr. David Heath (Somerton and Frome): Is not what the hon. Gentleman describes another example of postcode prescribing? If there is new technology that is to the advantage of deaf people, why on earth is it not available across the country to all patients who require it? Is it not the case that technology in this area is advancing all the time, and that deaf people need the assistance of the best possible technology?

Mr. Hutton: I am very disappointed that the hon. Gentleman has taken that attitude. This is a hugely important modernisation of hearing aid services across the NHS, which has been widely welcomed by the RNID, our key partner in implementing this exciting new project. I stress to the hon. Gentleman and to others who might share his view on these matters that this is new technology. There is every justification for making sure that we prepare the ground for the introduction of that new technology so that the other parts of the NHS can take advantage of it at the earliest possible opportunity.

Of course this is not an example of postcode prescribing—we are trying to get away from that. This is a major modernisation of the NHS, and I greatly regret that the hon. Gentleman cannot bring himself to welcome it.

Valerie Davey (Bristol, West): From my constituency, I welcome the Minister's statement. I also welcome the

fact that in the south-west, the Bristol royal infirmary will be involved in the second phase of the pilot. Will the new pilots include work for children for whom a hearing impairment in the early years could be especially detrimental?

Mr. Hutton: I am grateful to my hon. Friend. The NHS trust in her constituency that will participate in the project next year is doing so with children specifically in mind. It is important that the new technology be available to children. The needs of deaf and hearing-impaired children are different from those of adults, so it is important to pilot the project carefully for them. I can assure my hon. Friend that children are at the top of the list of our priorities; they will be among the principal beneficiaries of the new technology. I am sure she will want to give a warm welcome to this project—as will her constituents.

Mrs. Caroline Spelman (Meriden): Obviously, we warmly welcome the fact that the NHS is embracing that new technology. However, we urge the Government to accompany it by action to tackle waiting lists. The standard set by the patients charter was for 90 per cent. of patients to receive a hearing test within 13 weeks, but the Audit Commission's recent survey reveals that the average waiting time is 19 weeks; that in one fifth of health authorities, the average wait exceeds six months; and that in some it is 18 months—that is two academic years for children. Does not that make the Government's pledge to reduce waiting and to end regional variation sound absolutely hollow?

Mr. Hutton: No, of course it does not. Like the hon. Lady and everyone in this place, we regret the fact that people have to wait for treatment that is urgent and pressing. We are taking a range of initiatives to reduce those waiting times and waiting lists—I am grateful to the hon. Lady for lending some support. However, we should not beat around the bush—the introduction of the new technology is a major advance and development for the NHS. It is only right that patients who use and rely on the NHS—not like the hon. Lady—should have access to the benefits of the new technology at the earliest opportunity.

Cancelled Operations (Leicester)

3. **Mr. Andrew Robathan** (Blaby): How many operations were cancelled at Leicester's general hospitals between *(a)* November 1998 and March 1999 and *(b)* November 1999 and March 2000. [122861]

The Minister of State, Department of Health (Mr. John Denham): The latest period for which information is available in the Department is the quarter ending December 1999. The number of operations cancelled at the last minute for non-medical reasons by hospitals covered by Leicestershire health authority in the period between October and December 1999 was 222. That was less than the 249 for the corresponding period in the previous year, although 2,775 more elective and non-elective cases were dealt with.

Mr. Robathan: I am surprised that, with the army of bureaucrats behind the Minister, he could not find better answers. He could have read the *Leicester Mercury* of 3 May, which would have told him that 1,237 operations were cancelled during that period—a 40 per cent. rise on the 755 that were cancelled during the whole of the previous year. Will the Minister explain to those 1,237 people—including my constituents—why they should believe anything that the Government say about the NHS, especially given his previous dissembling answer?

Mr. Denham: I am of course familiar with the report that appeared in the *Leicester Mercury*. If the hon. Gentleman had done a little homework, instead of relying on the newspaper, he would have realised that the figures he quoted were wrong. He quoted figures for operations cancelled during one year for all reasons—however long before the operation. For the previous year, he gave the figures—as I did—for those operations that were cancelled according to the standards set by the patients charter. As I pointed out, in the last quarter for which information is available, the number of operations cancelled according to patients charter standards—introduced by the previous Conservative Government—actually fell, even though the NHS in Leicestershire treated more patients. However, I am not complacent about that; I do not like any operation to be cancelled. That is why I welcome the recent announcement made by my right hon. Friend the Secretary of State of £150 million investment in critical care facilities in the NHS in England. By tackling such problems, we shall ensure that more patients are treated and that operations are cancelled for fewer patients.

Cancer Treatment

4. **Jane Griffiths** (Reading, East): If he will make a statement on the two-week waiting period for referral to a cancer specialist. [122862]

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): The two week waiting time standard was introduced for urgent cases of suspected breast cancer in April 1999. Since then, more than 56,000 women have benefited by seeing a specialist within two weeks. That high standard of care is being put in place for all other urgent cases of suspected cancer during this year.

Jane Griffiths: I thank my hon. Friend for that reply. Bearing in mind that the two-week period applies to all cases of suspected cancer—or will soon do so—will she join me this month at the launch of the third Everyman male cancer awareness month? With the help of sports celebrities, the media highlighted the fact that, although prostate cancer is the second most common cancer in men, with over 9,000 deaths year, it receives only about 5 per cent. of the available research funding. Will she join me in welcoming the building of the UK's first dedicated male cancer research centre? Later this year, it should begin to turn around that situation and help all our men.

Yvette Cooper: I certainly join my hon. Friend in giving strong support to the work being done by the Institute of Cancer Research to raise awareness of men's cancers. I share her concern about the need for more research into prostate cancer, which is probably one of the most mysterious common cancers. That is why we recently announced as a first step an extra £1 million of Government research money for prostate cancer this year and why we are working with other cancer research

funders to take the work further. We have made it clear that we are particularly keen to see research into new testing and treatment technologies for prostate cancer.

Mr. Philip Hammond (Runnymede and Weybridge): The question of the hon. Member for Reading, East (Jane Griffiths) referred to waiting times for referral to a cancer specialist, and therein lies the problem. Does the Minister acknowledge that qualified opinion is pretty much universal in taking the view that, in cancer cases, waiting time is less important than the specialism of the doctor to which the referral is made? Does she also acknowledge that the top priority is ensuring that urgent cancer referrals are seen by cancer specialists and not by general surgeons? What percentage of urgent cancer referrals are currently seen by cancer specialists?

Yvette Cooper: It is a top priority to make sure that we have increasing numbers of cancer specialists and that people are seen, treated and dealt with by multidisciplinary teams that deal with cancer. That is exactly why we have made cancer a top priority and why Professor Mike Richards is working to develop a national cancer programme to put such policies in place.

Mr. Llew Smith (Blaenau Gwent): My constituency has some of the worst health problems—they include certain cancers—in the United Kingdom. At the health summit yesterday, did my hon. Friend have the opportunity to discuss that issue with her opposite number in the Welsh Assembly and to urge that the formula that determines the distribution of health moneys throughout Wales should be based on health needs and not on head of population?

Yvette Cooper: My hon. Friend will be aware that this issue is a matter for the Welsh Assembly. However, I can tell him that it is the subject of continual discussion across the United Kingdom.

NHS Reform

5. **Mr. David Amess** (Southend, West): If he will make a statement about the organisation of the public consultation on the future and reform of the national health service. [122863]

The Secretary of State for Health (Mr. Alan Milburn): Last month—*[Interruption.]* Some of my hon. Friends have long memories. Last month, I launched the largest public consultation exercise on health care services that the country has ever seen. Patients and staff across the whole of the country will have the chance to have their say about how best to reform and improve NHS services with the record extra resources that the Government have committed to the NHS.

Mr. Amess: Never mind about Basildon or Southend, West. Does the Secretary of State have any idea of the anger and outrage that was felt by people all over the country—and particularly by those who have loved ones suffering—when they were asked to fill in a form and to send it back by yesterday? Will he tell the House why, after 18 years in opposition and more than three years in government, the Government have not delivered on any of their promises other than to produce an absolute shambles? Will he also tell us what he intends to do with the forms when he gets them back, particularly if the answer to the question

What would make the NHS better for you and your family?

is that this rotten Government should go?

Mr. Milburn: I am glad that the hon. Gentleman has got that off his chest; I hope that he feels better for it.

On the consultation exercise, it would be pretty bizarre if the Government did not ask the people who use and provide the national health service—the patients and the staff—for their views about it. As for listening to people, the hon. Gentleman listened so hard to the voters of Basildon at the last election that he went on the chicken run to Southend.

Mr. Jim Dobbin (Heywood and Middleton): As part of the public consultation process, is my right hon. Friend minded to consult the British Medical Association over consultant contracts? I spent 33 years working in the health service, and I believe that consultants should work full time in the NHS or full time in the private sector.

Mr. Milburn: As my hon. Friend is aware, the Government have been in discussion with the British Medical Association for well over a year about a reform of the consultant contract. Both the BMA and the Government believe that such reform is well overdue. It is worth making the point that the overwhelming majority of consultants who work for the national health service do a brilliant job and work extremely hard. It is also true that we have some of the finest doctors in the land. It is important that we make sure that when consultants are working in the NHS, we get the best from each and every one of them.

Mr. Nick Harvey (North Devon): Why exactly did the public have to respond to the consultation exercise in five days? As the right hon. Gentleman pointed out, the Government have had a long time to consider their priorities. Why did the public have to respond so quickly? How many of them have done so? What chance did the Secretary of State have to consider the responses before he announced an initiative on consultants yesterday and on nurses today, which he says is in response to public anxiety? With regard to the nurses who are to run the accident and emergency departments, where will the extra nurses come from? We know that there are 17,000 vacancies. Where are the extra nurses who are suddenly to run the accident and emergency departments lurking at present? When will the right hon. Gentleman tell us the results of the consultation?

Mr. Milburn: The hon. Gentleman is well aware that there are about 5,000 more nurses working in the NHS than there were a year ago. Of course there are still vacancies in the NHS. Although we have turned the corner on nursing shortages, nobody pretends that there is not a long way to go. That is true, but the big pay awards that we have rightly given to nurses in the past two years have helped to recruit more nurses back into the NHS and, most importantly, are helping to retain nurses in the NHS. The number of nurses is on an upward trend, which is good news. Equally importantly, the number of nurses in training is also on a big upward trend. I remind the

hon. Gentleman that when we came to office, the number of nurse training places had been cut. We have now put that right. It is the right thing to do.

It is too early to say how many consultation responses there were. They are still coming in. I know that because one was posted through my letter box at home this morning.

Ann Clwyd (Cynon Valley): I know that reform of the General Medical Council is a matter close to my right hon. Friend's heart. Will he consider in particular ways of beefing up the GMC? Three weeks ago I mentioned in the House the case of a cosmetic surgeon against whom there are now 80 written complaints. His fellow doctors have accused him of being a psychopath and not fit to operate on patients. I telephoned the chief executive of the GMC this morning to ask whether the surgeon was still operating. The chief executive replied that he did not know. Surely patients must be better protected than that.

Mr. Milburn: The whole House will concur with my hon. Friend's sentiments. There is a gathering consensus not just in Government, but across the House and in the medical profession, that the General Medical Council must be radically reformed. There has been a succession of cases in which the GMC has failed to bite the bullet and to deal with cases in the timely and efficient way that patients would expect.

To give credit to the GMC, I know that it is currently discussing how it can best put its own house in order. I welcome the proposals that it is putting together, but there is no doubt that a real, radical reform of the GMC is needed. I say that not to denigrate any doctor or the GMC's efforts to reform. There is no doubt in my mind that doctors overwhelmingly do a brilliant job for the national health service, but none of us can allow the bad practices of a small minority of doctors to tarnish the good reputation of the medical profession as a whole. It is in the interests of the medical profession as much as it is in the interests of patients for radical reform to take root as quickly as possible.

Mr. Christopher Gill (Ludlow): There are hundreds of protesters outside the premises this afternoon. They are campaigning to save their hospital. They are disappointed that the Secretary of State has not found time today to meet them and thus make consultation meaningful. They would like to consult him face to face. They are not convinced by the Prime Minister's assurance that money will be spent on every accident and emergency hospital in the country when their accident and emergency unit is being downgraded. They are not convinced by the Secretary of State's claims that he is opening new hospitals all over the country when their acute services are disappearing. They would have preferred the money that was spent on the consultation exercise to be spent on nurses and doctors and on keeping Kidderminster hospital open.

Mr. Milburn: I am, of course, aware of the hon. Gentleman's anxieties, and those that have been expressed in Kidderminster. We have held a consultation exercise, which the hon. Gentleman will remember because he participated in it—

Mr. Nigel Evans (Ribble Valley): A pointless exercise.

Mr. Milburn: It was not. We undertook the consultation and we made decisions about Kidderminster on the basis of the best clinical advice to ensure high quality and, most important, safe services for patients.

Mr. Bill Rammell (Harlow): Does my right hon. Friend agree that it is right for a Government to consult people before embarking on major changes in the national health service? Is not the real contrast between this Government, who are trying to do that and the previous Government, who, when they introduced the internal health market, cooked it up behind closed doors and consulted no one?

Mr. Milburn: My hon. Friend is right except about one small point. The previous Government consulted some people: not doctors, nurses, managers or patients, but the Adam Smith Institute. Perhaps that explains why they went wrong.

Dr. Liam Fox (Woodspring): Last week, no leaflets were readily available in many parts of the country. In Chester, a disabled patient was unable to obtain a leaflet because she is housebound. When she queried that with the Department, she was told that leaflets were available only in a surgery or a supermarket. Yet she regularly uses the NHS. In Buckinghamshire, a GP received only five leaflets, while in Camberwell a single-handed GP was given 2,500 leaflets although he has only 1,200 patients.

I ask the Secretary of State not to be coy or modest today. Was the plan all his idea and down to his competence alone or, in view of claims in *The Sun* that the Prime Minister has been spending six hours a day considering the matter, should he share the credit for the fiasco?

Mr. Milburn: I am now not sure what the hon. Gentleman's position is. Last week, he argued—

Mr. Peter Luff (Mid-Worcestershire): Answer!

Mr. Milburn: Is the hon. Gentleman feeling all right?

Mr. Luff: Yes.

Mr. Milburn: He should keep taking the medicine.

Last week, the hon. Member for Woodspring (Dr. Fox) advocated undertaking less consultation; this week he suggests that we should do more. The hon. Gentleman wants to have his say about the NHS but does not want patients and staff to have theirs. We know the hon. Gentleman's top three reforms of the NHS: he told the Conservative party conference what he would do. No. 1, he said:

> The biggest problem that we have in the NHS is that it is not a proper market.

No. 2, he said that the NHS required "less and less equipment". *[Interruption.]* That is what he told the Conservative party conference. No. 3, he said that the Conservative party's health policy would mean that "maximum waiting time is increased". The hon. Gentleman's response to the consultation would therefore

be more market, less equipment and longer waits. The Conservative party does not have a national plan for the NHS; it has a secret plan not to modernise but to privatise it.

Dr. Fox: Now that the Secretary of State has got his first evasion out of the way, let me try to remind him that this is Question Time and that he is supposed to take responsibility for his failures.

From which NHS budget is the £500,000—research or simply public relations? Does the Secretary of State know that one industry analyst has already said that the Government can expect only 0.5 per cent. return from the exercise? That means that each reply will have cost £8. According to MORI, similar results could have been achieved for only £4,000 if a scientifically conducted survey of 2,000 people had been undertaken. Given that the £500,000 would have purchased 50 bypass operations or 500 cataract operations, or paid for more than 30 full-time new nurses, does the Secretary of State believe that he and the Prime Minister are giving NHS patients value for money?

Mr. Milburn: There is a simple question for the hon. Gentleman: does he believe in consulting patients and staff in the NHS, or does he not? Frankly, he would be on better ground about wasting public money if his party in office had not wasted billions of pounds of public money on the internal market. I know that he does not want to talk about the speech that he gave at the Conservative party conference; he does not want to be reminded of it, but the country should be, and to ensure that patients and staff throughout the country have the opportunity to read what he said, on the internet—[HON. MEMBERS: "Answer."] Conservative Members do not want to listen because they do not want to hear what he had to say, but the transcript of the hon. Gentleman's speech is widely available today on the internet news pages at www.labour.org.uk so that members of the public can see precisely what his plans are for the NHS—not to modernise it, but to privatise it.

Dr. Fox: What contempt for Parliament; what a pathetic excuse for a Secretary of State. That was the best example ever of the Government's all spin, no substance approach to the NHS. Patients had too little time to reply to the exercise, even if they could get hold of a leaflet. Doctors will be the new scapegoats for the right hon. Gentleman's failures—the latest victims of the Government's blame culture. The day after their latest non-event, so-called health summit, have not he and the Prime Minister shown that they cannot even conduct their own PR stunts competently and that they do not share the same priorities as patients or doctors? In fact, they are so out of touch that they do not even know how long the postal service takes. On the day that waiting lists increased yet again, who will take responsibility and carry the can for this absurd and pathetic fiasco?

Mr. Milburn: The hon. Gentleman has to be reminded about what we have done in office during the past three years. I remind him of the abolition of the internal market, which his party opposed; the introduction of primary care groups, which his party opposed; the reduction in waiting lists, which his party opposed; the creation of the National Institute for Clinical Excellence, to tackle the lottery in care, and of the Commission for Health Improvement, which his party opposed; the biggest hospital building programme in the history of the NHS, which his party opposed; and the biggest increase in resources for the NHS, which his party opposed. There are more doctors, more nurses, more casualty departments being modernised and more patients being treated, all of which Conservative Members oppose because they do not support efforts to modernised the NHS; their only agenda is to privatise it.

Elderly People

7. **Mr. Bill Michie** (Sheffield, Heeley): If he will make a statement on his plans to improve services for elderly people. [122866]

The Minister of State, Department of Health (Mr. John Hutton): We are determined that older people should receive higher standards of care from the NHS and social services. That is why the national service framework will, for the first time, set national standards for the care of older people. Our plans to develop intermediate care services will also play an important part in promoting the health, independence and social inclusion of older people. We shall announce our response to the royal commission on long-term care later this summer.

Mr. Michie: I thank my hon. Friend for that reply. Earlier this year, my right hon. Friend the Secretary of State for Health announced that he was setting up a new tier of intermediate services between hospitals and primary care. Can my hon. Friend inform the House what form that is likely to take? What steps have been taken to deal with age discrimination in the NHS?

Mr. Hutton: We shall announce detailed proposals on the introduction of new intermediate care services across the NHS later this summer. Like other hon. Members, my hon. Friend will be aware that intermediate care involves a variety of different services, some of which are designed to support people more effectively at home, some to prevent them from being admitted to hospital in the first place and others to improve the active recovery and rehabilitation of older people when they are ready for discharge from hospital. It is certainly clear that we need to improve the range of services available to older people in all those three key areas, and we will certainly take forward detailed proposals to do so.

I make it clear to my hon. Friend, his constituents and everyone listening to Question Time that age discrimination—discrimination of any kind—has absolutely no role in the NHS. It fundamentally contradicts a basic ethos around which the NHS was established: treatment should be available on the basis of clinical need. We fully subscribe to that and shall challenge and root out any practice in the NHS that discriminates against older people simply on the ground of their age.

Miss Julie Kirkbride (Bromsgrove): The Minister has already been made aware by my hon. Friend the Member

for Ludlow (Mr. Gill) that there are about 500 people outside the House campaigning against the closure of Kidderminster general hospital.

Mr. Andy King (Rugby and Kenilworth): Opportunist.

Madam Speaker: Order.

Miss Kirkbride: For the elderly citizens of Kidderminster and of my constituency of Bromsgrove, can the Minister explain how their services will be improved by taking the 20-mile journey to the Worcester hospital when some of them cannot drive and bus services are infrequent, if they exist at all?

Mr. Hutton: My right hon. Friend the Secretary of State addressed some of those concerns when answering the hon. Member for Ludlow (Mr. Gill). On services for older people, all I will say to the hon. Lady is that her constituents will benefit from the additional resources and the new services that we will make available to improve care for older people. When those announcements are made and she can see the benefits, I hope that she will be the first to say that the Government are doing the right thing.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Is my hon. Friend aware that private nursing homes do not maintain the same standards as NHS units? Should there be any suggestion that people should vacate NHS beds and move to units that do not maintain the same standards, many of us, as we would not accept that for members of our own families, would not accept it for our constituents.

Mr. Hutton: My hon. Friend is exactly right, and neither would we. That will not happen. When those new services are developed, we shall make clear the specification that we expect in return for the investment. I can tell her that we are also taking parallel measures to improve the standard of care in all nursing homes, and we will make further announcements about that in the near future. Let me make it clear to her and to the House that there is no question of the new intermediate care services being in any way second tier or second class. They will be of the highest possible quality. We shall make sure of that.

Nurses

8. **Mr. Andrew George** (St. Ives): If he will make a statement on recruitment and retention of nurses in the national health service. [R] [122867]

The Minister of State, Department of Health (Mr. John Denham): More than 6,000 extra qualified nurses were working in the national health service in September 1999 than at the same time the previous year and Cornwall has more than 100 whole-time equivalent extra nurses than it had at the general election. The 2000 nurse recruitment campaign has generated more than 45,000 calls and more than 5,500 former nurses have returned, or are preparing to return, to the NHS since February last year. Applications to nurse training increased by 73 per cent. last year, including a 100 per cent. increase in applicants from black and ethnic minority backgrounds.

Mr. George: I appreciate what the Government are doing, and it is fair to recognise that the problem of nurse and midwife shortages cannot be resolved overnight, but does the Minister accept that nurses are still a long way from being treated on a par with police and teachers in respect of career path opportunities, pay and conditions, opportunities for early retirement and access to pay, training and retraining? Is he happy with the present situation? If not, what plans has he to reform the nursing profession for good?

Mr. Denham: Many changes to the role of the nursing profession are either under way or under active consideration as we draw up the national plan. My right hon. Friend the Secretary of State has made clear his determination for some of the traditional professional barriers in the NHS to be broken down. That will include enhanced roles and, therefore, better career prospects for nurses. We have already introduced the nurse consultant grade—the first posts are being created—and we are also taking action on the working conditions and working lives of nurses and other health service staff. We are publishing standards on family-friendly employment, for example. All health service employers will be expected to meet them and receive accreditation. We are trying to enhance the professional career and role of nurses and to offer more flexible employment to enable the many nurses who have to balance home and work responsibilities to do so more successfully.

Ms Rosie Winterton (Doncaster, Central): My hon. Friend has obviously had great success in recruiting more student nurses. Will he assure me that he is giving serious consideration to representations by organisations such as Unison and the Royal College of Nursing on student bursaries, which would enable student nurses who are recruited to be retained in the service?

Mr. Denham: It is clearly important that we do not waste the talents of a single person with the ability and commitment to become a nurse. We are therefore examining variations in drop-out rates in universities which provide nurse education, and are also undertaking a review of student nurses' financial support. I do not wish to suggest that we are proposing any fundamental changes to the current system, but we want to examine the details of the way in which the system operates, as raised by organisations such as Unison and the RCN.

Waiting Times

9. **Mr. Ian Bruce** (South Dorset): What the maximum waiting time is for a patient to enter a national health service hospital. [122868]

The Secretary of State for Health (Mr. Alan Milburn): The standard, which was introduced by the previous Government, is that nobody should wait more than 18 months for admission to hospital. Most patients are seen much more quickly than that, and about 70 per cent. are admitted within three months of being placed on a waiting list. However, there is little doubt that too many

people are waiting too long for treatment, which is why, in formulating the national plan that will be published next year, we are considering the best way of getting waiting times down.

Mr. Bruce: I am sure that the House will be aware that the Secretary of State did not answer the question on the Order Paper, so I shall ask him an easier one. In the 13 million propaganda leaflets that he recently put out, he stated that he now wanted the national health service to put patients first. Will he tell the House whom he thinks that doctors and nurses have been putting first for the past 50 years?

Mr. Milburn: Of course doctors and nurses put patients first. However, in their responses to the leaflet campaign and in my discussions with them on visits, they say that all too often they feel that they are having to fight the system, with which many fundamental things are simply wrong. The system does not work at its best for patients or staff because, for example, there are too many professional demarcations between staff and organisations. All hon. Members know from constituency experience that the divide between health and social care particularly bedevils the care of elderly people and people with disabilities. To deal with those problems, there must be radical reform and wholesale investment in the NHS to ensure that we win the war on waiting throughout the health service.

Mr. Andrew Miller (Ellesmere Port and Neston): I am sure that my right hon. Friend recognises that one way to improve waiting times is to solve career gap problems. Indeed, the Minister of State, my hon. Friend the Member for Southampton, Itchen (Mr. Denham), has already referred to nurse recruitment. What advice would my right hon. Friend give to one of my constituents who, having been accepted, tells me that lack of child care prevents her from getting through the process?

Mr. Milburn: That certainly is a problem. Our advice to NHS trusts is that they need to get a grip on those precise issues. Many barriers stand in the way of people coming into nursing and, indeed, staying in the profession. Although there are concerns about pay, it is a question not just about pay but about the conditions under which people are employed. Sometimes, the NHS is too inflexible as an employer. If my hon. Friend examines employment and pay structures in the NHS, he will see that they owe more to 1948 than to the 21st century.

We must change that. Of course, we must put money in to recruit doctors and nurses and give the system more beds, but we now have an opportunity to reform radically the way in which the whole system works.

Mr. Peter Viggers (Gosport): In January 1999, one of my constituents was told that she needed a triple heart bypass operation for which the waiting time was nine months. Eighteen months later, she is still waiting, despite the fact, a month ago, the Minister of State, the hon. Member for Southampton, Itchen (Mr. Denham), told me in a written answer that the waiting time for cardiac surgery in my area was 15 months, although the aim was to reduce that to 12 months. Will the Secretary of State apologise both to my constituent for not giving her timely treatment and to the House for giving an incorrect reply?

Mr. Milburn: I am not aware of that particular case, but if the hon. Gentleman wants to write to me, I will of course look into it. As I have continually made clear, there is no doubt that waiting times for treatment, especially heart surgery, are too long. That is because we have a historic under-capacity in heart surgery. I cannot conjure heart surgeons out of thin air; it takes six or seven years to train a heart surgeon, and there are only 171 operating in the NHS in England because the Government whom the hon. Gentleman supported failed to make the battle against coronary heart disease a priority. We are putting that right.

Primary Care Groups

10. **Mr. Gordon Marsden** (Blackpool, South): What assessment he has made of the priority given to public health and healthy living programmes in the future plans of primary care groups and trusts in the north west. [122869]

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): Health improvement programmes across the north-west include an assessment of the health needs of local populations, and the funding of primary care group investment plans is aligned with programmes' priorities. Primary care groups and trusts have huge potential to improve people's health and prevent illness, and the north-west regional office will continue to support that developing role.

Mr. Marsden: I thank my hon. Friend for that answer, and I am encouraged by her emphasis, and that of primary care groups, on preventive health measures. The primary care group in my constituency is pressing ahead on that front with preventive measures on osteoporosis and is introducing nutritional standards for the elderly and nursing standards. Such issues are especially important in the north-west because of the diet and life style challenges in the area. What incentives can my hon. Friend provide to primary care groups and trusts to take such measures so that outcomes are adequate and contribute to definite improvements in diet and life style?

Yvette Cooper: An immense amount of work can be done through primary care groups to promote health, prevent ill health and tackle health inequalities. The primary care group in my constituency is working with the Castleford Tigers to promote healthy eating in schools. In developing the national plan, we are seeking ways to spread best practice by primary care groups to every area so that we can tackle the health inequalities whereby people in low income areas are most likely to become ill.

Mr. Nicholas Winterton (Macclesfield): Public health and healthy living programmes are vital to the future health of the next generation, but does the Minister agree that it is critical that confusion about the roles of primary care groups and hospital trusts should not lead to duplication of facilities? Will she ensure that those roles are clearly defined and that the position of trusts such as

the East Cheshire NHS trust in my constituency is not eroded by the future development of primary care groups, which will eventually become trusts?

Yvette Cooper: Health promotion and prevention of ill health do not cause problems of duplication; rather, there is a need to fill gaps. For too long, there has not been sufficient emphasis on preventing people from becoming ill and on tackling the huge unacceptable health inequalities throughout the country. We need to encourage people throughout the NHS to work with the community, not in duplication but in partnership, to deliver health improvements for every member of our population.

Dental Service Strategy

11. **Mr. Peter L. Pike** (Burnley): What discussions he has had with the British Dental Association about the proposed new NHS dental service strategy. [122872]

The Minister of State, Department of Health (Mr. John Denham): My noble Friend the Lord Hunt of Kings Heath has met representatives from the British Dental Association on several occasions, during which the content of the forthcoming dental strategy has been discussed.

Mr. Pike: My hon. Friend will know that in Burnley, as in many constituencies, many dentists have left the NHS, and it is increasingly difficult for adult patients to get on the list of an NHS dentist. I met BDA members, from both the private sector and the NHS, in Burnley recently, and they are anxiously waiting for the new strategy because they want to know what it means for the dental profession and for the public, and whether there is to be a future for the NHS dental service—I am sure that the Government want one.

Mr. Denham: My hon. Friend is right to refer to the importance of the dental strategy, which we intend to publish in conjunction with the national plan later this summer. Mr. John Renshaw, the chairman of the BDA's executive board, is a member of the modernisation action team, which is examining patient care and speed of access. In the meantime, the Government have taken action to promote NHS dentistry, and my hon. Friend will know that an investing in dentistry grant of £44,000 has been agreed with a practice in Burnley in return for the promise of up to 3,400 new NHS patient registrations. I hope that that will go some way to tackling the problems that he has outlined.

Mr. John Bercow (Buckingham): In the development of the NHS dental service strategy, what scope does the Minister envisage for co-operation with the private dental sector?

Mr. Denham: Many dentists already offer both private and NHS treatment, but we are especially keen to extend access to NHS dentistry to those who have no access to it. We hope that, by the end of the year, some 40 dental access centres will be open where they are most needed, providing high-quality NHS dentistry for those who cannot find a dentist with whom to register. Because we want dentists engaging in both NHS and private practice to do more in the NHS, we are negotiating a package of about £17 million with the BDA to encourage further NHS registrations.

Commission for Health Improvement

12. **Jean Corston** (Bristol, East): What role the Commission for Health Improvement has in tackling differences in health service provision between postcode areas. [122873]

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): Tackling unacceptable variations in health care is a key challenge for the national health service.

The Commission for Health Improvement will regularly review the steps being taken in the NHS to address unjustifiable variations in the quality of, or access to, treatment and care, including action taken to implement national service frameworks and the uptake of guidance from the National Institute for Clinical Excellence.

Jean Corston: It is clearly early days for the commission, which has been operating for only two months. Does my hon. Friend agree, however, that while it is right and proper for local health authorities to be given responsibility to provide for the health needs of their populations, people do not understand the disparity in the availability of some services? I am thinking of, for instance, infertility treatment, and the prescribing of beta interferon and certain cancer drugs. Will the commission have a role in addressing those disparities?

Ms Stuart: Not only will the commission be able to reassure patients and the public that effective systems are in place to deliver high quality; it will work with the National Institute for Clinical Excellence, which was created to ensure that every patient has fair access to quality treatment. That is done by identifying the best practice, and spreading it quickly.

Mr. David Tredinnick (Bosworth): Does the Minister agree that one of the greatest disparities across the country is in the use and provision of complementary and alternative medicine? Surveys show that 75 per cent. of the population want such medicine to be available on the health service. Does the Minister agree that now is the time for her Department to consider how it can be provided by the health service, at the point of delivery, throughout the nation?

Ms Stuart: The hon. Gentleman is right: there is a move in favour of complementary medicine. NICE has terms of reference for an investigation based on science and evidence which will focus mainly on the major killers, but, as I am sure that the hon. Gentleman knows, bodies such as NHS Direct will be able to advise on where people can find alternative and complementary medicine. We have not closed our minds to that.

Workington Infirmary

13. **Mr. Dale Campbell-Savours** (Workington): If he will make a statement on the future of Workington infirmary. [122874]

The Minister of State, Department of Health (Mr. John Hutton): The West Cumbria Health Care national health service trust is working with the North Cumbria health authority and West Cumbria primary care group on an outline business case to develop modern community and primary care facilities in Workington to replace existing services provided at Workington infirmary.

Mr. Campbell-Savours: Can my hon. Friend assure me that there will be no delay anywhere in the system that would in any way impede the earliest possible introduction of the new provision in Workington? The provision is required, and the proposal is popular.

Mr. Hutton: I can certainly give my hon. Friend that assurance. As he knows, the outline business case will be submitted later in the summer, and we fully expect the trust to meet its original target date of June 2002 for the reprovision of services in Workington.

My hon. Friend will know better than I do that parts of Workington infirmary are 115 years old. There is an obvious need to improve NHS services and premises in his constituency, and I hope it will be possible for me to go to Workington later in the summer to talk to him and his constituents about that important reprovision.

Primary Care Trusts

14. **Miss Anne McIntosh** (Vale of York): What recent representations he has received on the setting up of primary care trusts; and if he will make a statement. [122875]

The Minister of State, Department of Health (Mr. John Denham): I and my officials have regular meetings with a range of relevant national and local organisations to discuss the establishment of primary care trusts.

Miss McIntosh: What action are the Government planning to take, through primary care trusts, to improve treatment for osteoporosis?

Mr. Denham: Primary care trusts, with other players in the local health economy, have a key role to play in drawing up local health improvement plans and in ensuring that those plans reflect national and local priorities. Therefore, issues such as osteoporosis can certainly be dealt with by primary care trusts in conjunction with other local organisations. Additionally, as primary care trusts will be able to bring together existing general practitioners and practice nurses with staff from community health trusts in many areas, some of the care that is provided particularly for patients living in the community may be better provided in future. For a range of chronic conditions, but particularly those affecting the elderly, primary care trusts offer new opportunities to provide better services in the new NHS.

Sierra Leone

3.31 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): With permission, Madame Speaker, I shall make a statement on Sierra Leone.

When I made my first statement to the House, I announced that the British military presence would be of value in securing two objectives: to get British nationals out and to get more United Nations forces in. I am pleased to report that we have made good progress on both objectives.

The United Nations force has expanded rapidly over the past month and, by next week, we expect it to be at its original authorised strength of 11,000. That successful build-up has been possible only because of the increased efficiency that the British presence has brought to logistic movements. We have provided security for the airport and provided a lead that has encouraged UNAMSIL contributors to deploy quickly.

The security situation has much improved, in part because of the United Kingdom presence. The rebel advance on Freetown has been reversed and their leader is under arrest. All the 500 UN personnel who had been seized by the rebels have been released, although we continue to watch with care the situation of Major Harrison and Mr. Smith.

We remain on course for our target of withdrawal by mid-June. The 1st Battalion of the Parachute Regiment has already withdrawn, and we expect 42 Commando to be withdrawn next week. At that point, the security of Lungi airport will be transferred to the United Nations. At the weekend, I spoke to Kofi Annan, Secretary-General of the United Nations, who expressed his appreciation for what he described as the magnificent effort by the British troops in helping to stabilise the situation in Sierra Leone.

Much more remains to be done to ensure that the UN mission is not only at full strength, but an effective force. We will continue to provide valuable back-up to that UN operation, such as better communications to its units and military advice to its headquarters. The achievement of the past month, however, has been to avert an immediate threat to Freetown. As a result, Sierra Leone may have dropped out of the front pages—but we shall secure lasting stability there only if we, the international community, and the Government of Sierra Leone follow through the gains of the past month with a sustained effort. We must also expect to see some local reversals before we succeed in bringing the conflict to an end.

On Thursday, I shall be visiting Sierra Leone to explore with President Kabbah how we can take forward our work in partnership. Today, I wish to outline to the House our strategy for building on the progress of the past month. The strategy has three priorities: to repel the rebels; to restore the peace process; and to rebuild Sierra Leone.

The first priority is to equip the Government of Sierra Leone with an effective and accountable army of its own. Since the Lomé agreement of last year, Britain has been the lead nation in training a new Sierra Leone army. We propose to accelerate our training to achieve a rapid boost in troop capacity. We shall therefore be providing a short-term training team to provide an intensive infantry course for 1,000 new recruits—all of them screened recruits over 18-years-old. The training will be conducted by about 180 personnel drawn from 2 Royal Anglian. They will be supported by HMS Argyll and RFA Sir Percivale, both of which will provide communications and back-up offshore. Additionally, 40 junior officers of the Sierra Leone army have this week commenced training in Ghana with the British military and advisory team there.

We anticipate that the intensive phase of initial training will be completed over the next two months. In the longer term, we will retain the lead in military training of the Sierra Leone army and in advising the Government of Sierra Leone on structures for the democratic accountability of that army. We will be deploying shortly the lead elements of a long-term training team of about 90 personnel, but their full deployment will depend on establishing a secure environment.

The second priority is to restore momentum to the peace process. Before the recent return to conflict, more than a third of the armed groups had entered into the disarmament process started by the Lomé agreement. It is vital that the option of demilitarisation remains open to all those willing to lay down their arms. The United Kingdom is by far the largest donor to the peace process in Sierra Leone, and we have committed about £70 million from the development budget. We will be seeking further support from other donors, including the World Bank, to help match the resources required by the shattered economy and society of Sierra Leone.

The amnesty within the Lomé agreement applied only to crimes committed before the date of its signature; it does not provide immunity for crimes committed in the recent conflict. The rebel leader, Foday Sankoh, is now under detention, and it is our view that he must remain so until he is brought to justice.

The third priority is to reduce the incentive which the illicit trade in diamonds has provided for armed conflict in Sierra Leone. Diamonds have fuelled the war. The people of Sierra Leone remain among the world's poorest while the wealth of its diamonds goes to rebels. In the medium term, the objective must be to bring the diamond area under the control of the Government and of the UN. In the meantime, we must take action outside Sierra Leone to regulate the trade in its diamonds. We are exploring with our partners in the Security Council our proposal for a UN resolution banning trade in diamonds from Sierra Leone except where that is certified as legitimate by the Government of Sierra Leone.

Any action to halt the flow of diamonds out of Sierra Leone and the flow of illicit weapons into Sierra Leone would have a much better prospect of success with the co-operation of neighbouring countries, especially Liberia. I regret to inform the House that there is continuing evidence establishing close links between the rebels in Sierra Leone and supporters in Liberia, and that Liberians are profiting from illegal diamond smuggling. We are consulting the United States and the European Commission on how we can jointly step up international pressure on Liberia to close down its links with the rebels.

The position in Sierra Leone has greatly improved in the month since my first statement to the House. British troops have made a big contribution to this turn-round. The House will want to record its appreciation of the professionalism with which they have carried out their duties and the commitment with which they have served in challenging circumstances.

[Mr. Robin Cook]

However, there remains a long way yet to go before Sierra Leone is free from conflict. The best way that we can express our appreciation for the efforts of our troops is to make sure that we build on the gains that their presence has secured. We are determined to do so, and we will continue to make every realistic contribution that is open to Britain. Our objective is to ensure that the people of Sierra Leone are offered a realistic prospect of stability and peace and are freed from the violence of a brutal rebel minority.

Mr. Francis Maude (Horsham): I thank the Foreign Secretary for his statement. The House will want to join in congratulating our soldiers on their role. They have, as we have come to expect, discharged their duties with calm and distinction. As the right hon. Gentleman knows, we have been ready to support whatever tasks they might be asked to undertake.

Clearly, and as we would expect, the Government and the people of Sierra Leone have been extremely enthusiastic about the British presence. Will the right hon. Gentleman say what President Kabbah's view is about its effective military withdrawal, save for the continuing welcome training presence? In the light of his repeated statements that Britain will not let down Sierra Leone, is there not a danger that expectations about the duration and scope of the British military commitment were raised too high, and that as a consequence people in Sierra Leone will now feel let down?

Given that the United Nations mandate is not to defeat the Revolutionary United Front or take control of the diamond mining area, does the Foreign Secretary believe that the Sierra Leone army is now in a position to do either of those extremely important things? What is he doing to secure a change of mandate to one of peace enforcement?

In reality, the situation outside Freetown has barely improved, with Government forces suffering, we understand, setbacks in Lunsar and the area surrounding Kenema and Makeni. Was it really necessary for the rebuilding of the army that British weapons should have been supplied to so many child soldiers?

We would support any effective ban on diamond trading that cut off the RUF's life support. How does the Foreign Secretary square his proposal to the House today with the suggestion by the UN Secretary-General two weeks ago that he would effectively trade such an embargo for the detained UN peacekeepers? Given the news that a further group of UN peacekeepers may have been surrounded, does not the Foreign Secretary's initiative today cut across what Kofi Annan has already held out? Can he say a little more about how it would operate, given the fact, as he has mentioned, that most Sierra Leonean diamonds go out through Liberia or Burkina Faso, with the Liberian Government apparently taking some 80 per cent. of the proceeds of diamond trading from Sierra Leone?

Obviously, it is desirable that the legitimate Government of Sierra Leone are permitted to sell diamonds. That will be their lifeblood for creating a new durable civil order there. However, how will that be monitored in the light of evidence that the RUF is openly co-operating with pro-Government militias in towns such as Kenema? How confident is the Foreign Secretary that the Belgian authorities, who are crucial in the matter, will co-operate with such an embargo? With Antwerp dominating that market, have they not been the major obstacle to any solution?

The Foreign Secretary is suggesting that the active phase of British military involvement in Sierra Leone is drawing to an end, giving place to a longer-term and lower-key commitment. Will he agree to a full inquiry into the events that made that commitment necessary in the first place?

People especially need to know why Brigadier Richards was withdrawn in early April, apparently against the advice of both the Sierra Leonean Government and the British high commissioner. People want to know what the involvement was of the Foreign Office last summer in pressuring President Kabbah into pardoning Foday Sankoh from his death sentence and installing him as vice-president of the country, with full control of the diamond mines. Was that not a fatal error that set him free to return to the path of murderous exploitation, and which made it necessary to send in British troops?

Mr. Cook: I am grateful for the right hon. Gentleman's support—I look forward with keen anticipation to the day when he attacks me. In response to his last point, there was no pressure from the UK on President Kabbah to sign the Lomé agreement. Indeed, we were present only as an observer. We did not broker the agreement and we did not witness the agreement. Nor was there any need, when I saw President Kabbah subsequently, to press upon him the Lomé peace agreement, because the reality is that peace has been warmly welcomed throughout Sierra Leone.

If the right hon. Gentleman really believes that there was an alternative to the Lomé agreement, he must recognise that it was to fight the RUF—and President Kabbah's tragedy was that he had no combat troops. That is precisely why it is so crucial that our strategy now should be to provide him with those combat troops, so that he has the ability to restore law and order to his country.

I agree absolutely with what the right hon. Gentleman said about the difficulties up country. In fairness to myself, I have made no attempt to disguise that. I specifically said that we must expect local reverses before we reach a conclusion to the conflict. However, it is important that we do not let those local reverses damage our determination or morale in Sierra Leone. That is why we shall persist with the strategy that I have set out. That strategy has to involve the supply of weapons to the army of Sierra Leone. There is no point in calling on the Government to assist in the defeat of the RUF and then complaining about the provision of weapons to the army that is to carry that out.

The right hon. Gentleman asked why so many child soldiers had been found with British weapons. As far as I am aware, one celebrated case has been discovered by the London *Evening Standard*. I noted with interest an article the other week by the man who discovered the child soldier. He said he was taken aback by the negative coverage and had intended his report to argue for more, not less, British involvement.

We have made vigorous representations to President Kabbah—and I shall do so again on Thursday—that we do not expect any child soldiers in the Sierra Leone army.

However, I remind the House that 5,000 children have been pressed into forces on both sides in Sierra Leone over the past nine years. It will not be possible to secure an instant transformation and an instant cessation of all child soldiers. Our commitment is to make sure that they are phased out and rehabilitated.

The right hon. Gentleman also asked whether Belgium would co-operate. If we secure a Security Council resolution, Belgium, like all members of the United Nations, will be obliged to abide by it. We shall certainly make sure that if we secure a resolution, it is workable. I agree with him that it would be easier to make it work if we had the co-operation of Liberia.

Lastly, I return to the right hon. Gentleman's initial statement, in which he asked how welcome the withdrawals were. I remind him and the House that from the time of my first statement a month ago, the Opposition's complaint has been about mission creep and the operation carrying on beyond the goals that we set out in that statement. I set out two objectives: that British nationals should come out and that UN troops should go in. We have secured both objectives. We have met them on schedule and we are now withdrawing. Those who complained about mission creep from day one are not in a position to complain that we are ending the mission, when we have completed it.

Mr. David Winnick (Walsall, North): British forces have done a wonderful job in Sierra Leone. I hope that hon. Members on both sides of the House will demonstrate their total support for what has been done. Is it not appalling that while babies in that country have their limbs cut off by rebel forces, people in Europe—apparently even in this country—are dealing in diamonds sold by those rebel forces? Does my right hon. Friend agree that, bearing in mind the failure of the peace agreement to which he has referred, there will be no lasting solution in Sierra Leone until the rebel forces are militarily defeated? Is not the task of the international community to secure a decent future for the people of Sierra Leone?

Mr. Cook: I agree absolutely with my hon. Friend that there will not be permanent peace and stability in Sierra Leone until the RUF ceases to exist as a unit. There are two ways of securing that. One is to make sure, as I said in my statement, that the door to demilitarisation and disarmament remains open so that those who want to demilitarise can do so. There is evidence that more now wish to do that. At the same time, we must pursue the twin track of making it plain that there can be no military victory for the RUF, and the sooner that more of them opt for demilitarisation, the better for them and for Sierra Leone.

Mr. Menzies Campbell (North-East Fife): May I offer my support for the British forces? I welcome the Foreign Secretary's statement, particularly the part that dealt with diamonds. It is right to seek to cut off the supply of diamonds. Have the Government given any consideration to measures that might cut off the supply of arms to the rebel forces in Sierra Leone?

Have not the Lomé agreement and the United Nations mandate been overtaken by events, to the extent that it might even be argued that they have passed their sell-by date? What, in the Foreign Secretary's view, should replace them? In particular, how should the United Nations mandate be strengthened?

By what criteria does the right hon. Gentleman think we will be able to judge the political success of the military deployment to Sierra Leone, and when might we make that judgment? Should we not accept, as the realistic position, that it will be some considerable time before the last British soldier can safely leave Sierra Leone?

Mr. Cook: I agree absolutely with the right hon. and learned Gentleman that it would assist in ending the conflict if weapons could be prevented from entering Sierra Leone. There is a UN sanctions committee administering the sanctions in respect of Sierra Leone and the rebels. We are making available to it the information that we have, and we hope that it will take a robust position. The key remains with the diamonds, because they pay for the weapons.

The right hon. and learned Gentleman asked about changes to the Lomé peace agreement. Plainly, implicit in my statement is that changes must take place; for instance, the RUF members who took part in the recent rising plainly cannot continue to enjoy the privileges secured in the Lomé agreement. However, it would be a big mistake to dismantle the Lomé peace accord, because it has been of value in shifting the balance of forces in Sierra Leone. For instance, other rebel groups who signed the Lomé peace agreement have remained loyal to it. I do not think that we should give them the reason to believe that that loyalty is now no longer required.

I do not see a case for changing the mandate of the UN mission. It is a robust mandate and gives those involved the right to use lethal force not only to defend themselves, but to defend civilians. What is required is to make sure that we have a UN mission that can carry out the mandate.

The right hon. and learned Gentleman is right to indicate a note of caution about reaching a judgment on the past month. To be fair, we have not sought to claim that this is the end of the story. On the contrary, we have embarked on a long process. Our commitment to the training of an army in Sierra Leone is a long-term commitment. It will take time to secure, but we are determined to see it through.

Mr. Tony Worthington (Clydebank and Milngavie): I very much welcome the Foreign Secretary's report on the achievements of the British forces and the other activities in the past month.

On the subject of diamonds, the capacity of the Liberian diamond industry is said to be between 100,000 and 150,000 carats a year. Between 1994 and 1998, 6 million carats a year were exported from Liberia to Belgium. How can that be? What action is the Foreign Secretary taking on that? I noticed the omission of the words "De Beers". De Beers has an office in Monrovia, in Liberia, but has no office in Freetown. De Beers controls the diamond industry. What is it doing to help cut off the supply of the fuel of war in Africa?

Mr. Cook: My hon. Friend reinforces the importance of taking the action that we have outlined on the diamond trade. He is right to draw attention to the fact that most of the diamonds in Sierra Leone appear to be leaving the region via Liberia. With respect to De Beers, I would not

[Mr. Cook]

wish to comment on its activities within west Africa. It withdrew from Sierra Leone and, in fairness, it has been foremost among the diamond traders in proposing measures for international regulation of the diamond trade. A number of the diamond traders have begun to recognise that it is important for consumer confidence that consumers should know that when they buy a diamond, they are buying a clean diamond and not a conflict diamond.

Mr. Tom King (Bridgwater): The Foreign Secretary has said that there is a long way to go. Clearly, on that long way, the establishment of a strong British Army training team is a sensible and intelligent proposal which the House will support, given the Army's well-established reputation for training armies in African countries such as Namibia and Zimbabwe. However, does he understand that while I wish to see the earliest possible withdrawal of the main British forces, I am surprised by his statement today—that it has been possible to do it as quickly as it has been done? I understand the desire to avoid allegations of mission creep, but we owe it to the forces that their outstanding contribution should endure. I hope that this has not been done in too precipitate a way.

Mr. Cook: I have made it plain that we have a long-term commitment to Sierra Leone and we are determined to see through the peace process in all reasonable ways we can, but we will not provide—as I have repeatedly stressed—combat troops for the front line. As for the process being quick, I remind the House that we said in the first week of May that we would withdraw in mid-June, and we are delivering on that schedule. I have endured allegations of mission creep with fortitude and patience for the past five weeks, and I am prepared to put up with them for a further five weeks. If the right hon. Gentleman is concerned that those allegations were misplaced or unreasonably influenced the Government's view, perhaps he should have a word with his Front Benchers and suggest that they were in error.

Mr. Kevin McNamara (Hull, North): My right hon. Friend has spoken only obliquely about the role of Belgium. Have there been direct negotiations between our Government and the Government of Belgium on this issue, and what sort of reply has he received?

Supporting what the British Army has done will take enormous amounts of reconstruction and infrastructure improvement in Sierra Leone. In particular, it will require the education of many of the young soldiers and the children who have become refugees or been made parentless. Is my right hon. Friend, in conjunction with my right hon. Friend the Secretary of State for International Development, working on policies to help in those tragic circumstances?

Mr. Cook: Both I and the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Neath (Mr. Hain), have at various times discussed the trade in diamonds with representatives of the Government of Belgium, and they will be fully involved—as a legitimate interest—in the debate on international measures. We have pushed the issue for the past year globally, and it now has a particular and immediate urgency in relation to Sierra Leone.

My hon. Friend the Member for Hull, North (Mr. McNamara) is right to draw attention to the need for support for those who have been traumatised by the loss of childhood and the brutality of the past nine years in Sierra Leone. There are rehabilitation centres for the child soldiers and we need to ensure that more are provided, that they are adequate and that the children are brought to them as quickly as possible. However, we should not persuade ourselves that we shall quickly achieve the process of rehabilitating those children, or the economy and society of Sierra Leone, because that will require a serious, long-term commitment to development and rehabilitation.

Mr. Bowen Wells (Hertford and Stortford): I welcome both the return of the Government to the wholehearted support of efforts by the United Nations, and the progress that the Government and the Army have made in restoring some stability in Sierra Leone. Has any assessment been made of the long-term cost of rehabilitating, training and arming the Sierra Leone army, so that the rule of law may spread from Freetown to the country's borders and the democratically elected Government may remain in control?

Mr. Cook: Of course we have made estimates about the likely cost to Britain of the training commitment we are making. The commitment is for a short-term, intensive team in basic infantry training, followed by a longer-term commitment of some 90 personnel for the further training of the Sierra Leone army. We have costed that commitment, which is greater than that made by any other country, but we are looking to the international community to support us. We will need help to ensure that the peace process succeeds.

Ms Tess Kingham (Gloucester): For any peace in Sierra Leone to be lasting, it is obviously crucial that ex-combatants, especially children, be reintegrated successfully back into society. Many of the ex-combatants will be traumatised and will have psychological problems, because of the nature of the conflict. They will not have livelihoods, or even communities, to return to. What is being done to ensure that those people are not a seedbed for future conflict? Is there an international, UN-funded programme to reintegrate ex-combatants successfully?

Mr. Cook: My hon. Friend draws attention to what is a very important part of the disarmament process. Lomé set out a programme of disarmament, demilitarisation and reintegration. The British Government are by far the biggest single donor to that programme, and we will continue to provide a lead while looking to others to support it.

The reintegration programme may have to be reshaped in the light of experience. In particular, I think that we should now try to avoid having large numbers of those who come forward for disarmament spending long periods in camps. We should try to move them more quickly back into civilian life and to train them for the civilian employment to which my hon. Friend referred.

Mr. Douglas Hogg (Sleaford and North Hykeham): Has the Secretary of State any plans to give the House a full account of Government policy—past, present and prospective—with regard to Sierra Leone? That could best

be done by means of a full day's debate on a substantive motion. Such a motion should be couched in terms of the House giving its authorisation and support for the policy, which it has not given hitherto.

Mr. Cook: Four statements on Sierra Leone have been made in the past five weeks for which the House has sat. On most of those occasions, the right hon. and learned Gentleman has risen to ask not a question of substance, but the question that he has just repeated. The Government are entirely happy to defend our record on Sierra Leone at any time. We have done so repeatedly, and the House has been kept fully informed.

Jane Griffiths (Reading, East): I welcome my right hon. Friend's commitment to the eradication of the trade in blood diamonds, which has fuelled conflict in Sierra Leone and elsewhere in Africa, and in other countries. My right hon. Friend will know that the US State Department estimates that the income from smuggled stones is upwards of £5 billion, and that that money buys a lot of AK47 rifles. About 80 per cent. of the global supply of diamonds is processed and sold in Antwerp—a city that the UN has described as a diamond smuggler's dream.

It is essential to eradicate the trade in blood diamonds, and a UN resolution may help in that respect. However, given that practices go on in Liberia and Belgium which could be described as questionable at the very least, a UN resolution by itself would not eradicate that trade. Will my right hon. Friend reassure the House that other measures will be taken?

Mr. Cook: The point of a UN resolution is to authorise the measures to enforce it. My hon. Friend raises the question of what is a very real challenge to us. It will be nearly impossible to secure 100 per cent. success in the objective that she sets out. If we were to set ourselves a target of 100 per cent. success, we would quickly become discouraged and turn away from a course that plainly must be undertaken. However, even partial success could still be of great value in reducing the flow of funds to the RUF and in reducing the prices obtained by those who succeed in smuggling. All of that would represent a substantial gain. I hope that we can achieve measures that are as effective as possible but, in this case, we should not let the best be the enemy of the good.

Mr. Edward Leigh (Gainsborough): Will the Secretary of State give a slightly fuller response to the question put to him by the hon. Members for Clydebank and Milngavie (Mr. Worthington) and for Hull, North (Mr. McNamara)? Would it ease the situation if De Beers closed down its purchasing office in Liberia? What discussions have the Government held with the Belgian Government about encouraging De Beers to take that step?

Mr. Cook: The future of the De Beers operation in Liberia will depend entirely on the extent to which the company can become a party in the implementation of a UN sanction. If we can use De Beers to make sure that it does not purchase diamonds smuggled out of Sierra Leone, the company can become part of the solution, instead of part of the problem.

Mr. Mike Gapes (Ilford, South): Has my right hon. Friend seen the letter, published in today's edition of *The Independent*, from a number of people from Sierra Leone who live in London? They are worried about the perception of a reduction in the British presence at this time. Will my right hon. Friend assure the House that, when he meets President Kabbah, efforts will be made to send clear signals about Britain's long-term commitment to achieving a long-lasting solution? Will he also take the opportunity to speak to the Chancellor of the Exchequer and ensure that sufficient resources are made available for the Defence, International Development and Foreign Office budgets so that Britain can continue to play the positive role internationally that it displayed in connection with Sierra Leone?

Mr. Cook: I regularly discuss public spending priorities with my right hon. Friend the Chancellor. I shall bear in mind what my hon. Friend suggests.

I am visiting Sierra Leone on Thursday precisely to demonstrate our commitment to taking the peace process forward. President Kabbah has warmly welcomed what Britain has done. I am sure that what I have announced today in terms of a commitment to accelerating the training of an army for his Government will also be welcome.

Dr. Jenny Tonge (Richmond Park): Does the Secretary of State agree that money from the sale of diamonds which should have been used for health and education purposes to improve the lot of Sierra Leonean citizens has instead been used to buy arms and squandered on the civil war? When will he deal with the other side of the equation and introduce legislation to control the activities of the arms trade, and arms brokers in particular?

Mr. Cook: The Department of Trade and Industry, as the hon. Lady knows, is examining introducing a Bill based on the recent consultation exercise. However, we have no evidence of any British-based broker being involved in supplying weapons to the rebels in Sierra Leone, and would happily receive any information that was provided to us on that front.

I welcome the close interest that has been shown in these exchanges about the extent to which the illicit diamond trade fuels the conflict in Sierra Leone. This will give us added strength in our representations, and I hope that the extent to which parliamentary and public interest in the matter is increasing will be of value to us in the United Nations when we seek that resolution.

Mr. Geoffrey Clifton-Brown (Cotswold): Will the Foreign Secretary join me in welcoming the highly successful operation carried out by the spearhead battalions of the Parachute and Marine Regiments? Will he also accept that there is a world of difference between mission creep involving a highly combative situation and mission creep whereby we are supplying support and logistical help to Sierra Leone? Will he, therefore, set out a programme whereby distinct objectives are to be achieved before troops training the Sierra Leonean army are withdrawn?

Mr. Cook: I am very happy to echo the hon. Gentleman's praise for the professionalism of the two units that have been involved in providing a presence in Freetown. The 1st Battalion of the Parachute Regiment deployed extremely rapidly, and very professionally

[Mr. Cook]

carried out an evacuation. Both it and 42 Commando have maintained a very useful presence in Sierra Leone, and have helpfully made sure that the UN presence was increased and strengthened.

On the hon. Gentleman's other point, I note that the accusations of mission creep are now shading. What I announced today is not a new commitment by Britain. For a year, we have been committed to the training of the army of Sierra Leone. That will take time. The ultimate objective is to ensure that we provide a disciplined and effective fighting force for the Government of Sierra Leone, but one that will also transform the equations within Sierra Leone and is accountable to a legitimate Government.

Mr. Robert McCartney (North Down): Does the Secretary of State agree that even if the Government did not broker the Lomé agreement, they have certainly endorsed it and continued to give it support? The agreement provided the rebel leader with a place in the Sierra Leonean Government and access to the diamonds which were the sinews of war. Will the right hon. Gentleman agree that in brokering or supporting any other peace agreement, it would be wise to ensure that the military arm and civil power of the Government are, like the army in Sierra Leone, in tip-top condition and are maintained in that condition, and that the rebels are not allowed benefits that may ultimately result in the breakdown of an agreement, such as occurred under the Lomé agreement?

Mr. Cook: I can say to the hon. and learned Gentleman that we have indeed supported the Lomé agreement. Indeed, no other country has done more to try and make that peace process a reality. I think that we were right to do so and are right to continue to do so.

It was not the Lomé agreement that deprived the Sierra Leonean Government of an army—it was the mutiny in 1997, in which their former army went over to make common cause with the rebels. One of the successes of Lomé—and we should not lose sight of this—is that those former members of the Sierra Leonean army have come over to the Government and have been fighting on the side of the Government, not of the rebels, over the past month. That would not have been possible without the Lomé agreement.

Dr. Julian Lewis (New Forest, East): Does the Foreign Secretary accept that in this expedition, as in other recent military operations, a disproportionately heavy burden has fallen on the British armed forces by comparison with the armed forces of some of our continental friends and allies, notwithstanding their unwise commitment to the creation of a separate European security and defence identity? Given that it is our armed forces who will have to restore the situation, what negotiations has he undertaken with our continental allies to ensure that they will take up the burden of the continuing commitment in Sierra Leone, once our forces have, yet again, pulled the fat out of the fire?

Mr. Cook: The hon. Gentleman's question demonstrates nothing more than his obsession with Europe. We have received much international support for the exercise and for what we are currently doing in Sierra Leone. It is a country with which we have long historic ties. As one of my hon. Friends pointed out, we continue to have long community ties with the country. It is thus perfectly reasonable for our colleagues to look to us to take the lead—just as we would look to France to take the lead in one of its former colonies.

Mr. Stephen O'Brien (Eddisbury): Despite the Foreign Secretary's earlier dismissal of the point, I urge him to acknowledge that the UN mandate needs to be changed from a peacekeeping to a peace enforcement one, given that, at the time of the withdrawal, there is no peace to keep. Does he realise that there is a risk that, if UN troops are put back under the same, failed mandate, the position would be insecure for our troops if they were sent back to pick up the pieces?

Mr. Cook: It is certainly important that the UN force be as effective as possible. That has been our policy; it will continue to be the objective of the back-up we provide to the UN forces. I repeat that, if the hon. Gentleman studies the Security Council resolution that establishes UNAMSIL, he will find that it is very robust; it provides for lethal force to be used. It certainly mandated UNAMSIL to use lethal force in the circumstances in which the troops found themselves in the first week of May. The reason that it was not used had nothing to do with the failure of the mandate, but everything to do with the failure of effectiveness of the force. That is what should be tackled—not the mandate.

Mr. Simon Thomas (Ceredigion): Has distribution of British arms to the Sierra Leonean army begun, and, if so, under what conditions? When the Foreign Secretary meets President Kabbah on Thursday, will he seek further assurances that those arms will be used neither by child soldiers nor by those aged under 18? What assurances and commitments will he seek from President Kabbah to ensure that those arms do not fall into the hands of any other militia groups—whether or not they are currently aligned with the Sierra Leonean army?

Mr. Cook: A quantity of rifles has been distributed to the army of Sierra Leone during the past few weeks. A similar quantity remains under our control in that country. It will be released only under the close supervision of our officers there and only on the clear and explicit understanding that the rifles will not be given to anyone aged under 18. Indeed, President Kabbah has given us an undertaking that he will not have under-18-year-old children in the army. He has warned army officers that they will face disciplinary action if they recruit children under that age.

Mr. Piara S. Khabra (Ealing, Southall): What action does my right hon. Friend propose to take against companies based in London that deal in diamonds in order to promote conflict in the countries of Africa?

Mr. Cook: In the event that we secure our UN resolution, such activity would be illegal in relation to Sierra Leone. We shall certainly fully uphold the UN line.

Point of Order

4.14 pm

Mr. Edward Leigh (Gainsborough): On a point of order, Madam Speaker. May I refer you back to Question 5 during Health questions? On three occasions, when questioned closely by the shadow Secretary of State for Health, the Secretary of State replied by questioning Opposition policies. That was flattering and interesting, but, under our rules of order, should not Ministers, when questioned about their Departments, reply by answering the question rather than simply by questioning the Opposition? Does not that turn Parliament on its head? What is the point of Question Time?

Madam Speaker: As the hon. Gentleman knows, I am not responsible for comments made by Members—that includes Members on the Government Front Bench. However, to some extent, he is correct. In this House, it is not for Ministers to question the Opposition. The Executive are in charge; it is for the Opposition and for Government Back Benchers to scrutinise the Government, and for the Government to answer questions. No doubt, the time will come when we shall want to hear from the Opposition what their policies are—*[Interruption.]* Order. However, that is not for me to suggest; it is for the future. At present, it is for Ministers to answer on behalf of the Executive.

WELSH GRAND COMMITTEE

Motion made, and Question put forthwith, pursuant to Standing Order No. 107 (Welsh Grand Committee (matters relating exclusively to Wales)),

That the matter of Social Exclusion in Wales be referred to the Welsh Grand Committee for its consideration—*[Mr. Sutcliffe.]*

Question agreed to.

Taxation (Right to Know)

4.15 pm

Mr. John Bercow (Buckingham): I beg to move,

That leave be given to bring in a Bill to require the Treasury to send to each household and business a annual statement of the rates of each tax and excise duty; and for connected purposes.

Thousands of hours are spent by Members of Parliament in debates, questions and correspondence about taxation. Since May 1997, there have been no fewer than 3,842 oral and written parliamentary questions in this House and in another place, 61 Adjournment debates and 50 early-day motions. For today's purposes, I am peculiarly grateful to two individuals: first, the Chairman of the Public Accounts Committee, my right hon. Friend the Member for Haltemprice and Howden (Mr. Davis), and secondly, the president of the Adam Smith Institute, Dr. Madsen Pirie.

We know that we are more heavily taxed than ever before, but we are told less about that taxation by the Government. My right hon. and hon. Friends are aware that a typical family pays an extra £669 in tax a year under this Government. We know that from House of Commons figures, just as we know from the figures published in the Red Book that the share of gross domestic product accounted for by taxation is scheduled to rise from 35.3 to 37.3 per cent. between 1996–97 and 2001–02. We also know from the Organisation for Economic Co-operation and Development, the Office for National Statistics, PricewaterhouseCoopers, Chantrey Vellacott, the Confederation of British Industry and the Federation of Small Businesses that taxes have risen, that they are rising and that they are scheduled to continue to rise.

That is why we at least now know what Labour meant when it said it would be a people's Government. People who are married, people who pay mortgages, people who own cars, people who put petrol in them, people who acquire savings, people who own pensions and people who run businesses all now face a higher tax burden under this Government. The effect of that pitiful state of affairs is that tax freedom day in this country—the day on which we cease to work for the Chancellor of the Exchequer and start to work for ourselves—is 30 May. Of course, that is 20 days better than in euroland, where tax freedom day is 19 June, but, importantly, it is no fewer than 20 days worse than in the United States, where tax freedom day falls on 10 May.

In the 1950s, the late Winston Leonard Spencer Churchill, as Chancellor of the Exchequer, cut taxes to allow money to fructify in the pockets of the people. Some of my right hon. and hon. Friends think that this Chancellor picks the pockets of the people, and I assert that he plunders the pockets of the people on an unprecedented scale. Unprecedented plunderer though he is, he offers little information about his taxes.

The Chancellor has repeatedly refused to publish the figures that show the impact of direct and indirect taxes on a typical household, or on households in the other income deciles, despite the fact that Conservative Governments in office consistently provided that information for 15 successive years from 1981 to 1996. Rightly, he has been criticised by the Select Committee on the Treasury in its report on the March 2000 Budget, paragraph 35 of which states that in the interests of transparency, such figures should in future be published in the Red Book.

[Mr. John Bercow]

Meanwhile, the insouciant Chancellor is busily publishing and distributing his so-called Budget letter. That letter is nothing but tendentious propaganda financed from the public purse. The Chancellor was rightly excoriated by the same Treasury Committee report for that behaviour. In paragraph 90, the Committee argued that if the Chancellor intends, as he has previously suggested, that in future his letter should go not only to the current 400,000 recipients but to every household in the country, a body fully independent of the Government should be involved in its preparation, to guarantee its impartiality.

That observation by the Select Committee leads me to the first of my three proposals. In my Bill, the Treasury is required to prepare and send to every household and business an annual statement of the rates of each tax and excise duty. What criteria should that statement fulfil? First, it should state the rates of those taxes and any change that those rates represent upwards or downwards from the previous year. Secondly, each tax should be in one or more of three broad categories—taxes on individuals' income, taxes on business activity and taxes on personal expenditure.

The third criterion that the statement should fulfil is that instead of taking a narrow and inward-looking parochial view, it should offer a comparison with the tax rates that appertain in the countries that are our principal industrial competitors. Fourthly, and crucially—although I doubt whether this will be music to the Chancellor's ears—the statement should be adjudicated by and subject to the approval of an independent person, such as the Comptroller and Auditor General, before it is routed through the Inland Revenue to every taxpayer in the country. At least that will provide some transparency.

My second proposal is that the proportion of the purchase price of key products that is represented by tax and excise duty should be publicly displayed on the bills that customers pay. I do not know how many hon. Members, or people outside, are aware that 29.5 per cent. of the price of a pint of beer, 50.5 per cent. of the price of a bottle of wine, 61.3 per cent. of the price of a bottle of whisky, 79.3 per cent. of the price of a packet of 20 cigarettes, and a staggering 84.9 per cent. of the price of a litre of unleaded petrol goes directly to Treasury coffers. That information is important. It should be known, and it needs to be communicated directly from now on to unsuspecting taxpayers across the United Kingdom.

My third suggestion is that each year the Treasury should publish an assessment of the merits of each tax, considering not only its yield but its administration cost, its compliance cost and its economic cost in terms of lost output and diminished competitiveness. I think, for example, of inheritance tax, the yield of which is now only one twentieth of the value for which it accounted in 1909. Many countries have at different times and for varying periods got rid of such a tax. Right hon. and hon. Members know that as long ago as 1985 the International Bureau of Fiscal Documentation argued that the cost involved in collecting the tax rendered it useless. We need a proper debate on that important subject.

The myriad complexities of our taxation system defy ready understanding by a busy layman. We know that too much tax is taken from too many people, who are told too little about it. It is time that the Chancellor's sultans of spin were brought to heel and a new era of openness began in which the individual could discover at a glance how, when and to what extent he or she was being fleeced by the Treasury. Providing more information to the public about taxation would create more incentive for the Government to simplify and reduce it.

That is what the Bill seeks to achieve. It is right in itself, it will be popular with the public, it is long overdue, and I hope that the House will give it warm and enthusiastic support.

Question put and agreed to.

Bill ordered to be brought in by Mr. John Bercow, Mr. Graham Brady, Mr. David Davis, Mr. Alan Duncan, Mr. Michael Fallon, Mr. Nicholas Hawkins, Miss Julie Kirkbride, Dr. Julian Lewis, Miss Anne McIntosh, Mr. Owen Paterson, Mr. David Prior, Mr. David Ruffley.

TAXATION (RIGHT TO KNOW)

Mr. John Bercow accordingly presented a Bill to require the Treasury to send to each household and business an annual statement of the rates of each tax and excise duty; and for connected purposes: And the same was read the First time; and ordered to be read a Second time on Friday 21 July, and to be printed [Bill 137].

Orders of the Day

Police (Northern Ireland) Bill

Order for Second Reading read.

Mr. Deputy Speaker (Sir Alan Haselhurst): I should inform the House that Madam Speaker has selected the amendment in the name of the Leader of the Opposition. I also remind hon. Members that there is a 10-minute limit on Back-Bench speeches.

4.26 pm

The Secretary of State for Northern Ireland (Mr. Peter Mandelson): I beg to move, That the Bill be now read a Second time.

I gather that several colleagues have been delayed by late flights. Doubtless they will join us shortly. *[Interruption.]* The flights were not fixed by me.

The Bill paves the way for the most complex changes in policing practice and culture ever attempted—changes that, if successful, will provide as good a model for policing as can be found anywhere in the world. The philosophy, size, structure, composition, training, accountability, human rights ethos, planning and information systems and community base of Northern Ireland's police will all change if the Bill is enacted.

It is therefore hardly surprising that such a complex task should spark controversy. As well as setting out a radical vision of modern civic policing that is rooted in the whole community—and will draw its legitimacy and strength from its support in all parts of the community—the Bill seeks to create a police service that has entrenched respect for human rights without compromising its effectiveness, and offers full accountability to the public without denting its operational efficiency.

Mr. Nicholas Soames (Mid-Sussex): We acknowledge that the Secretary of State has a parliamentary job to do today. However, it would have been more fitting to start with a whole-hearted tribute to the astonishing achievements, courage and effectiveness of the Royal Ulster Constabulary over many years, during which it has proved itself to be probably the most courageous police force in the land.

Mr. Mandelson: I am sorry that I gave way to the hon. Gentleman, simply because I have done as he asked on many occasions and I shall—

Mr. Soames: Do it again.

Mr. Mandelson: And I shall do so again shortly.

Mr. Stephen Pound (Ealing, North): Will my right hon. Friend give way?

Mr. Mandelson: No, I wish to continue with my speech.

The achievement of the goals that I described will generate considerable debate about the Bill in the Chamber and in Committee. I intend to approach that debate with an open mind. I readily accept that the Bill will require fine tuning as we proceed with the legislative process.

Nevertheless, I contend strongly that as people turn from the generalisations to the detail of our proposals, and when they study the reality of the Bill's contents as opposed to some of the rhetoric and the hyperbole that has surrounded it recently, they will recognise that, in spirit as well as letter, we are implementing the commission report that has given rise to the Bill and is named after its chairman, Chris Patten, to whom I pay tribute.

Of course, such reports inevitably set objectives, without always specifying how they are to be achieved, and not every aspect needs legislation for its implementation. If an aspect does not appear in the Bill, that does not mean that it is not happening or that it will not happen. The House will wish to know that I am today publishing in Belfast a detailed plan setting out the Government's implementation of each of Patten's recommendations. Copies of that plan will be available in the Vote Office this evening.

The important thing is to ensure that the principles for policing originally laid down in the Good Friday agreement have been fulfilled, and I firmly believe that they will be. It is as well to recall those principles, as they go to the heart of the cross-community support that our reforms are seeking, which is vital for the new beginning that we want.

The agreement wanted a police service that is professional, effective and efficient; fair and impartial; accountable, but free from partisan political control; representative of the society that it polices and conforming with human rights norms; capable of maintaining law and order, including responding effectively to crime, any terrorist threat and public order problems; capable of delivering a policing service in constructive and inclusive partnerships with the community at all levels; and with the maximum delegation of authority and responsibility throughout its structure and ranks. We are fulfilling all those principles in the Bill, and in doing so we are creating a unique opportunity for policing in Northern Ireland to move forward.

The RUC has led the world in counter-terrorist policing. We now want it—as Northern Ireland passes into a more peaceful environment—to lead the world in normal community partnership policing as well. I would add one further principle to those that I have listed: the principle that a police service, and the public that it serves, should honour, not denigrate, its members, especially those who have made sacrifices in the course of their professional duties that the rest of us would not dream of having to make in the course of our entire lives. For this, the RUC rightly received the signal honour of being awarded the George Cross by Her Majesty the Queen. No one will now take that honour from those who have served during this terrible period of conflict.

Of course, policing in Northern Ireland has been controversial. For some people, the police can do no wrong; for others, they can do no right. That is an inevitable source of division. I do not want to dwell on the past except to say this: in the terrorist war that Northern Ireland has experienced, injury, fatalities, indignity and suffering were routinely incurred by many in the community.

[Mr. Mandelson]

We will not forget those who have borne the brunt of this conflict. For those RUC officers who have paid dearly, I say that their legacy will endure, their memorials will be maintained, and the permanent RUC George Cross foundation, for which the Bill makes provision, will keep their name alive for ever. We should think of doing no less, however much we wish to concentrate—as the Bill does—on creating a police service for the future, rather than on raking over the coals of the past.

I earnestly believe that this is what the police themselves want. They want to draw a line. They want a fresh beginning in the conditions of peace and normal policing that the new situation in Northern Ireland offers to them, but they want to move forward without dishonouring the past. I am determined that it should happen in this way.

What, then, is the future for policing envisaged in the Bill? The Patten report is clear that policing is a matter for the community as a whole, not simply for the police. The police will undoubtedly remain the principal actors, but they should work in partnership with the community and other agencies. That new civic-based concept is embodied in the Bill's provisions for community policing, the restructuring of the police service into more autonomous district commands, the creation of new district policing partnerships and the provision of consultative forums between the police and the community at local level.

The report made sweeping recommendations to improve police accountability. The Bill provides for the Chief Constable to be publicly accountable to a strong and independent policing board. The board will set policing objectives, priorities and performance targets and will be able to obtain explanations from the Chief Constable for his operational decisions, while those will remain, rightly, his alone. The board, in other words, will be regulator to the Chief Constable's service provider.

In addition, the new office of police ombudsman is being created and will become operational in October, with enhanced powers to investigate complaints about police conduct. I believe that I am right to resist the suggestion that the ombudsman should also have powers to review the policies and practices of the police service—although if, in the course of investigating individual complaints, she wishes to raise wider issues, she may of course do so.

Mr. Kevin McNamara (Hull, North): Will there be provision for that in the Bill?

Mr. Mandelson: There will be full provision for those and all the functions and responsibilities of the ombudsman.

The Bill will lay the foundations for a human rights-based approach to policing. There will be a new oath affirming commitment to fundamental human rights and according equal respect to the legitimate and democratic beliefs and traditions of all individuals. A new code of ethics will lay down standards of conduct and practice to which both current and future members of the police service will sign up. Finally, there will be a new training, education and development strategy for the police service. Human rights training for all officers will be a fundamental requirement of the new strategy.

The House will start to appreciate just how far reaching are the provisions of the Bill, and I want briefly to highlight the different parts of it. Part I creates the new policing board, as I have already described. That will replace the current Police Authority, and I shall come back to it in a moment.

Part II makes provision for district and community policing arrangements. The new partnerships will serve as consultative forums between the community and the police. We will examine whether they should have power to purchase services on top of normal policing following the outcome of consultation on the criminal justice review, but for now I do not believe that it is advisable for the district partnerships to have an executive or expenditure role, as that would risk undermining the police service's local operations.

Part II also provides for the restructuring of the police service into district commands. That is essential for the development of community partnership policing. The district commander will issue a local policing plan setting out arrangements for the policing of the district. Those plans will be drawn up in consultation with the district policing partnership.

Part III reforms the police planning process in accordance with Patten's recommendations. The board, not the Secretary of State, will have the lead role in the planning process. It will agree and issue the annual policing plan, prepared by the Chief Constable.

Part IV places a duty on the policing board and the Chief Constable to secure "best value" in the way in which their functions are exercised in terms of the economy, efficiency and effectiveness of expenditure. It has been argued that the board will have a narrower function in those matters than the present authority. That is not the case. The board will have much greater powers and responsibility than the authority in terms of planning and objective setting for policing, monitoring police performance and holding the police to account.

Part V deals with the functions of the Chief Constable and the police service. It requires all officers in carrying out their functions to have regard to the code of ethics issued by the Chief Constable, which will bring the new focus on human rights into all aspects of policing and will be issued in conjunction with the policing board.

Dr. Norman A. Godman (Greenock and Inverclyde): Will my right hon. Friend assure the House that there will be no limit on the policing board's ability to initiate an inquiry?

Mr. Mandelson: I should like to come to that in a moment.

Part V provides for the police service to be under the direction and control of the Chief Constable, as Patten insisted. That is a fundamental principle. The police must retain operational responsibility, but must also account for their actions. Part V also makes provision for the recruitment of police officers and police service support staff. However, I should stress that, notwithstanding an element of independent validation of recruitment, the Chief Constable will be the final arbiter of who is admitted to the police and the police reserve based on merit. Part V includes special measures to change the religious composition of the police service—the so-called 50-50 recruitment.

The Bill makes provision for periodic review of the need for that measure. I have listened to concerns about the provision that will cause it to fall absolutely after 10 years, and I accept that that time limit will be unnecessary if the system is being reviewed regularly. I also believe that it is desirable to aggregate out the balanced recruitment that we want over a period of years if it falls short in a particular year.

Part V enables regulations to be made to enhance pensions and gratuities for officers leaving the police service under voluntary severance arrangements. The Government have made it clear that we will be sympathetic and generous in our approach to officers leaving, whether they are regulars or reserves. The provision enables me to take that approach. It also requires members of the police service to register their interests and associations. Finally, part V will enable me to regulate the emblems and flags of the police service and issue guidance on the police service's deployment of equipment designed for use in maintaining or restoring public order. Naturally, I am obliged to consult before doing so.

Part VI includes enhanced powers for the policing board to require reports from the Chief Constable on any matter connected with the policing of Northern Ireland. It also makes provision for a new power for the policing board to initiate an inquiry into any aspect of the police service. The Government agree with Patten that the policing board needs that power to enable it to hold the Chief Constable to account effectively. However, Patten acknowledged that that was an extreme power, ranking it alongside the board's ability to call on the Chief Constable to retire. The Government have therefore included safeguards on the exercise of the power, which Patten said would be necessary.

Mr. Robert McCartney (North Down) *rose—*

Mr. Mandelson: I shall give way to the hon. and learned Gentleman in a moment.

I have listened to a wide range of opinions, which hold that the Government have taken those safeguards too far and set too many limitations on the use of that power. I am prepared to strike a different balance on that, but am concerned to protect the police from the risk of vexatious, repetitive or capricious behaviour by the board in initiating inquiries and reports. That probably meets the concerns of my hon. Friend the Member for Hull, North (Mr. McNamara).

Mr. McCartney: On balanced recruitment under part V, has the Secretary of State taken into consideration equality legislation and human rights under the European convention on human rights, which would preclude members of one community having the same rights as members of another?

Mr. Mandelson: All existing and proposed legislation is checked to ensure that it complies with current EU directives. Obviously, if future directives have a bearing on the Bill, we will seek to ensure that there is consistency and compliance or, where necessary, derogations.

Mr. Andrew Robathan (Blaby): Returning to recruitment, the Secretary of State will know that I spent time patrolling the streets of Northern Ireland with the RUC, including Catholic members who made it clear to me why there were so few Catholics in the RUC. He will know also that a survey showed that 70 per cent. of Catholics believe that the main reason why Catholics do not join the RUC is intimidation and threats from the IRA and others. What reason will Catholics now have to join the RUC when the IRA remains fully armed and, as he will know from security reports and beatings in west Belfast, threats and intimidation continue?

Mr. Mandelson: I am not sure that I follow the connection between the hon. Gentleman's two statements. In response to his first point, I readily accept that intimidation by the IRA has discouraged and, in some cases, stopped members of the Catholic side of the community who would otherwise be prepared to join the RUC. However, I cannot accept that that is the only reason why Catholics and nationalists have not joined. The hon. Gentleman has only to consider the latest survey evidence, which was issued as recently as February, to realise why they have not joined.

One third of Catholics believe that the police do not treat both sides of the community equally. Three quarters of Catholics and nearly two thirds of Protestants believe that there are too few Catholics in the police force. The fact that there are too few Catholics in the RUC and that there is not, among parts of the Catholic and nationalist community, a sense of acceptance of the police directly discourages individuals from offsetting that imbalance and signing up. We are implementing the Patten recommendations to overcome that extreme religious imbalance in the composition of the police and the perception among some on the Catholic and nationalist side of the community that the police are not owned—in the most general sense of the term—by the community as a whole.

Mr. Douglas Hogg (Sleaford and North Hykeham): The right hon. Gentleman has dealt with inquiries, and he will recognise that the power to order an inquiry is very important. What steps are provided for, in the Bill or otherwise, to ensure that those inquiries are held in a judicial manner and in accordance with the principles of natural justice, that those who appear before an inquiry are properly represented and have the opportunity of cross-examination and that relevant witnesses have to give their testimony on oath?

Mr. Mandelson: We are not constructing or making available to the board courts of law in order that it can make what may be simple and straightforward inquiries into police behaviour and practices. I am satisfied that we will be able to agree with the board the approach that it will take. I am concerned that the principle of accountability and the right of the policing board to make inquiries, obtain information and issue reports as it thinks fit should be properly supported in legislation and by me.

I am concerned only that that right and power, which has been described as extreme, should not be abused in any way. That is why I propose to put in place limited safeguards, although I readily accept that in the Bill as drafted, I have probably gone too far in the limitations that I seek to impose on the policing board in exercising that power.

Mr. William Thompson (West Tyrone): Does the Secretary of State accept that Roman Catholics failed to

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join the RUC not just because of intimidation, but because they had a more important political objection? The RUC was a British police force, and, as nationalists, Roman Catholics did not wish to be identified with such a force. Will that objection not remain despite all the changes?

Mr. Mandelson: The hon. Gentleman seems to be making a case for us to address the issue of the symbols, the insignia and the associations that the RUC has had with the British state. I am somewhat surprised that he should lead us down that road, but perhaps I can deal with his point in a moment, when I come to it in my speech.

Part VII deals with changes to the powers and functions of the police ombudsman. I believe that she is broadly happy with them, but she will want to be assured that she has all the papers and information necessary for her to do her job. I am sympathetic to that need, and will ensure that it is properly met by the Bill.

Part VIII deals with a number of what are termed miscellaneous and supplementary provisions, including the establishment of the Royal Ulster Constabulary George Cross Foundation. I am delighted that that provision has met with wide approval in Northern Ireland, because, as I have said, I think it essential for us to honour the sacrifices and the achievements of the Royal Ulster Constabulary, while preparing the police for the new beginning that they need.

All these reforms present a radical agenda, and we need help with their implementation. Last week, I was pleased to be able to announce the appointment of the independent commissioner who will oversee the reforms. The appointment of Tom Constantine, a widely respected former head of the United States Drug Enforcement Administration, has been widely supported in Northern Ireland. None the less, I have listened carefully to representations made to me that the office of oversight commissioner should be put on a statutory basis in the Bill. I have been persuaded by the arguments, and intend that to happen.

Mr. Andrew Hunter (Basingstoke): I am anxious that the Secretary of State should not leave the subject of part VIII without answering a question.

My understanding is that clauses 69 and 70 allow for the continuation of a police reserve, but do not assert the case for its continuation. Will the right hon. Gentleman at some point clarify the position? Will he explain his intentions in regard to the reserve? I understood from the debate generated by Patten that Patten sought to have it removed.

Mr. Mandelson: I announced in the House on, I think, 19 January that we had accepted Patten's proposal that the full-time reserve should be phased out, and that will indeed happen. It will, of course, depend on the chief constable's assessment of the security situation, but it does not require a power in the Bill. However, if the hon. Gentleman is suggesting that clarity is needed, I should be prepared to consider an amendment making it clear that I have the power to implement the recommendation for the phasing out of the full-time reserve.

Finally, let me address the question of the name of Northern Ireland's police, which, in Patten's and the Government's view, is strongly linked to the new start that we want in policing. Many people in Northern Ireland—I mean largely, but not exclusively, Unionists—have never set their face against change, accept the case for reform allowing recruitment from all parts of the community, but equally are determined to protect the good name, the honour and the record of the RUC and, in particular, want it to be clear that the RUC is not being denigrated or disbanded. I believe that the final form of the Bill will achieve that.

On 17 May, in the House, in reply to a question from my hon. Friend the Member for North-East Derbyshire (Mr. Barnes), I said that I believed that the sensible way forward was to provide in the Bill a legal description that incorporates the Royal Ulster Constabulary—effectively the title deeds, as I put it, of the new service—making it clear that disbandment is not taking place, while at the same time introducing a new name, the Police Service of Northern Ireland, which will be used for all working and operational purposes. That remains my view and my preferred option, and it remains the Government's judgment of the sensible way forward. It also corresponds to what Patten himself said. Paragraph 17.7 of the report stated:

> the link between the RUC and the new Police Service should be recognized.

I think that, in the provision that I have potentially described, we will satisfy not only those who want to see that the RUC is not being disbanded and that that body of constables is being carried over, evolving into the new police service, but, equally, those who—rightly, in the Government's view—believe that the new working, day-to-day, operational name for police in Northern Ireland must change to signal the new beginning that we are creating, without which we do not believe that it will be possible to recruit from all parts of the community, as is desirable and necessary for that new beginning to take place.

The Bill is intended to lay the foundations for, as I said, a genuine new beginning to policing in Northern Ireland. I have already said that the Bill may not yet be perfect in every respect. My right hon. Friend the Minister of State, Northern Ireland Office, and I will consider further constructive changes and amendments to the Bill as it progresses in Committee. We have open minds. I have already had extensive discussions with all the parties, all of whom have already suggested a host of improvements and changes—most of which I can already see are acceptable to the Government, because they are entirely consistent and compatible with the Patten recommendations and the thrust of the Bill. Suggestions must, however, be aimed at creating a more modern, efficient, representative and accepted police service.

I am not prepared to assist those who are more interested in constraining the police service than in strengthening it, or who are keener to look backwards to old scars, divisions and disputes, than to look forwards to the new era in policing that we are trying to create. That is what the Good Friday agreement called for. It is also what Patten is about and what the Bill, I am confident, will achieve.

On that basis, I commend the Bill to the House.

4.58 pm

Mr. Andrew MacKay (Bracknell): I beg to move, To leave out from "That" to the end of the Question, and to add instead thereof:

"this House declines to give the Police (Northern Ireland) Bill a Second Reading as it fails to preserve the proud title and insignia of the Royal Ulster Constabulary; enables the political representatives of paramilitary organisations to sit on the Policing Board and District Policing Partnerships without a start to the decommissioning of illegally-held arms and explosives; provides inadequate safeguards against people convicted of terrorist offences serving on the Policing Board or the District Policing Partnerships; and threatens significantly to increase the politicisation of policing in Northern Ireland."

I begin by expressing total admiration for the courage and achievements of the Royal Ulster Constabulary, George Cross. For the past 30 years, the RUC has stood as the thin green line between the rule of law and a descent into anarchy. In doing so, it has borne the brunt of the most wicked and vile acts of cowardly terrorism.

Mr. Tony McWalter (Hemel Hempstead): Will the right hon. Gentleman give way?

Mr. MacKay: I have only just begun—but go on.

Mr. McWalter: Does the right hon. Gentleman accept that his reasoned amendment is not exactly even-handed between those who are of the nationalist persuasion and those who are of the Unionist persuasion?

Mr. MacKay: It might be helpful if I explained my amendment in due course, rather than in the first sentence of my speech.

Recently, Lord Fitt said:

The RUC are the people who have held together the community in Northern Ireland. There would have been absolute anarchy but for the efforts of the RUC.

Lord Fitt is absolutely right. Without the RUC, the opportunities for a lasting peace created by the Belfast agreement would not exist. It is largely thanks to the RUC, supported by the armed forces, that we can be confident that the future of Northern Ireland will be determined only by democracy and never by violence.

The RUC has responded to violence with the highest standards of discipline and professionalism. I utterly reject the claims of those who describe the RUC as a sectarian force. In our view, it has more than demonstrated its even-handedness and impartiality. Most recently, it has stood literally in the middle between loyalists and nationalists at Drumcree. The last time that a RUC officer was murdered was there, in 1998—a young Catholic man was killed by loyalist thugs as he sought selflessly to serve the whole community.

The RUC's contribution has not been apparent only in Northern Ireland. It has stood as the first line of defence against terrorism in mainland Great Britain and also in the Republic, where it has thwarted many potential loyalist atrocities. Anyone who doubts that should talk to the Metropolitan police, the Garda Siochana and the many other professional police services throughout the world, including the FBI, which over the years have benefited from the RUC's expertise. Only recently, RUC officers have been serving with distinction in the Balkans, in the most difficult of circumstances.

The RUC has time and again proved itself to be the most effective and professional anti-terrorist force in the world. I say without hesitation that everybody on these islands who cares about the rule of law owes the most profound debt of gratitude to the RUC. We should never forget the terrible price that has been paid. The facts bear constant repetition. The House will be aware that 302 officers have been murdered and that more than 10,000 have been maimed or injured. The RUC's sacrifice is without equal. That is why the award of the George Cross by Her Majesty in the deeply moving ceremony at Hillsborough in April was so richly deserved.

The RUC's record makes even more despicable the campaigns of vilification that have been waged against the force by paramilitaries—republican and so-called loyalists—and their political representatives. Their opposition to the RUC is based upon what the force stands for, which is law, order and liberty. They have used every possible means to discredit and undermine it. They have been out to destroy the RUC and to take over the policing of what they regard as their areas. That is part of the political motivation that lies behind the mutilations, shootings, beatings and expulsions that are still being carried out by organisations that are supposedly on ceasefire.

These people wish the rule of law to be supplanted by the bullet and the baseball bat, with paramilitaries acting as self-appointed judges, juries and executioners. That would be justice, paramilitary style. Thankfully, the RUC has prevented them from succeeding. It is worth reminding those with a misinformed view of the RUC that, in facing the sustained terrorist campaign, the RUC has not been given any special privileges or immunities that have put it beyond or above the law. Its officers must operate within the rule of law, and they are as accountable to the law as anyone else in the United Kingdom. The RUC remains resolutely independent of politicians and attempts at political interference. In a democracy, we should not have it any other way.

Nor is the RUC a force that has resisted change. It is now almost unrecognisable from the force of 30 years ago. As the Chief Constable has said, no one has been more embracing of change than the RUC. Given its record, it is hardly surprising that the RUC scores among the highest overall acceptability rates of any police service in western Europe.

Mr. McWalter: Will the right hon. Gentleman give way?

Mr. MacKay: I shall in a second. I have given way once. It was not very constructive last time.

In the most recent review of community attitudes, 85 per cent. of Protestants and 59 per cent. of Catholics expressed confidence in the police, while in the Patten report itself the figures are 81 per cent. and 43 per cent. respectively. At a local level, according to Patten, the approval rating from Catholics who had direct contact with the police was 69 per cent., while for Protestants it was 77 per cent.

Those are hardly the kind of approval ratings given to a police service that is unacceptable in nationalist areas or, as Sinn Fein-IRA disgracefully claim, that is nothing more than the armed wing of Unionism, so let us hear no more of the smears, distortions and downright lies that are

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levelled against the RUC. No one has suffered more. No one is more deserving of our praise and no one stands to gain more from the establishment of a lasting peace. It has been a real force for stability in Northern Ireland. The RUC is a police force that, after 30 years, can truly walk with its head held high.

The Bill gives effect to those recommendations in the Patten report on policing in Northern Ireland. One of the most serious deficiencies of that report is its singular failure to give all but the most cursory of recognitions to the achievements and sacrifices of the RUC. Therefore, I am pleased that the House has the opportunity to put that right today and that the Bill proposes the establishment of the Royal Ulster Constabulary George Cross Foundation. That is a welcome initiative, and one that we fully support.

Mr. Mike Gapes (Ilford, South): The right hon. Gentleman has said on many occasions that he supports the Belfast agreement. He implied some months ago that his party supported the Patten report but, on the basis of what he has just said, it does not seem that he is saying anything positive about Patten. Can he clarify the position of his party? Is his support for the Belfast agreement nothing more than words? Is the reality that he is some sort of Conservative Leninist, adopting an approach of supporting the report on the basis of a rope supporting a hanging man?

Mr. MacKay: The hon. Gentleman takes a keen interest in matters Northern Ireland. I think that he has attended virtually every debate on that subject. Therefore, he has heard me say on a number of occasions that we strongly support the Belfast agreement as the best way forward for the people of Northern Ireland. The agreement is based on a process that was started by my right hon. Friend the Member for Huntingdon (Mr. Major) and by Lord Mayhew when we were in power, so it is natural that we should support it.

The hon. Gentleman will have heard me say on a number of occasions when we have debated policing and the Patten report—I said it on the day in September last year when the report was published—that it was a useful basis for moving policing forward in Northern Ireland and that we believed that the great majority of the recommendations should be implemented straight away but others should be implemented only when there was no longer a terrorist threat: as I continually say, when Belfast is the same as Bracknell, which it is not at the moment, as is patently clear after the bomb at Hammersmith bridge last week and from the many events that are going on in Northern Ireland. I think that that is a full and comprehensive answer to the hon. Gentleman. As always, I am grateful to him for allowing me to clarify the position.

Mr. Tom King (Bridgwater): In the interest of historical accuracy—I have a certain personal interest in the matter—let me say that the peace process goes back even further than that: the previous Conservative Government under Margaret Thatcher and the signing of the Anglo-Irish agreement initiated the process from which this has derived; this is supposed to subsume the Anglo-Irish agreement, as I understand it. That led to a certain development, but one matter was interesting and bears out what my right hon. Friend has said. I had personal reason on that occasion—others in the Province had good opportunity to see—to ensure that the RUC stood determinedly for the rule of law. He will remember the demonstrations at Maryfield for example, where the RUC was an essential green line against a determined attempt to destroy that agreement.

Mr. MacKay: I fear that I have neglected my past duties as the Parliamentary Private Secretary to my right hon. Friend. I am sure that my predecessor on the Front Bench, my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney), who is in his place, would not have made the same mistake. I am happy to acknowledge that a process has been evolving over a number of years. Much of the work was carried out by Conservative Administrations, as I am sure that the Secretary of State readily acknowledges. I see him doing so and I am grateful to him for yet again generously confirming that.

We regard the overwhelming majority of the proposals in the Patten report as non-controversial. Many of them could and should be implemented quickly. We welcome the fact that the Secretary of State accepted in January Patten's recommendations on issues such as information technology, the case for a new police college and the generous severance arrangements for police officers—regular and reservist—who choose to leave the service early. We look forward to rapid progress in those areas.

The bulk of the Patten proposals formed a useful basis for what policing in Northern Ireland could be like when the main terrorist threat is finally over, but there are other areas, such as the scrapping of the RUC's royal title, to which we are implacably opposed. The security-sensitive recommendations should be considered only when there is a lasting peace in Northern Ireland.

Most of Patten was foreshadowed in the fundamental review of policing that the Chief Constable initiated following the first IRA cessation in 1994. That review envisaged three scenarios: first, a continuing high level of terrorist activity; secondly, an end to bombings and killings, but the terrorist organisations remaining fully armed and engaged in shootings, beatings, mutilations and racketeering; thirdly, an end to terrorism, with the terrorist organisations dismantling and decommissioning their weapons. Only in that third scenario was it envisaged that there should be a fundamental change to policing and, importantly, significant reductions in the size of the RUC.

Regrettably, we are still a long way from the third scenario. Despite the re-establishment of the Executive and the Assembly, coupled with the IRA's offer to put its weapons completely and verifiably beyond use and to engage in confidence-building measures, there has been no decommissioning and the main terrorist threat remains. In the event of a permanent end to violence by the main terrorist organisations, the threat from the dissidents, particularly on the republican side, will remain potent. We know that they are recruiting members, that they have access to more sophisticated weaponry and that it is only through the skill of the police and the Army that recent attacks have not resulted in more serious damage and loss of life.

Mr. Harry Barnes (North-East Derbyshire): As the right hon. Gentleman knows, I am not unsympathetic to

some of the points that he is making at the moment, but I am confused about the Conservative reasoned amendment. He says that the parentage of the process belongs to the Conservative party and argues that many of the provisions in the Bill are worthy of support. He has heard the Secretary of State say that there will be fine tuning in Committee. Is not the amendment premature, given the right hon. Gentleman's overall attitude?

Mr. MacKay: The hon. Gentleman and I share a number of views on the subject. I have great respect for his keen interest in Northern Ireland and the great sincerity of everything that he says on these issues. The Conservatives feel strongly about each of the points made in the amendment, as I shall illustrate. We think that it is proper that it should come before the House on Second Reading. I acknowledge that, if we are defeated in the Division, we shall need to come back to the issues in Committee and on Report—and no doubt in another place as well. It is right that we should properly discuss the issues on Second Reading and have a vote at the end of today's debate.

While any of the fringe groups that have not signed up to the agreement remain active and retain their capability, it would be absolute madness to introduce any of the controversial security-sensitive measures recommended by Patten. That is why we do not believe that the time is right to make cuts in the strength and capability of the police, or at this stage to begin phasing out the full-time reserve. Nor do we believe that it is right to tamper with Special Branch in a way that could undermine its intelligence efforts and effectiveness.

Above all, no changes must be made for political reasons—they should be made only with the full support of the Chief Constable. Nothing must be done that in any way undermines the ability of the RUC to uphold the rule of law and to protect all the people of Northern Ireland.

Mr. Robert McCartney: Does the right hon. Gentleman consider that the recent bomb on the Hammersmith bridge demonstrates that those allegedly proxy groups now have the logistical capacity to deliver the same sort of blow and threat to the city of London as did their progenitors, the Provisional IRA?

Mr. MacKay: Yes, and that was the thrust of what I was saying.

We accept the appointment of the oversight commissioner last week, but he must not be allowed to interfere in, or cut across the responsibilities of, the Chief Constable of the RUC. The Secretary of State made that clear. He has just confirmed it again now, and we are grateful for that. It is the correct decision.

The Chief Constable must be allowed to run the police service without interference from any politician or group of politicians, whoever they may be. That goes for the new policing board that will be set up by the Bill to replace the existing Police Authority. The new policing board will be made up of a majority of politicians from parties represented in the Executive.

As we said in our submission to Patten, we do not in principle set ourselves against the greater representation of locally elected politicians on the Police Authority, although with safeguards. However, we have real anxieties about the scope for political interference by the board that could result from the Patten recommendations—especially when we consider that the board will contain parties which, even now, cannot bring themselves to support the police.

The problems will be more acute on the district policing partnerships, especially in areas where one political party or one tradition might be dominant. Rather than satisfying Patten's totally legitimate aim of taking the politics out of policing, this could have exactly the opposite effect—politicising the police to a greater extent than at any time since before 1970. As drafted, the Bill goes some way to addressing our concerns on this, and we are grateful for that. The safeguards that it contains are essential if the operational independence of the Chief Constable is to be preserved and the police are able to get on with the job of tackling crime, rather than turning it into a political football.

However, the safeguards do not go far enough. We remain totally opposed to the inclusion on the policing board of members of political parties who remain inextricably linked with terrorist organisations that have not even begun to decommission their illegally held arms and explosives. We find it completely unacceptable that the Bill will not explicitly provide for the disqualification of political or independent members from sitting on the board who have been convicted of scheduled or so called terrorist-type offences.

Similarly, we are concerned about the district policing partnerships that are to be established by the Bill to mirror the reorganisation of the police into districts based on the existing local government boundaries. We would not have proposed the establishment of the DPPs and would have preferred it if Patten had been content to build on the police-community liaison committees.

Despite our huge reservations, we recognise that the DPPs form a key part of the Patten report and therefore we will not oppose them. Again, the Bill goes some way to addressing our concerns about the DPPs. It rightly does not include the ludicrous plan to give councils powers to raise money to buy in additional policing services, paving the way for paramilitaries to come in through the back door. We welcome the fact that the DPPs will have only a consultative role, although we remain concerned that they will still interfere in the operational decisions of the district commander. However, we believe that it is wrong for any party, so-called loyalist or republican, to be represented on the DPPs if their paramilitary associates have not decommissioned a single gun or an ounce of Semtex. The provision to disqualify from sitting as an independent member any person who has been convicted of a scheduled offence should also apply explicitly to any political members with previous terrorist convictions.

Dr. Godman: In Strathclyde, the police board is made up of local authority representatives, so I am keenly interested in the composition of the DPPs. The right hon. Gentleman will recall that Patten recommended that they meet in public, in order to enhance their accountability to the local community. Does he agree?

Mr. MacKay: In principle, I am in favour of the DPPs meeting in public, but the hon. Gentleman, from his considerable experience of Northern Ireland, will agree that occasions may occur when they need to meet in private as well. I see that the Secretary of State is taking

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a keen interest in this exchange and I am sure that the issue will be explored further in Committee. I am willing to be convinced on the point and we will no doubt hear further from the hon. Gentleman when he makes his own speech.

The composition of the policing board and the DPPs would be sufficient on its own to warrant discomfort with the Bill. Combined with its failure to preserve the proud name of the RUC and its cap badge insignia, it means that the Opposition cannot support Second Reading, and that is why we have moved a reasoned amendment.

Mr. Robathan: As I understand it, the proposed composition of the police board means that Martin McGuinness could be put on it. He has all but admitted to having been on the army board of the IRA. Does my right hon. Friend agree that that would be putting the fox in charge of the chicken coop?

Mr. MacKay: I prefer to stick to our amendment, because in it we say that people who have been convicted of a scheduled offence should not be allowed to sit on the board or the DDPs. That is a straightforward and conclusive proposal, because such people are clearly guilty of an offence and have been convicted in a court. I have some sympathy with my hon. Friend's point, but it would dangerous to rely on circumstantial evidence, however strong.

Mr. Mandelson: The right hon. Gentleman said a few moments ago that it was not possible for the Opposition to vote in favour of Second Reading. Surely it is an option for the Opposition, in the event of their amendment being defeated, to support Second Reading, given how much of the Bill he says that they support, given that they supported the original objectives and terms of reference of the Patten commission and given that it is an integral part of the Good Friday agreement. Surely in view of the Opposition's support for all those things, it would be better from everyone's point of view if, having voted for their amendment, they then did not vote against Second Reading.

Mr. MacKay: I am grateful to the Secretary of State for the chance to clarify our position. If we lose our amendment tonight—clearly, he will bring his massed troops into the Lobby to defeat us—we will still be unhappy with important aspects of the Bill. In those circumstances, sensible observers would think it odd if we supported the Bill. What we will do, subject to listening carefully to the winding-up speech by the Minister of State, whom I am glad to see in his place, is to abstain on Second Reading and try to win the arguments in Committee, on Report and in the House of Lords. I hope that that makes the Opposition's position abundantly plain to the Secretary of State, but I repeat my perfectly legitimate proviso that we will listen to the Minister of State. He is a man who uses his words carefully, but I am sure that he will want to sum up at some length. We will be very alert during the final 15 or 20 minutes of the debate.

I return to Patten's proposals to take away the proud name of the RUC, and its cap badge. They are the most controversial element of the report, have caused significant hurt and anger, and are wholly without justification. We profoundly disagree with the assertion that the police service should be entirely free of any association with the symbols of the state, especially when acceptance of the Belfast agreement means acceptance of the legitimacy of Northern Ireland's constitutional status.

With regard to the cap badge, I can only repeat what I and others have said many times before—that is, that it would be difficult to come up with anything that better encompasses the British and Irish traditions than the cap badge. To change it seems crass and stupid.

With regard to the name, the Patten report can offer no convincing evidence to support the scrapping of the royal title because no convincing evidence exists. As the most recent report from the police authority in Northern Ireland concluded, implementing the proposal will

> cause major offence in the Protestant community but will not lead to significant improvements in support for the Police among Catholics.

That fear was echoed again recently by the Chief Constable. In other words, the proposal is all pain and very little gain. Why has it been put forward, when all the evidence suggests that the name is not the problem? An opinion poll in the *Belfast Telegraph* in April showed that 61 per cent. of Catholics in Northern Ireland had no difficulty with the name of the RUC. The Select Committee on Northern Ireland Affairs looked at the matter two years ago and recommended that the name should be retained.

The inescapable conclusion is that the decision to drop the royal title is designed to appeal to a minority of a minority, whose members have never supported the police. In all honesty, they are unlikely ever to support a police force other than one that they control.

Mr. Stephen Day (Cheadle): My right hon. Friend has rightly described to the House how the terrorist threat remains. In those circumstances, the Secretary of State has decided to go ahead with proposals such as removing the name of the RUC and allowing former activists and supporters of terrorist organisations to control the police. The right hon. Gentleman said earlier that he had listened to all parties in Northern Ireland. Does not his determination to press ahead with the proposals lay him open to the justifiable accusation that he has listened rather more closely to those parties that have held a gun to his head?

Mr. MacKay: I have a lot of sympathy with what my hon. Friend says. Like many hon. Members in the Chamber today—but not all of them—he has long taken a keen interest in Northern Ireland matters, and I know that he visits the Province regularly.

The Patten proposal to drop the RUC's royal title does not have widespread support in the community. It should be reconsidered and, even at this late stage, I urge the Secretary of State to do so. The Bill does not require him to take an immediate decision, but allows him to defer it for some time. It leaves the matter in the right hon. Gentleman's hands. The Opposition, at the Dispatch Box and elsewhere, have advocated adopting a title that incorporates the RUC alongside a new title for the force. We have been supported in what seems to be the entirely correct compromise by many distinguished figures, including Monsignor Denis Faul.

Three weeks ago, the Secretary of State told the House that it should be possible to incorporate the name of the RUC in any new title. We shall obviously give him the opportunity to do just that. However, what he has said today, what the Bill says and what he has been saying in the media recently about the title not including the RUC, but having some legal definition that it is, does not go far enough unless there is much more clarity. I do not think that anyone is convinced of that yet; we do not see it, as he clearly does, as a satisfactory compromise.

We will seek to amend the Bill in Committee so that the proud name of the Royal Ulster Constabulary can stand alongside the working title of Police Service of Northern Ireland. We look forward to the Government joining us in the Lobby in support of that.

Sir Brian Mawhinney (North-West Cambridgeshire): Does my right hon. Friend welcome the fact that the Secretary of State said that, during the passage of the Bill, he would listen carefully to the arguments deployed? Does my right hon. Friend remember the Secretary of State saying earlier that he did not envisage making the name change until the middle of next year? Does my right hon. Friend think that it would be helpful if, in his winding-up speech, the Minister of State indicated the sort of circumstances that might occur over the next 12 months before the proposed name change that might have some influence on the Secretary of State's thinking?

Mr. MacKay: My understanding is that it is a date in September. The Secretary of State is nodding, so we have an even longer time of 15 months. I see the Minister of State smiling. Whether that is a positive sign, I do not know. *[Interruption.]* His fellow Ministers say that he has a sunny disposition. Well, some of the time.

My right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) has vast practical experience of Northern Ireland affairs in a variety of capacities, not just ministerial. His comments are worth serious consideration by the Minister of State who will, I hope, address them and the related points that I have made when he is winding up the debate.

Mr. Thompson: Does the right hon. Gentleman understand that such a compromise, in which the names of the RUC and the Police Service of Northern Ireland are incorporated as one, is not what the people of Northern Ireland believe that the Tory party was proposing? Surely when the Tory party talks about maintaining the proud name of the RUC, it should mean exactly that, and not this unhappy compromise.

Mr. MacKay: I am disappointed at the hon. Gentleman. He normally attends our debates and will have heard me say on a number of occasions that I think that it a reasonable compromise to incorporate both names. I would be the first to admit that the name of the police force can, at times, be a sensitive issue to both communities. That is why, to acknowledge that sensitivity in both communities, we have suggested the joint name. It is cumbersome, it is boring and it is almost pedantic, but I think that it is the best way in which to bring people together on the issue.

The hon. Gentleman has badly misinterpreted what I said. Again and again, on radio and television in the Province, here on the mainland and from this Dispatch Box, I have made it clear that we have never said that the name must stand alone and not be changed. We have always said that we want it included in the new title, while not exclusively being the new title. I regret that, unusually on this occasion, the hon. Gentleman, for whom I have great regard, is mistaken.

We all agree that there must be change in the Royal Ulster Constabulary. The RUC, under Sir Ronnie Flanagan's fine leadership, recognises this. It is wrong that the force is so overwhelmingly Protestant. I agree with the Secretary of State about that, and I agree with Patten wholeheartedly. The RUC has for many years sought to recruit more Catholics. However, let us be clear, the biggest single disincentive to Catholic recruitment, as mentioned by my hon. Friend the Member for Blaby (Mr. Robathan) in his intervention, remains intimidation and the threat of murder. Anybody who doubts that should recall how the number of Catholic applicants to the RUC doubled after the first IRA ceasefire in 1994, only to fall back again when the ceasefire broke down. Nor has the situation been helped by the refusal—

Mr. Seamus Mallon (Newry and Armagh): Will the right hon. Gentleman give way?

Mr. MacKay: I will in a moment. What I am about to say will encourage the hon. Gentleman to make an even longer intervention, so I shall finish my remarks before giving way.

The situation has not been helped by the refusal of nationalist politicians and members of the Catholic clergy to recommend to young Catholic men and women that they should join the police force. I very much hope that that will change. There can be no justification whatever for that refusal. I willingly give way to the Deputy First Minister.

Mr. Mallon: I thank the right hon. Gentleman for giving way. I put it to him, as gently as I can, that, as a Catholic who has lived all his life in the north of Ireland and who knows exactly what people feel about that issue, it seems to me somewhat patronising at times to be told why we as a people and we as a community do not do this or that. There is much more to the reasons why members of the Catholic community have not joined the police service than the point that has been made today.

Furthermore, unless we start to face realities, we shall not solve the problem. The right hon. Gentleman speaks of the Catholic Church. The Church is important not because it is a church, but because we are talking about Catholics and, last week, it issued a statement, through Father Tim Bartlett. I shall make reference to that statement, if I catch your eye later, Mr. Deputy Speaker.

Mr. MacKay: Obviously, I hope that the Deputy First Minister catches your eye, Mr. Deputy Speaker, as there was an omission from his remarks. I was hoping that he would say that he and his colleagues would strongly encourage the best young men and women from his community to join the RUC in large numbers, so that we can achieve what he and I want—a more balanced police force that broadly represents the two communities in Northern Ireland. It is a pity that he did not do that,

[Mr. MacKay]

although it was probably an oversight because he wanted to make other points. When he makes his speech, I am sure that he will put that right.

Mr. Mallon: If the right hon. Gentleman believes that I omitted something, I should like to put that right. The matter is as simple as this—I shall repeat the point later because it bears repeating: get this Bill right and we shall do that; get it wrong, and the objectives of Patten cannot be achieved.

Mr. MacKay: I did not quite understand the pause after "get it wrong" and then the heavy hint. I hope that the hon. Gentleman's comments will not be misinterpreted outside this place, because they were not what I would have expected from someone for whom I have great respect. In everybody's interest, he will need to clarify that matter when he catches your eye, Mr. Deputy Speaker.

I hope that we all share the objective that the composition of the police force should more accurately reflect the make-up of the community in Northern Ireland. We all want the RUC routinely to go unarmed, with no need for flak jackets and armoured vehicles, and to patrol all parts of Northern Ireland without the need for support from the Army.

The biggest contribution to that—it would transform the policing environment in Northern Ireland—would be for the paramilitaries, republican and so-called loyalist, to end terrorism for good; to dismantle their organisations and to begin decommissioning their illegally held weapons, as they promised to do under the Belfast agreement. When that happens, it should fall to the Royal Ulster Constabulary, with its proud name and symbols preserved, to rise to the challenge of policing the peace as valiantly as it has policed Northern Ireland throughout the darkest days of terror. The RUC deserves our support; without our amendment, the Bill does not.

5.39 pm

Mr. Seamus Mallon (Newry and Armagh): I again thank the right hon. Member for Bracknell (Mr. MacKay) for allowing me to intervene earlier.

I have put my party's view on the issue for many years—almost 30 years—and I will not bore hon. Members with what they have heard before. I want to make two points and to emphasise that this is not a stand-alone issue; it is interlocked with the political and constitutional dimension that is Northern Ireland, and it takes two parts of the interlocking to deal with the problem. The first is the alienation of a section of the people from a constitutional arrangement about which they were not consulted and of which they are not particularly enamoured. That may not sound good, but it is the reality—however, we can deal with that reality through the terms of the Good Friday agreement. Secondly, policing belongs to the people; it does not belong to a Government, a state or a Secretary of State. As such, it must belong to all the people if we are to have successful policing.

I make those two brief points because we have the institutions in Northern Ireland—between north and south, between east and west and between Britain and Ireland—but we do not yet have a police service that can belong to all the people. That is what I and my party want to achieve, and we have striven to achieve that not in the comfort of debate or theory, but in places such as Derry, the Bogside, south Armagh, south Down and west Belfast. That was not easy, and it will not be easy in the future. Let us put all the theories aside—my colleagues and I do not have time for such luxuries—because if we get the Bill right, I will go into the hardest parts of Northern Ireland and I will ask people to join the police service and to support it. That is what I and my colleagues will do. However, we must get the Bill right.

The name "Patten" has been cited repeatedly in the debate, and rightly so. However, it is perhaps time that I reminded the House of who he is. He is no rabid nationalist or someone from south Armagh, like myself, and he is not an erstwhile supporter of any paramilitary group. He was a former chairman of the Conservative party, he was a Minister in the Northern Ireland office where he represented the Conservative party, he was an Education Minister in a previous Government, he was the former Governor of Hong Kong and he is currently a Commissioner in the European Union. Let us not doubt his credentials, and I say that as someone who is not a Conservative. Let us not doubt his ability, and I say that as someone who has admired him for a long time. Let us not disown him, but I have seen traces of that from members of the Conservative party. He still belongs to the same party as the right hon. Member for Bracknell.

How do we deal with Patten? I have considered the ways in which people have tried to deal with him. One can abuse him verbally, and that has happened—although, thankfully, he is not the type of man who lies down in the face of such abuse. One can scorn his report, and I have witnessed that. One can question his motives and those of the other commissioners, and I have seen that. However, I did not see the clever way of dealing with Patten until the Bill was produced. One takes the report, espouses it and then emasculates, diminishes and reduces it from what it was intended to do. That is the clever way to deal with Patten.

I remind the House of what Patten said and what he was charged to do. He was charged to create

> a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.

The report was published last September. It did not contain everything that we as a party wanted, but we recognised it as a blueprint for a system of policing with which everybody could identify—policing for which all could assume responsibility and a police service working with and for all the community.

We went further than that—much further. We indicated that we would put people on the policing board and encourage people to join the police, on the basis of the implementation—full and faithful—of the Patten report. We also indicated that we would ask young people to stand against the forces in their own community to do the same. We indicated that we would do that not in a theoretical way, but up front, on the streets, where it counted. Having expressed a willingness to accept our responsibilities, I must express disappointment that others did not accept their responsibilities in the same way.

Our concerns relate to points right through the Bill. It leaves the Secretary of State to decide whether to implement key Patten recommendations on symbolic

matters. I shall not get into the hang-ups about symbols; I have much too much respect for Unionism and the problems of Unionism to do that. However, I remind everybody of what Patten said. He stated that the Royal Ulster Constabulary

> should henceforth be named the Northern Ireland Police Service.

He continued:

> The Northern Ireland Police Service should adopt a new badge and symbols which are entirely free from any association with either the British or Irish states.

That was recommended not by us, but by Patten—a former Conservative Minister. He recommended also that

> the Union flag should no longer be flown from police buildings.

Those are Patten's words, not mine.

Mr. Robert McCartney: He is not God.

Mr. Mallon: Patten is not God, but he is the first person in the history of the Northern Ireland state to lay down the basis on which we may—I repeat may—solve policing.

Mr. Dominic Grieve (Beaconsfield): I am grateful to the hon. Gentleman for giving way. I follow his argument, but I am sure he will agree that in a democratic society a police force must uphold the rule of law, which comes from the state and its identity. Divorcing one from the other can be very difficult. There are communities where people's understanding of the rule of law is skewed in such a way that the hon. Gentleman would have to acknowledge that it was not the rule of law at all. Why is he so confident that people would be willing to accept the changes that he supports and to participate in community policing along the lines that he advocates? I find it difficult to believe that that will come about.

Mr. Mallon: I thank the hon. Gentleman for his intervention. Let us hear Patten's views on that question. I shall quote him directly. He said that

> if you are going to get a police service which young Catholics as well as young Protestants . . . are going to join, then it can't be identified with the central political argument in Northern Ireland and it is as simple as that.

That is Patten's view, and it is shared by our party. It is a view that has been expressed by the hierarchy of the Catholic Church in the past week.

The Police Authority for Northern Ireland appointed by the Government has expressed the view that, in effect, some aspects of the Bill are ludicrous and quite unacceptable. Dr. Lynch, a member of the Patten commission, believes that Patten has been got at. That view is therefore not a communal prejudice that exists only in parts of Northern Ireland. We are not considering an argument between nationalism and Unionism, but the governance of the north of Ireland grappling with factors that have to be tackled to solve the problem.

I realise that I am running out of time. I shall make one last point. There comes a time to say exactly what is needed to solve a problem. We will not solve the problem by trying slickly to get into the middle, no matter where it might be. We shall not solve the problem by trying to diminish—

Mr. Deputy Speaker: Order. I am afraid that the hon. Gentleman has run out of time.

5.51 pm

Mr. Peter Brooke (Cities of London and Westminster): It is a great privilege to follow the hon. Member for Newry and Armagh (Mr. Mallon). He will remember that I used to say that the ancestor of our mutual friend Richard Needham had been the hon. Member for Newry while my ancestor had been the hon. Member for Armagh and that we were both spiritual ancestors of the hon. Member for Newry and Armagh. I hope he will not misunderstand me when I say that we greatly appreciate and are proud of his contribution to Northern Ireland history.

I apologise to the Secretary of State for arriving late. The Standing Committee on which I serve had not reached a conclusion at 1 pm after three and a half hours of debate, although we divided shortly after resuming at 4.30 pm.

I declare an interest as Chairman of the Select Committee on Northern Ireland Affairs, which published a report on the composition, recruitment and training of the RUC—now the RUC George Cross Foundation—in 1998, before the Patten commission began its inquiry. The Select Committee has 13 members: seven from the Labour party, four from the Province—three Unionists and one Social Democratic and Labour party member—and my hon. Friend the Member for Basingstoke (Mr. Hunter) and me from the Conservative party. So far, we have published 10 reports in this Parliament, nine of which have been unanimous. The exception was the report on the RUC, on which we divided twice: on membership of outside orders and on flying flags.

It is notable that we did not divide on uniform, cap badge or name. On those matters, we did not resile from the status quo. The members of the Committee who are not Labour Members have remained unchanged in this Parliament. There have been six changes among the seven Labour Members. Opinion has shifted a little in the Committee since the hon. Member for Brent, East (Mr. Livingstone) left us to concentrate on the mayoralty of London. However, he was a member of the Committee when we agreed the RUC report in 1998. It is reasonable to assume that the initial seven Labour Members, some of whom are present tonight, were among those in the Labour party who were most interested in Northern Ireland. I remark neutrally that the Select Committee, with the membership that I described, reached a different but unanimous conclusion on uniform, cap badge and title from that of the Patten commission.

Policing in Ireland goes back a long way. The younger Pitt's first efforts to set up a metropolitan force after the Gordon riots foundered on my constituents in the City of London; they refused to have anything to do with it. He withdrew the Bill in 1785 with the disclaimer that it was a subject of which he was not the master. However, in 1786, the then Irish Parliament established a force in Dublin along Pitt's lines. Robert Peel, who was Chief Secretary for Ireland between 1812 and 1818, observed its workings and returned to London as Home Secretary in the 1820s, armed with that knowledge. The rest is history.

Those of us who support the Belfast agreement must adjust in future months to a minuet of claim and counter-claim, concession and counter-concession between the parties that make up the Executive. We must pray that it is not always a zero-sum game, especially as the experience of working together grows, as it does in a

[Mr. Peter Brooke]

Select Committee. In the meantime, it is ironic that the viceregality of the Secretary of State's role will grow rather than diminish, not least through the Bill's provisions. How well that marches with the Home Secretary simultaneously surrendering his unique powers in relation to the Metropolitan police to a new Police Authority in London will be a matter for historians. However, I hope that rumours that the Secretary of State is marked out for a more central role on the Whitehall stage or that he can, post devolution, run Northern Ireland in his spare time from running the Labour party's re-election campaign, are untrue. Such a hybrid portfolio would be an insult to the Province, and not least to the RUC. However, I intend it as a compliment to the Secretary of State that I hope he remains in the Province.

I asked the Secretary of State twice, publicly and on the record, about the morale of the RUC. I asked once after his statement on the Patten report on 19 January and once three months later, when he gave evidence to the Select Committee. I have only 10 minutes in which to speak and I therefore hope that the Secretary of State will forgive me if I characterise his answers, which were effectively the same, as, "could be better, but pretty good, all things considered." He explained to me how he took every opportunity to test RUC opinion. I did the same after November 1989, when, in answer to a direct question, I opined to the Press Association that I did not rule out future conversations with the hon. Member for Belfast, West (Mr. Adams). Although I was deeply impressed, as the Secretary of State has been, by the responsibility and correctness of RUC reactions—in my case, to me and what I said—I would not have been so brave as to calibrate RUC morale at that time.

A Secretary of State cannot go incognito among the RUC as Henry V went among his men clad in the cloak of Sir Thomas Erpingham on the eve of Agincourt. The Secretary of State carries his own legend of the prince of darkness, but the RUC cannot be treated as a common or garden focus group. My more informal soundings of RUC opinion do not confirm the Secretary of State's more sanguine findings about morale.

One of the bravest hon. Members who ever sat in the House told me shortly after I entered Parliament about a conversation that he had held with a Labour Member in the 1974–79 Parliament. That Member told him that trade unions mattered to Labour as much as old schools and regiments mattered to the Tories. The importance of morale in outside bodies is therefore familiar to hon. Members from both parties.

The RUC's historic role was derived in no small part from its knowledge of the way in which it was upholding the state in times of crisis. I used to say during the more troubled times of the troubles that the RUC, assisted by the Army, made life in Northern Ireland fifteen sixteenths normal. I therefore echo the words of Lord Fitt that were quoted earlier.

The Secretary of State's immediate predecessor said on the publication of the Patten report:

> It has been the RUC who have held the fabric of this society together over the past 30 years.

However, some lines by Housman are also relevant:

> To skies that knit their heartstrings right,
>
> To fields that bred them brave,
>
> The saviours come not home tonight,
>
> Themselves they could not save.

In our day and age, it is sad for the average RUC family of a certain age to look at their wedding photographs and see the missing faces. How much worse it is for the families of those who died. It is said that every family in Northern Ireland knows someone who has died.

When I was Secretary of State, like my predecessors and doubtless my successors, I wrote a longish letter in my own hand to the next of kin of every RUC member who was killed in the troubles. A decade later, it has been deeply moving to hear privately from members of the RUC whom I meet in the Province how much those letter continue to matter to the bereaved and in the families. If a life of whatever tradition is given in the service of the state, it remains important that that life and its loss should continue to be remembered, acknowledged, understood and valued. Any diminution of the force to which those people belonged increases the sense of loss and thus the force's morale.

I realise that the Patten commission was an international body and was considered the stronger for that. However, the regimental tradition is less strong in some other countries than it is here, just as the reputation of the British Army exceeds that of some other forces, and the RUC are regarded in Kosovo as model international policemen. The regimental tradition in all its forms is crucial to morale in our culture. However, I acknowledge that it is a living thing and not simply of the past.

I declare another interest. I am still haunted by a solecism that I once committed on the media of the Republic of Ireland. I know how it happened, but it is no comfort when compared with the hurt that I inflicted on a multitude of people, and especially a particular handful. The Secretary of State also committed a solecism on the media of the Republic of Ireland. Perhaps for understandable reasons, he had my especial sympathy. My solecism was much worse than his, but because his was related to the Brigade of Guards, it has an unfortunate read-across to the current issue.

I do not know how the Secretary of State, who has some of the technical characteristics of Houdini, will extricate himself from the crux into which the Patten commission's recommendations and his reactions to them have placed him. I detect from his recent actions that he has an instinct about the potential cost of the current course to him and to Northern Ireland. To avoid any charge of political advantage, I shall make an even-handed observation about Governments of both parties. The previous Conservative Government set universities a tough challenge in downsizing their faculty numbers, with genuine consequences for future quality. The previous Labour Government created a genuine problem for policing in the 1980s by letting so many experienced police sergeants of around the age of 35 retire dispirited in the mid-1970s—

Mr. Deputy Speaker: Order.

6.1 pm

Mr. Kevin McNamara (Hull, North): It is a delight to follow the right hon. Member for Cities of London and Westminster (Mr. Brooke). I remember well the solecism that he made and the cry that he should resign. I also remember saying at the Dispatch Box that I saw no reason why he should resign. He was the most subtle, most far-reaching and cleverest Tory Secretary of State we ever had. That is a rare tribute for me to make to a Conservative politician, but it is one that he deserves.

The last phrase of the Tory amendment states that the Bill

> threatens significantly to increase the politicisation of policing in Northern Ireland.

That is precisely what the right hon. Member for Bracknell (Mr. MacKay) is doing under the amendment. He is increasing politicisation given that the Patten report is aimed at and based on taking the police out of politics in Northern Ireland.

I am second to none in my praise of the integrity and courage of those members of the RUC—men and women—who have fought strongly to uphold the rule of law impartially. There are many such brave men and women, but I could not say that there has been no problem in the RUC. That problem still remains; if it did not, we would not be debating the Bill or discussing Patten tonight.

The first incident in the current problems occurred when nine policemen savagely beat Samuel Devenney in Derry in the constituency of my hon. Friend the Member for Foyle (Mr. Hume). A senior British police officer was appointed to inquire into that incident, but he could find out nothing because of a conspiracy of silence by the policemen who were in the area at the time. The police were standing by while Robert Hamil was cruelly murdered and while the streets of Belfast burned. The police were involved in shoot-to-kill policies. I am not raking over old history to score political points; I am saying that that is part of the problem. The sooner that hon. Members, especially those on the Unionist Benches, realise that we are considering a police force that, rightly or wrongly, has been associated by people in the minority population with being part and parcel of a state that has been hostile to them, the better; it has been used to persecute them as it regarded the minority as the enemy within the state in the past. Until people are prepared to recognise that that is part and parcel of what Patten has tried to address, we are in considerable difficulty.

Mr. Michael Howard (Folkestone and Hythe): What part does the hon. Gentleman think is played in what he describes as the problem by the words of the president of Sinn Fein, who in January of this year described someone who was convicted of murdering an RUC officer as a "republican role model" and "morally superior" to those who sought to criminalise him? What part does he think language of that kind plays in the problem?

Mr. McNamara: I find that language despicable. I hold no brief whatever for the killing of police officers. I pay tribute to those men who courageously held the line, for example, at the time of the Hillsborough agreement, in which a Government of whom the right hon. and learned Gentleman was a member were involved. Many police officers have behaved with enormous courage in grave difficulties. He should not ask me to defend the words of the president of Sinn Fein—that is a matter for him—nor should he suggest that I can explain away those terrible things in some way.

My hon. Friends the Members for Foyle, for Newry and Armagh (Mr. Mallon), for South Down (Mr. McGrady) and I have always fought to have a police force that would be acceptable to the community as a whole in Northern Ireland, and which could earn the respect of both sides of the community. That is what Patten is trying to do. Patten produced a report that met his terms of reference, but the problem is that the Bill does not do so. The Bill is a cadaver of Patten; it does not contain the spirit and the letter of Patten as my right hon. Friend the Secretary of State suggested. Much of what he said did, but the Bill does not.

The briefing that the Northern Ireland Office supplied for Second Reading bears very little relation in many substantial parts to what my right hon. Friend said today. I regard the Bill as mean, and its meanness can be seen in the discussion of the objections to the Bill contained in the briefing. He has stood many of those things on their head, so he presumably had nothing to do with the briefing, but, for example, paragraph 10, on traditions and beliefs, states:

> Patten recommends that the new oath should require officers "to accord equal respect to all individuals and to their traditions and beliefs". The Bill omits "traditions and beliefs" on the basis that it would be wrong to accord some of them "equal respect".

What clever little man, with his grubby little jammy fingers, thought of that?

The paragraph continues:

> For example, the "tradition" of violence and the "belief" that it is legitimate to use violence for political ends.

That must be aimed at the shoot-to-kill policy, at Gibraltar and at Derry. Is that what was meant? What nasty minds suggested that the SDLP's traditions and beliefs were ones of violence—the people most keen to ensure that the Bill should be considered in that way? Therefore, we are asked to say what have we found wrong with the Bill and why it is a cadaver.

The ombudsman's powers have been taken away and limited. To that extent, my right hon. Friend has gone some way to meet the concerns, but there are others about the proposed powers of the new policing board. The Police Authority said:

> the Secretary of State's intention threatens to undermine the credibility of the new body before it even gets off the ground.
>
> We are extremely concerned that if the legislation goes through as it stands, the Policing Board could actually have less power than the current Police Authority—a ludicrous situation . . .

It is strange that the code of ethics for the police has already been drawn up by Sir Jack Hermon, who was Chief Constable. It was obviously lacking, otherwise we would not need a new one, but the person who has Hermon's job will be responsible for it.

According to the draft implementation scheme that happened to fall into my hands, 133 of the 175 recommendations will be implemented by the police, and the Chief Constable will have sole responsibility for 29. On recruitment, the Bill will never achieve the critical mass that Patten wants; on the implementation oversight, I am glad that my right hon. Friend the Secretary of State is to alter it. An implementation officer with no powers—unable to enforce, to goad, to demand or to make regular

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checks—is no use. The Bill has been drawn up by the security services and the Northern Ireland Office, which thought, "How can we best emasculate, neuter or castrate the Patten report?" That attempt has failed.

If the Bill is passed in its present form, it will not carry with it the confidence of the nationalist community. That is what we must look for. There has been a lack of confidence throughout, which is why policing has been one of the major problems facing Northern Ireland and the achievement of a settlement. The association of the police with the organs of the state—the one as the political extension of the other—has to stop. Patten gives us that opportunity, and I hope that we seize it.

6.11 pm

Mr. Lembit Öpik (Montgomeryshire): Back in the old days, when I was young and lived in Northern Ireland, I talked to the police almost every day. My dad had a Volvo and no Royal Ulster Constabulary officer would believe that he had lent it to me. That concern turned out to be well founded, as I wrote the vehicle off on 1 January 1984. I apologise to the police for wasting their time and to my father for wasting his car.

The Secretary of State referred to "as good a model for policing as can be found anywhere in the world." He also said that he would approach the debate with an open mind. Also, as the hon. Member for Newry and Armagh (Mr. Mallon) said, the principle that we are debating represents the best opportunity for taking Northern Ireland policing forward, and I welcome the prospect of profoundly improving the trust with which communities in the Northern Irish population regard the police service—although I shall outline areas that are in serious need of improvement, which we may refer to in amendments.

Patten focused on the vision for policing for Northern Ireland, as outlined in the Good Friday agreement, which said that the police service should be

> accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms. . .

That is also the Liberal Democrat vision for the police in Northern Ireland: a single, integrated police service with the confidence and respect of the whole community.

We all know the benefits of that, but one that has not been mentioned is the prospect of an end to most of the paramilitary beatings, a relatively large number of which still occur. There are a lot of reasons for that, but one must be the fact that self-appointed law keepers—vigilantes—think that their role is to step in when the RUC is seen to be ineffective. Clearly, there are no grounds to justify paramilitary beatings, but the fact that they happen is symptomatic of a deep-seated public order problem at a number of different levels. If we get the Bill right, perhaps we can address them successfully.

Mr. Grieve: The hon. Gentleman seems to be getting to the heart of the matter. He has spelled out a vision and said that Liberal Democrats share it—I can assure him that Conservatives share it as well—but he has also pointed out that certain elements in the community want to distort it for their own advantage. Some changes may simply be used as instruments with which to beat the police over the head in one meeting of the policing board after another, and some ratcheted political advantage may be sought, rather than being used to create consensus community policing, which is the reason for the new force's creation. Is not that a problem with the Bill, and a reason why it causes so much difficulty?

Mr. Öpik: The hon. Gentleman is correct that the issue is politically charged. Enormous symbolism is attached to it. Although that does not make the debate a bad thing, it makes it more difficult for us to steer an acceptable course from here to the end of proceedings on the Bill. With respect to him, I fear that on occasion, his party may be in danger of using the Bill as a political opportunity, which is not healthy. I am sorry that the right hon. Member for Bracknell (Mr. MacKay) is not present to hear this point, but I ask him and his colleagues to assure us that they will not persist in trying to score party political points on the United Kingdom mainland when we need a more rational and more measured approach.

The hon. Member for Beaconsfield (Mr. Grieve) has made an important point about community policing, and a good aspect of the Bill is the recognition that we must move to a more usual form of policing if the police service is to win the trust of the local community. That has not been achieved, for obvious reasons, in parts of Northern Ireland, but only when it occurs will the police service be seen by all as the legitimate law-keeping force. Therefore, clause 15 is welcome. It provides a general function for the new district policing partnerships, with plans for obtaining the views of the public as a whole on matters of local concern. The partnerships will seek the public's co-operation in preventing crime and act as general forums for discussion and consultation on matters affecting local policing.

We are also encouraged by clause 21, which will allow the policing board to

> make arrangements to facilitate consultation

if a district policing partnership has not done so. It also stresses the crucial importance that Patten—and, in fairness I must add, the Government—have placed on that issue. We welcome the duty to publish a variety of reports and codes, which are referred to in the Bill. They will go some way to ensuring that the police are seen as open and transparent. Bits of paper alone will not achieve that, and the attitude of the reformed police service will be the crucial driver.

The annual report on the policing of Northern Ireland must include a section on police compliance with the Human Rights Act 1998. The Liberal Democrat response to Patten praised the emphasis on human rights, which are essential to the well-being of a democratic society. The police must be seen to follow up and uphold the highest standards of international human rights. The Government seem to have accepted Patten's recommendation to include in the police service oath taken by new recruits a commitment to uphold human rights. That represents progress. I do not want to discuss just how the oath should be applied retrospectively, but I note that there are very strong, reasonably expressed views on both sides. That subject is best left until we can discuss it and related specific amendments in Committee.

Some issues were missing from Patten, but the establishment of the RUC George Cross Foundation goes a long way to correcting the omission of any recognition

of the dedication and sacrifices of police officers and their families throughout the years of the troubles. We have emphasised that it is vital for officers who have served in the RUC to be treated with dignity, respect and generosity. Therefore, we also welcome the special provisions for severance and retirement packages in clause 45, although the detail will be important in establishing the extent to which those measures fulfil our hope that the respectful wishes of most Members of the House are carried out.

Several provisions, some of which have been alluded to, still cause much concern. For the Liberal Democrats, clause 43, which deals with quotas, is the most significant problem. We fully support the need to make the police more representative, especially in relation to Catholics, but the imbalance in the proportion of Catholics applying for work in the police will not be fixed by demanding that an equal number be recruited from the qualified pool of candidates. Quotas are essentially a public policy tool for tackling discrimination at the point of selection. That is not the issue in Northern Ireland. The problem arises at the point of application.

The hon. Member for Newry and Armagh made the point clearly: there is under-representation because an insufficient number of Catholics apply for jobs in the police. However, the solution lies not with a quota, but with the community attitude to the police. That cannot be handled by using quotas at the stage envisaged by the Government. Quotas miss the fundamental point that there are few Catholic applicants. That is not because Catholics have not been accepted by the RUC, but because, given the reasons that we have heard about, they have not had enough confidence in the idea of being in the police force to make applications. I have already discussed at length the importance of ensuring that the police are seen to be fair and impartial. They have not been viewed as such in the past, and some members of the community have not had enough trust in the police to consider a career with them.

The 18 to 30 population in Northern Ireland, which is the likely source of new recruits, already has a rough balance between Protestants and Catholics: 45 per cent. are Catholics, 44 per cent. are Protestants and 11 per cent. are from other groups. If reform works, the natural rate of recruitment should therefore be balanced. If we get the applications right at the start, I believe that recruitment will work out in the end and quotas will become unnecessary, serving little more than a cosmetic purpose and giving a psychological guarantee of fair treatment. However, if, for whatever reason, the Catholic population does not apply to the police service, the use of quotas will not overcome the problem. They provide a tactical solution to a strategic issue.

It would therefore be far more beneficial to initiate a strong programme of affirmative action to encourage more Catholics to apply to the police. Leaders of the Catholic community in Northern Ireland, such as politicians, church leaders and teachers should actively promote that and encourage young people to consider policing as a career option. That can be done only if community leaders go into those communities, as the hon. Member for Newry and Armagh said, and can point to a police service that they trust and which they can be seen to promote in a credible way.

Other under-represented groups such as women and ethnic minorities should be actively targeted and encouraged to join the police. New recruits from the pool of qualified candidates should then be monitored to ensure equity in recruitment opportunities. I shall be interested to hear the Minister's view on that approach to an up-front percentage increase in applicants, which contrasts with going to the tail end of the recruitment process and seeking to address the problem long after it has been created.

We must also watch out for quotas because, inadvertently, they may be more divisive for the police service, sectarianising what would otherwise be an integrated force. New officers benefiting from positive discrimination on, for example, religious grounds, could be put in a rather difficult position, as there is some evidence that positive discrimination can cause resentment in organisations.

I shall underline an issue that has already been raised, and question the legality of such a move. The Bill proposes to amend current fair employment legislation to make room for quotas, which sets a dangerous precedent. Quotas are banned under that legislation because they are not regarded as a fair solution to an imbalance. I therefore seek guidance from Ministers on whether quotas are permissible under European law.

Patten himself admits that the use of quotas for gender would be illegal. Even if quotas based on religion are currently legal, it is likely that they will become illegal in a year or so as a result of two directives under the Amsterdam treaty. There are proposals for a council directive establishing a general framework for equal treatment in employment and occupation, and for a council directive implementing the principle of equal treatment of people, regardless of racial or ethnic origin. Once again, therefore, I ask the Government to review their decision to include quotas in the Bill, and to examine those directives. We shall table amendments on those points later: this is a principle on which Liberal Democrat Members will push very hard indeed.

The code of ethics is the primary legislative tool for achieving a human rights agenda in the police. However, the drafting of the code is left to the discretion of the Secretary of State, without bodies such as the Human Rights Commission being granted explicit rights to be consulted. That should be rectified. Clause 30(4) requires members of the police only to "have regard" to the code of ethics. That should be amended to require them to comply with it. The phrase "have regard" is hardly a vote of confidence in the whole process, and the Bill should be more assertive.

Earlier, I welcomed aspects of the Bill which will help to improve the accountability, openness and transparency of the police.

Mr. McNamara: On a point of order, Mr. Deputy Speaker. We were under instructions that Back Bench speeches could take only so much time. If the hon. Gentleman qualifies as a Front Bencher, does that not also apply to my hon. Friend the Member for Newry and Armagh (Mr. Mallon), whose speech was stopped?

Mr. Deputy Speaker: Order. The understanding in the House has always been that, under Standing Orders,

[Mr. Deputy Speaker]

the exemption from time limits extends only to the spokesman for the Liberal Democrat party and to no one else.

Mr. Öpik: For once, Mr. Deputy Speaker, I feel special. Thank you.

Mr. MacKay: Make the most of it.

Mr. Öpik: I thank the right hon. Gentleman for his support.

The Patten report expressed hope that the new policing board would be considerably stronger than the Police Authority which it replaced. However, the Bill assigns many powers to the Secretary of State and the Chief Constable, rather than the Board. We agree that the Secretary of State needs to have a role in policing, and would like a Justice Minister in the Assembly to carry out those functions. We have a strategic concern about the proposed future structure and are anxious that the relationship between the Secretary of State, the Chief Constable and the board is out of balance and favours the Secretary of State.

Recommendation 26 of the Patten report specified that the policing board should have the power to initiate

> an inquiry into any aspect of the police service or police conduct. Depending on the circumstances, the Board should have the option to request the Police Ombudsman, the Inspectorate of Constabulary or the Audit Office to conduct or contribute to such an inquiry, or to use the Board's own staff, or even private consultants for such a purpose.

I echo other Members' concerns about the board's opportunities and power to have an inquiry. I shall not deal with the seven hurdles that prevent the board from exercising that power now, but I intend to raise them in Committee.

None the less, I welcome the Secretary of State's assurance that he is reviewing the opportunities for the board to call an inquiry. I shall not dwell on the matter here, but it requires clarification, as those who think that the board is insufficiently powerful are nervous about its influence in such areas.

The police authority was responsible for setting objectives and targets in a police plan. Under the Bill, the new board will be responsible only for setting targets for objectives established elsewhere. The Secretary of State has the power to make regulations on the content of the annual policing plan—which, again, makes the holder of that office very powerful in relation to the board, not least because under the Bill, the Chief Constable need only "have regard" to the policing plan. We believe that it would be better if he were required to adhere to it, except when the board gives its approval for him not to do so.

Similarly, under the Bill, responsibility for accounts and audit has been transferred from the police authority to the Chief Constable, not to the board. Given the lack of statutory reference to a chief executive or a secretary to the board, one can only conclude that the Chief Constable is to perform both those roles, so there will be a huge centralisation of power in that position. A privately run business would have no problem with that, but we are discussing a publicly accountable organisation. That is our primary reason for being concerned that the power is over-centralised in two individuals, rather than being devolved to the board. I look forward to the Minister's reply on that subject.

There have been many discussions about names, and, as everyone knows, I support the title "The Northern Ireland Police Department". However, I am a realist and, although you have given me leave to make a Front-Bench speech, Mr. Deputy Speaker, I do not believe that I could muster the necessary votes for my proposal. Nevertheless, it seems inappropriate for Her Majesty's Opposition to push for a reasoned amendment on a tactical issue that is primarily of symbolic importance. Were they to succeed in mustering enough votes for that, it would mean an end to the Bill. We would not move forward at all on the Patten proposals, whether such a step were faulty or not.

Will the right hon. Member for Bracknell reconsider? Are his concerns so great that he cannot wait for the Bill's Committee stage? That, I believe, is the appropriate point at which to raise an issue on which, no doubt, we shall spend a lot of time. Does he really need to register a vote against the whole Bill when he himself has said, and others have reiterated, that there is much in it that the Opposition support?

Similarly, the Opposition's concern about involving ex-prisoners who were imprisoned as a result of the conflict is valid, but the issue has a far deeper significance than the simple concern about having ex-cons involved in the process. We must bear it in mind that about 15,000 people in the nationalist community have, at some time, been prisoners, and would therefore be excluded from the process if ex-prisoners were not allowed to participate.

Mr. Mallon: We must be very careful about this point. The Bill refers to scheduled offences. More than 90 per cent. of people convicted of a scheduled offence over the years were guilty of parking their car in the wrong place—that was a scheduled offence. I sincerely hope that the hon. Gentleman is not suggesting that a person of good will who happened to park his or her car in the wrong place should not, under the Bill, be allowed to serve in a police partnership.

Mr. Öpik: I can relate to the hon. Gentleman's point, because I got a parking ticket last week.

Mr. Mallon: That was not a scheduled offence.

Mr. Öpik: That is true. Of course I reassure the hon. Gentleman that I agree with him: I am saying that I am concerned about the fact that people convicted of scheduled offences will be excluded from being independent members of a DPP. Those seeking to be political members will be allowed to proceed even if they have fallen foul of the scheduled offences rule, but independent candidates will not.

Mr. Robert McCartney: One of the people whom we hope will be excluded was in the Lobby of the House today. I refer to Mr. Gerry Kelly, who planted the bomb at the Old Bailey, killed three people—one was an anaesthetist—and shot a guard in making his escape. I hope that the hon. Gentleman would agree that such a person should be excluded.

Mr. Öpik: I am saying that this is a more sophisticated debate than can be covered in a reasoned amendment.

We have already seen that there are two, or perhaps more, strongly held views on this issue. [HON. MEMBERS: "What is yours?"] I ask hon. Members to listen; they will then hear my view. Many of the people whom we are discussing have played an integral role in moving us from the bad old days to the relatively peaceful present. I happened to speak to Gerry Kelly today, and I believe that there must be a proper debate rather than the emotive reaction of automatically excluding such people from the political process.

Mr. Peter Robinson (Belfast, East): Will the hon. Gentleman give way?

Mr. Öpik: Yes, but then I will take no further interventions.

Mr. Robinson: Perhaps the hon. Gentleman will refine his opinion when I tell him that the BBC in Northern Ireland is running as its lead story this evening the involvement of the Provisional IRA in the killing of Edmund McCoy 10 days ago in Dunmurry.

Mr. Öpik: I shall go further: I am happy to refine and clarify my view on the basis of a sensible debate in Committee to decide who should be involved in the process and who should not. If we need evidence that there is this very debate to be had, we can consider what has happened in the Chamber in the past few minutes. Sometimes it is hard for people to entertain the possibility that on this matter there is a view different from their own, because, for understandable reasons, it provokes strong feelings.

I do not necessarily ask hon. Members to accept my view, and I stress again that I am willing to refine my view on the basis of argument, because, as the Secretary of State said, we must keep an open mind on these important issues. I simply ask hon. Members to recognise that there must be a debate, and we will not have that debate if we simply try to shout each other down or find reasons not to listen to alternative views before rejecting them.

As for the Patten proposals, as the hon. Members for Newry and Armagh and for Hull, North (Mr. McNamara) have said, we have to be consistent on them. At times the Government have said that they cannot do x or y because it is not a Patten recommendation. If that is the case, they must be true to his recommendations throughout. However, for understandable reasons the Government have chosen not to proceed with various of the recommendations. The process is either pick-and-mix or it is not. It will be simpler if it is not pick-and-mix, but I suspect that Ministers have taken a different view. If so, they cannot argue that proposals made in the House that are not in the Patten report, such as a change in the quota process, are not acceptable because they are not in the report. Each proposal must be decided on its merit.

Most hon. Members want the Bill to be passed, and I hope that our amendments in Committee will be seen as contributing to improving the Bill. I hope also that we will be able to discuss these matters constructively, and that in doing so we have a good opportunity to listen to the views of different parties. We can then make an informed decision. The most dangerous thing that we could do would be to entrench ourselves in existing views, which have been rehearsed here many times, and have rarely led to progress such as movement by any side in the process.

I hope that we will use the Bill as a way to move forward, perhaps beyond its current contents to measures that are much closer to Patten's full recommendations. Liberal Democrats hope to make a positive contribution, and we sometimes make remarks that people find uncomfortable because we believe them to be right or because sometimes it is important for individual Members to break taboos to get to the truth. If that is the spirit of the debate, it will be constructive. I hope more than anything else that by doing so we can improve the quality of policing in Northern Ireland, and thus also the quality of life.

6.37 pm

Mr. Peter Temple-Morris (Leominster): It is a pleasure to follow the hon. Member for Montgomeryshire (Mr. Öpik). I entirely agree that the Bill cries out for a Committee stage, which must be constructive because we have to get it right, as the hon. Member for Newry and Armagh (Mr. Mallon) told us forcefully. A cry went out, "Get it right for whom?", and I humbly suggest that we have to get it right for Northern Ireland.

From the beginning of the process, the Secretary of State's clear attitude has been that he will approach the debate with an open mind. That augurs well for the Committee stage, but the Bill will need fine-tuning. Indeed, on an important point about safeguards in inquiries, my right hon. Friend indicated that he might have gone too far. I hope that he will not be overcome with generosity because we need safeguards.

I welcomed much of what the right hon. Member for Bracknell (Mr. MacKay) said. I do not agree with the amendment in his name, but I entirely respect it, his right to table it and his party's right to vote on it. I hope that, subject to the eloquence of my right hon. Friend the Minister of State, in which I have every confidence, members of my former party will abstain in the main vote. I would be relieved if they did so and I would commend them for it. We can and should have a vigorous Committee stage. Bearing in mind that there is such a basis of agreement on Patten and on the Bill, we can also have a decent Report stage and Third Reading when we can express reservations.

I know that I am not the ideal person to suggest to members of my former party how they might vote—

Mr. McNamara: Yes you are.

Mr. Temple-Morris: I am encouraged by my hon. Friend's remark. I suggest with all humility that, if Conservative Members support the Bill, they will make a major contribution to delivering peace to Northern Ireland.

I want to quote from a paper that I do not read very much these days; I thought that no one could doubt me if I did so. *The Daily Telegraph* of 9 September 1999 expressed reactions—admittedly they were mixed—from RUC officers to the Patten report. One quote says it all in my view:

A sergeant based in the south of the province said: "Did anyone ever expect Patten to come back and say, Keep it up, you're doing a great job? Of course the name change will offend some people.

but at the end of the day, his plans would just turn us into a normal British force. Change is not a problem for us, we only hope that the Catholic community responds and that we are allowed to change without the threat of terrorism hanging over us."

Many hon. Members on both sides of the House may agree that that says, at least, most of it.

I wanted to quote the views of an RUC sergeant for obvious reasons. The Bill is about change. It is about normalisation: it is about a normal British force. It is about a change of culture—about a change from policing the troubles to policing with and for the people. It is about each community responding. It is also, of course, about the withdrawal of the constant threat of terrorism. It is part of a wider peace process. I ask everyone to take a constructive approach, not least in Committee. I believe that if we fail with the Bill, and if we fail with the implementation of the Patten recommendations, the peace process will go into a decline that none of us wants. We must therefore get it right.

The question of the Patten report and the institutions is pivotal: it is a cornerstone of peace. It is regrettable that the Bill and the Patten report have come into the front line; the reform would have been much easier if the institutions were up and running and decommissioning was under way. That, however, is not an option. There can be no going back, and no slackening of the pace. In no way is the past an option.

One of my main worries relates to the RUC, and to its concerns. At the heart of those concerns is the feeling that a police change should not run ahead of progress towards peace—that demilitarisation should not include changes in the size of the police service while the terrorist threat remains. We all appreciate the dangers, but we are dealing with changes and normalisation that will take years. Even after 10 years, if Patten's recommendation is followed, there will be a substantial force of 7,500. I am confident that, if there is a threat, the Government—this Government, or the Government of the day—will meet that threat. They might be much better able to meet it if there were a force that was more acceptable to all the people of Northern Ireland. The RUC is not just policing the change; it is an integral part of the change.

Let me turn to specifics, and to cultural issues. Whatever we call the force—the Police Force of Northern Ireland, the Northern Ireland Police, or whatever—the name must change. Patten is clear about that, for the right reasons. I think that it will be very difficult, if not impossible, to recruit young Catholics without changing the name first, although there are many other aspects of the problem.

We do, of course, salute the RUC for its role in the front line against terrorism. I especially remember the "Ulsterisation" policy of the mid to late 1970s. I am sure that a number of British soldiers owe their lives to the sacrifice that was made by RUC officers. Nevertheless, in terms of historical associations across the communities of Northern Ireland, I think it goes without challenge that the past of the RUC—and that of the Royal Irish Constabulary before it—while it has been commendable in recent years, has not always been clothed in glory. It is regarded very differently by the two communities, for obvious historical reasons.

We need a fresh start, but the fresh start will not work unless the RUC, through its experience and tradition, forms the basis for its successor—of which it will be very much part: indeed, the successor force will not work without it.

Let me say something about the badge. We have talked about a crown and a harp—about the emblems of the two countries. I was the founding co-chairman of the British-Irish Inter-Parliamentary Body; I believe that the right hon. Member for Bracknell was on the steering committee with me. At that time, we tried to create an emblem, or logo, for the body. Having considered the crown over the harp, the harp over the crown, the crown around the harp and the harp around the crown, we eventually threw up our hands and said that we could proceed no further. I therefore sympathise with Patten's view that perhaps no association with the emblems of the British or the Irish states would be advisable, and that we need a new badge and a new flag. I am delighted that the Northern Ireland Assembly has made progress in that direction.

Let me say a little about accountability, reports and inquiries. I mentioned safeguards at the outset. I believe that the present position will be challenged in Committee—the provision, that is, that a minimum of 12 members of the policing board should vote in favour, which means that seven would be voting against.

The minority is just as important as the majority in the context of establishing a permanent peace in Northern Ireland. Whoever constitutes the majority and whoever constitutes the minority, that must surely be the case. The arrangement cannot work if one overrides the other. I do not think that, if the board demanded an inquiry into a public-order incident at Drumcree, for instance, it would get off to a good start with a majority of 10 to nine. For the moment, I defend the Bill, and the Secretary of State's reserve powers. He is the democratic bottom line during a continuing transfer of authority.

The same applies to codes of practice. The Patten report recommends that control be transferred to the Northern Ireland Assembly as soon as possible, but for the moment it rests with the House of Commons and the Secretary of State, who has responsibilities—not least for security matters. Codes of practice are therefore necessary.

6.47 pm

Mr. Ken Maginnis (Fermanagh and South Tyrone): I apologise for the fact that, owing to a late flight, I could not be present for the Secretary of State's speech.

I am no admirer of the Patten report, nor does my party admire it. It is not that we have made a predetermined judgment; like the hon. Member for Newry and Armagh (Mr. Mallon), we recognise that Patten is a man of huge ability. Often, the difficulty with people of huge ability is that they know of that huge ability, which makes them arrogant and conceited. Patten felt that he could override the basic tenet of the Belfast agreement—that, for as long as the people of Northern Ireland so determined, Northern Ireland would remain part of the United Kingdom.

Some people think that that goes too far; but what does it mean? How does one remain part of the United Kingdom? It means that one shares things that are common within the kingdom—the flag and other insignia—but not in an aggressive or offensive way. Flags have become aggressive symbols only in so far as they are used by one small section of society to intimidate another, and vice versa. That was not what was intended by those who conceived the Belfast agreement, but Patten cast aside all regard to the agreement.

Sadly, I can imagine Patten's having the support of Sinn Fein-IRA, which has much to learn about democratic politics. It has not convinced some of us—and if

hon. Members had been where I was on Saturday night, they would have been even less convinced—that some of its members have become reconstructed. But it is much more saddening to find that not only Sinn Fein but the SDLP and the Irish Government, while paying lip service to the practical aspects of the agreement, do not give proper recognition to the spirit of it. That is one of the difficulties deriving from the debate.

It is no good the hon. Member for Montgomeryshire (Mr. Öpik) reading us all a lesson on how we should move the process forward if there is no clear recognition of the rights of the people of both traditions in Northern Ireland. It should be a question not of pandering again and again to one tradition, but of whether we can have mutual respect.

Patten also showed no awareness of the needs of, or the sacrifice made by, the RUC. I think of a late friend of mine, a Roman Catholic RUC sergeant, who was murdered by the IRA, in November 1975. His widow—Patten and his commission would have known this—was awarded £4,000, and £3,500 was awarded for each of her children. I think of another police widow who was awarded zero—nothing—but who, on appeal, was awarded £6,000. Those events occurred back in 1975 and 1976.

It would have been reassuring if Patten had recognised that the sacrifice of the RUC goes wider and deeper than the men and women who died: it affects families and children. I have been associated with an organisation that is dealing with the trauma affecting police men and their families. Even today, one sees eight-year-old children requiring treatment because of the stresses and strains placed on RUC members and on their family life. Patten disregards that.

When we consider a Bill, we cannot afford to disregard such matters. I hope that there is something to be done for those women—wives of RUC officers who were killed 25 years ago—who are living in poverty. However, that is another issue.

I recognise, too, that Patten took a huge amount of the content of his recommendations from Ronnie Flanagan's fundamental review. I also recognise that the Police Federation for Northern Ireland, with which I have had some association, wholeheartedly and without reservation accepted—it would not have been my recommendation—a fundamental review. Regardless of whether Flanagan or the federation was right or wrong, each made proposals based on three criteria. As those criteria have already been rehearsed in the debate, I shall not waste my time rehearsing them again. However, the criteria are based on the level of violence and on change in response to society's needs.

I should like to touch very briefly on the needs of society, because no hon. Member has yet talked about policing in terms of delivering something that society cannot do without. Currently, in Northern Ireland, we have a mafia sub-culture. It might have developed inevitably, because of the age that we live in, but I think that it has developed because we live in the wake of 30 years of hideous terrorism.

The sub-culture is corrupting our young people. The extent to which drugs are being used in Northern Ireland is frightening. There is some success, but not enough of it, and the drug dealers are winning the battle with the police. We need to keep a level of policing that can deal with that.

There is worse. There is a multi-million pound business in smuggling fuel—diesel fuel, heating fuel, motor fuel—not only into Northern Ireland, but into Great Britain. The tentacles of that organisation stretch far and wide. The business is depriving the Exchequer of nearly £1 billion annually. The Government admit to a £100-million figure for the trade, but that figure is rubbish. It is certainly more than £500 million, and information that I have recently received suggests that it is approaching £1 billion.

Almost nothing is being done about the business. There are no special arrangements to deal with it, and there is no co-ordinated approach to tackling it between Customs and Excise, police, health and safety agencies, other planning bodies and everyone who could play a part. I am glad to see that the hon. Member for Newry and Armagh is nodding. The business is a scandal, but the Government have not attempted to do anything substantial about it.

I leave the House with the reality of the policing situation. I wanted to touch on other issues in my speech, but I do not have time. If I am fortunate enough to be selected to serve in Committee, I shall touch on many of them.

I should mention one matter now. The Bill mentions codes of ethics, codes of practice, codes of this and codes of that—but when will we see them? We have to see them now. Quite bluntly, I do not trust those who are tasked with producing those codes not to pervert what we are attempting to do here today.

Mr. Deputy Speaker (Mr. Michael Lord): Order. The hon. Gentleman's time is up.

6.57 pm

Mr. Eddie McGrady (South Down): Thank you, Mr. Deputy Speaker, for the opportunity to participate in the debate. It might sound rather grandiose, but today we are engaged in part of an awesome task—to create a peaceful community in Northern Ireland that is based on inclusivity and trust. The beginnings have begun in re-establishing the Executive, but we must now deal with the problems of the other institutions of state. In that context, we must address the issue of renewal or reformation—whatever one wants to call it—of the police service, to provide Northern Ireland with a new start and new dimension in policing and in security, which, as has been said so often in today's debate, has been supported by both sections of the community.

It has also already been said that it would be disastrous if we missed this opportunity to address the policing issue. Our peace, security and prosperity will depend largely on policing. It is therefore incumbent on us all, regardless of which part of the community we come from, to listen, to learn, to advise and to give so that we can reach a consensus that produces acceptability.

Every day, the communities in which I and many other Northern Ireland Members live see what has been mentioned by the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis): a Mafia-type infiltration of our communities. We do not know the source of the infiltration—perhaps ex-paramilitaries. Perhaps it is simply a product of the ethos created by 30 years of violence. As I have said in the House before, after the psychological conditioning that has occurred in our community, we cannot and should not be expected simply to switch off violence.

[Mr. Eddie McGrady]

Some things must be said rather boldly and up front. Much has been said today about recruitment and about how the problem of recruitment from the community from which I come and into which I was born—the Catholic community; but I represent the entire community—is the result only or primarily of the paramilitaries, particularly the IRA, preventing recruitment. That is a red herring.

Let us bear in mind the recruitment figures from the establishment of the police force in Northern Ireland to 1970, before the violence occurred. Those figures showed a continuing decline in participation by the Catholic community. In addition, the ethos was created that there was a Protestant state for a Protestant people, and a Protestant police force for a Protestant people. That was an insult to the members of my community who joined that police force. However, that was the perception and reality of the situation then and today.

No greater force promoted that ethos than the party represented by the hon. Member for Fermanagh and South Tyrone. He spoke about flags. I did not quite catch his reference, but he suggested that a minority categorised or classified flags as emblems of being part of its own community. There is no party more than the Ulster Unionist party that flew the flag of the United Kingdom as a party political flag. It was flown at every meeting and at every platform. That practice extended even to the paramilitaries. That is where symbolism becomes so important. That being so, it is equally important that we set forth on a new beginning, move away from the symbolism and attitudes of the past and create a new peace in our society for the community from which I come and the community of the Protestants or Unionists, however we might designate them. I hate using those words but they have already been used this afternoon. There is a need for a new police service which both communities can fully participate in and support. If that does not come about, the present situation will continue.

I am talking not about what is happening in no-go areas, but in go areas. Heavies are visiting our streets and local communities and putting to rights, as they see it—the right hon. Friend the Member for Bracknell (Mr. MacKay) referred to the jury, judge and executioner—relatively small crimes. At the same time, we have the overpowering and overreaching problem of drugs. That is the ethos that we are trying to change.

We in the SDLP have a broader vision of the policing service that goes beyond the Bill. The Secretary of State has announced that he has published an implementation plan, which I have not yet seen. There is also the work of the oversight commissioner. There must be overall delivery if the Patten report is to be implemented.

It seems that Patten has been presented today as a demigod. He was only one member of an international commission that took evidence at every crossroads in Northern Ireland. It presented a compromise that it thought would work in our society. The Patten report is or was the compromise. That is why we in the SDLP, with some misgivings in certain areas, broadly support the Patten concept.

We are worried that the Bill does not reflect the Patten report and the compromise. We have identified 44 areas of concern where the Patten report will not be implemented, or not fully implemented. If we are to be successful in creating a new police service for our communities, these matters must be addressed.

In his opening remarks, the Secretary of State said that he had an open ear and that the Government would consider constructive amendments to the Bill. That is to be welcomed. However, we must deal with what is in front of us and not with what we are promised.

I do not have time to go into the many areas that constitute the 44 problems that we have identified. However, one of the major areas of concern is the lack of powers of the Northern Ireland Policing Board. The Patten report proposed a new police board that would ensure accountability, especially in terms of reports and the initiation and conduct of inquiries. We feel that the Bill falls far short of those proposals in many instances.

For example, the Chief Constable can refuse to allow the board to undertake an inquiry. The Secretary of State will be able to stop an inquiry taking place if it is deemed that it would not be in the interests of efficiency and effectiveness. What does that mean? How is that to be interpreted and who is to interpret it? An inquiry can be initiated only if there is a weighted majority of the board. The hon. Member for Leominster (Mr. Temple-Morris) referred to 12 out of 19. That is perhaps significant because 12 is two more than the number of elected representatives that will be appointed to the board.

The elected representatives will come from a broad cross-section of political representation. They should not be deemed to have common cause on a party or partisan basis. The 10 elected persons, of the 19, should with others have the right of a normal majority to make a decision.

There are many other issues that I should like to touch on—for example, the code of ethics. Why should such a code or a code of conduct, which would be desirable or acceptable, not be applicable to all members of the new police service? Why should it relate only to new recruits? Surely all members of the service do the same job on the same basis, with the same ethics.

I look forward to consideration of the Bill in Committee. The Secretary of State has said that he will have an open ear and I hope that he and the Government will consider constructive proposals for change.

7.7 pm

Sir Brian Mawhinney (North-West Cambridgeshire): It is a privilege to be able to take up the remarks of the hon. Member for South Down (Mr. McGrady). I share his perception of the importance of policing in developing the new arrangements in Northern Ireland.

I repeat what I have said previously in the House, by declaring an interest. RUC officers guarded me for a number of years. As a former Minister with responsibilities for security in Northern Ireland, I appreciated their professionalism and dedication. Anything that I say is shaped by those experiences, and I make no apology for that.

I welcome much of what is in the Bill. On a previous occasion, I said that the Secretary of State was right to seize the opportunity to make radical changes to the policing system in Northern Ireland. The right hon. Gentleman will appreciate that during the past 30 years it would have been exceptionally difficult to make such

radical changes. He has an opportunity, and he is right to take it. He is right also to try to establish good practice. If I may say so, he is right in addition to distance himself as far as possible from policing matters to allow local influences much more to be brought to bear. He should remain the democratic last resort. Recent history in Northern Ireland suggests that from time to time that may be important.

There may have been a change of Government in 1997, but I have a sneaking suspicion that the ethos of the Northern Ireland Office and the advice that the Secretary of State has received have probably not changed as much. An innate conservatism has encouraged the right hon. Gentleman to move a certain distance but not to get too radical. I suggest that he has an opportunity to be more radical than perhaps his advisers would wish him to be. The new policing board does need to be set up. I had inside knowledge of the difficulties that we had with the old Police Authority for Northern Ireland. My colleagues and I spent too much of our time trying to resolve issues that arose between the Chief Constable and the chairman of the authority. The policing board provides a wonderful opportunity. The Secretary of State should give it as much power and significance as his radical instincts will permit, always protecting his role as Secretary of State ultimately.

What bothers me about the Bill—I pick up the word "interlock" that the hon. Member for Newry and Armagh (Mr. Mallon) used—is that it is too much in a politicised setting. Like others in the Chamber, I can reflect back 50 years and more. The police in Northern Ireland were always seen in a political context. The hon. Members for South Down and for Newry and Armagh both know of my long concern that the majority of law-abiding people in the nationalist community got caught up in the wash of the tough policing that had to be undertaken to try to detect and prevent terrorism. Their political views were influenced by it, although they were not to blame.

I therefore accept the point that those two hon. Members have made—that it is too simplistic to say that there were always voices that said, "We will intimidate you out of the RUC." It is much more complex than that, although both would, I think, agree that hard-line republicans link support of the police with support of the state, to the detriment of both.

I hope that the Secretary of State will not be over-influenced by some of the more emotional voices in the Unionist community. People are wrapping their arms around the police as if they were, in perpetuity, Siamese twins, but, like my right hon. Friend the Member for Bridgwater (Mr. King), the former Secretary of State for Northern Ireland, I remember how a number of people behaved in the aftermath of the signing of the Anglo-Irish Agreement. I remember the loyalist and Unionist attacks on the police. I remember the rhetoric when policemen were burned out of their homes because they were not bowing to the will of the anti-agreement faction and were upholding the law of the land. Therefore, I take with a pinch of salt—

Mr. Maginnis: Will the right hon. Gentleman give way?

Sir Brian Mawhinney: No. I have only five minutes. I will go on.

I would be somewhat concerned about attaching too much attention to those points. Having said that, the hon. Gentleman will be pleased to hear me say that, underneath that disgraceful behaviour, there was a core of solid, respectable, loyal, law-abiding Unionists who attached themselves to the state, who gave significance to their British citizenship and who saw the RUC and policing issues in that context. If the hon. Gentleman had allowed me to make that point without interruption, I would have gone on to say that I agreed with much of what he said.

The point I am making to the Secretary of State is that we are in danger of getting politicised, at a time when there is an opportunity to move away from politicisation. In that regard, I have particular concern about clause 15 and the district policing partnerships. I understand why they are there. I understand the importance that he attaches to them, but they are a recipe for considerable political mischief, as are clause 43 and the quotas.

The Secretary of State got lumbered with the Bill as part of the Good Friday agreement. It would have been better if it had not been part of the agreement and if there had been a separate but parallel determination to deal with policing issues, but he is lumbered and it is now politicised.

I say something to the Secretary of State that he has heard me say before. He has two options. He can use his considerable political skills, to duck and weave, zig and zag and produce an Act that satisfies no one; or he might decide to go ahead, to implement the 80 to 90 per cent. of the Bill that should be implemented, then to draw on the political strength of arrangements that are in place and will get better with the passage of time, and use that political strength some time in the future to implement the rest of Patten as Patten was written. I fail to see how an Act that ultimately satisfies no one will aid him as he seeks to develop the peace process.

7.15 pm

Dr. Norman A. Godman (Greenock and Inverclyde): As I look around the Chamber, I think that I am just about the only Member who has ever served in a police force with the prefix "Royal". I refer to the Royal Military police. I say to some of the hon. Gentlemen across the way that some of those who campaign to retain the title "Royal Ulster Constabulary" remind me of some of the campaigners who sought to retain the titles of our ancient regiments and warned of all sorts of dire consequences over the amalgamations that successfully took place.

I thank the Secretary of State for his response to my question concerning what I see as the inferior role of the policing board vis-à-vis the Chief Constable and the Secretary of State. I will study his answer with care tomorrow, but I am grateful for his response and hope that that indicates—as some of his other responses did—that he will be open-minded when we come to amend the Bill in Committee and on Report. The Bill needs it; it needs radical amending.

Among many other things, the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) talked about the need to bring Northern Ireland more closely into kilter with other nations and regions of the United Kingdom. One way of doing that, if that is what he seeks to achieve, is by normalising the police service in Northern Ireland. I need hardly remind him that, in my part of Scotland, the chief constable is responsible to the police board, which is made up of local representatives from the councils that make up Strathclyde. The legislation for that police force and for the policing in Scotland is devolved to the Scottish Parliament.

[Dr. Norman A. Godman]

I have done this before: I, too, offer my tributes to the many brave members of the Royal Ulster Constabulary. In preparation for the debate, I sought to meet as many as I could. I met members of the Police Federation, widows of RUC officers and disabled officers.

I offer my compliments to the federation's members for taking their case to Dublin, where I met them again. They themselves said that they had had a fair hearing from the Taoiseach, his colleagues and officials. I have listened to their understandable concerns about what they see as the unintended—as well as intended—consequences of police reform, but, in all those meetings, I said that I supported the case for radical police reform.

In the time that I have available, I want to offer a couple of criticisms of the Bill and to ask the Secretary of State a couple of questions with which I hope that he will deal. As has been said, Patten and his colleagues argued for a new beginning to policing in Northern Ireland. As hon. Friends have said, we must aim to enact legislation that will allow leaders in both communities to say to young people, if they are of a mind, "You can pursue a career, a fine and decent career, in the police service—in that area of public service." I can say that to young men and women in my constituency and I hope that the day will dawn when Members in both communities can say the same to their young people.

The Bill falls short of that aim, particularly in the requirement for democratic accountability and impartiality. Despite what my right hon. Friend the Secretary of State said about the policing board, it will be the junior partner in its relationship with the Chief Constable and the Secretary of State. I want the policing board to be strengthened.

It is essential that Mrs. O'Loan, the police ombudsman, should be given unrestricted access to information that she believes is germane to any investigation that she initiates. Clause 61 needs to be amended to enable her to conduct examinations efficiently and effectively—a familiar phrase to us all. At the least, the word "reasonably" should be struck out of the clause. Part VII, which is concerned with the role of the ombudsman, needs to be amended. As she goes about her work, she must have due regard to the public interest as she sees it. Similarly, she must be actively engaged in the drafting of a code of ethics. The role of the ombudsman is critical to the creation of a new and widely respected police service. That important role has to be acknowledged in the Bill.

There are many other concerns, including the three-year review. It has to be a thorough-going analysis that leads to prescriptions for the improvement of procedures. The 10-year date must be checked again, as must the question of aggregation. As a frequent visitor to Northern Ireland, I have serious concerns about the subject. My right hon. Friend should give serious consideration to a new oath incorporating a commitment to full respect for the traditions and beliefs of both communities, as recommended by Patten. He should ensure that the substance of the oath is applicable to all serving officers, as well as to the new recruits who I hope will come forward from both communities.

Patten recommended that district policing partnerships should meet in public. The Bill does not provide for that, but I think that they should do so wherever and whenever possible to uphold the principles of local accountability.

Patten also recommended that the recruitment agency should be able to target Catholics originally from Northern Ireland but working in police services outwith Northern Ireland. I know that there are some in Scotland. He also recommended lateral entry of such experienced officers. That could be used as a tool to ensure representativeness at senior levels of the police service. I hope that my right hon. Friend will assure us that the recruitment agency will be able to target such personnel.

Patten also said:

> it is not satisfactory to suggest, as some people have, that one should somehow accept that every organisation has . . . "bad apples." They should be dealt with.

If the House will forgive me for mixing metaphors, bad apples should be rooted out and the policing board should have the power to do that. We cannot afford that kind of officer in the new police force.

Finally, I shall address some of my pet concerns. If we are to have new policing and want to talk about badges and changing the design of the uniform, which needs to be redesigned—I think that Patten is wrong on that—why not change the colour of the uniform? All the police forces round about, including Strathclyde and the Garda Siochana, have blue uniforms. The new police service in Northern Ireland should also have a blue uniform. Given that the words "Royal Ulster" strike such a resonance with some Opposition Members, if they cannot accept the Patten recommendation for a new title, why not call it the Northern Ireland constabulary? We have the Fyfe constabulary in Scotland, so why not the Northern Ireland constabulary? We need a police Act that enables people in both communities to believe that they can follow a good career in the police service.

7.25 pm

Mr. Peter Robinson (Belfast, East): This is a rotten Bill. Future generations will rise up and curse the name of the Secretary of State for having introduced a Bill that rewards terrorists and punishes the police service. It is a sad and ugly irony that on the day that the police in Northern Ireland have given details to the BBC's security correspondent of their investigations into the murder of a man in Dunmurry 10 days ago at the hands of the Provisional IRA, the Secretary of State has introduced a Bill asking us to put on to police boards and partnerships throughout the Province people who are tied to the organisation that carried out that killing.

No doubt, under the Bill, there will be a choice of former and present IRA army council members for membership of the new police board. In the partnerships across Northern Ireland, there will be a choice of many activists and leading members of Provisional IRA. It will be of no comfort to the community in Northern Ireland that the Secretary of State is prepared to proceed with a Bill that will bring the Provisional IRA a role in policing in Northern Ireland even though they are still active in terrorism there. What confidence can that give to the people of Northern Ireland? It will give no confidence to the people of the community that I represent.

The Bill is the child of the Belfast agreement, as well as of the Patten commission report. Those who negotiated the Belfast agreement, those who signed it, those who went out into the roads of Northern Ireland and asked people to support it and those who voted for it in the referendum have cost us dearly in terms of the future

policing of Northern Ireland. Whatever one might say about Patten, he faithfully represented the remit given to him in the Belfast agreement. There is no getting away from the fact that that agreement gave explicit and detailed instructions to the Patten commission. Those who were involved in the Belfast agreement cannot wash their hands of the destruction of the RUC under the Bill. The genealogy is clear and damning.

Many words of praise and tribute to the Royal Ulster Constabulary have been spoken. The right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) suggested that anyone who has ever criticised any action of the Royal Ulster Constabulary was not entitled to support its continuation and maintenance. It has been used on many occasions to uphold a political decision. That is a fact of life and we all know it. The fact that many people have disagreed with those political decisions and made known their opposition to them in no way undermines or diminishes their regard or support for the Royal Ulster Constabulary.

I have many members of the Royal Ulster Constabulary in my family. The force has acted with distinction through all its years of service in Northern Ireland, and has acted efficiently and even-handedly. It has acted with gallantry and devotion, and it has been punished by this Government for the many sacrifices that it has made.

The reality is that over 300 RUC members were murdered in this campaign of terrorism. Thousands of its members have been maimed and mutilated. Many will bear the scars of terrorism upon them for the remainder of their days. While the RUC is to be destroyed under this Bill, the IRA remains intact. While all the operational effectiveness of policing is to be diminished under the Bill, the IRA still holds on to its arms, its bombs and its operational capacity. That is the reality. What kind of topsy-turvy world is it when this House—the cradle of democracy and the mother of Parliaments—decides to reward terrorists and to punish those who are responsible for the exercise and functions of law and order?

I had expected this evening that the right hon. Member for Strangford (Mr. Taylor) would be here. I was hoping that, during his remarks, he would produce from his inside pocket the letter with which he tantalised the Ulster Unionist council and which he indicated had been of such profound significance that it had caused him to move from being a sceptic to a supporter during that famous occasion only a Saturday or so ago.

The indication was that the right hon. Gentleman was not satisfied with the assurances that he had received earlier that week. However, the contents of the piece of paper in his pocket—I am not sure whether it was from the Secretary of State, who may want to make a confession, the Prime Minister or Leo—were of such significance that they caused the right hon. Gentleman not only to vote in favour of the restoration of the Executive, but to advise and encourage others to do so.

If the Secretary of State has given some assurances, undertakings, commitments or promises to the right hon. Member for Strangford in that grubby little piece of paper in his inside pocket, the Secretary of State owes it to the House, as we debate this Bill, to divulge what those undertakings, commitments or promises may be. It would be of no service to this House if the Secretary of State held back from us some additional commitment that was not in the public arena.

I hope that, in winding up the debate, the Government representative will indicate in the clearest terms whether the right hon. Member for Strangford has in his inside jacket pocket some assurances that have not yet been announced publicly. It would be of no avail if we were to go into Committee without the opportunity to see what this matter of such importance was that caused the Damascus road experience of the right hon. Member for Strangford.

I will oppose this Bill at every possible stage. The people of Northern Ireland deserve better from this Government. The people of Northern Ireland have a right to be proud of the RUC and want to continue to give support to it, no matter from what section of the community they may come. It is an organisation with a fine tradition; an organisation whose bonds have been cemented by the many sacrifices that have been made. This House will do a disservice to the RUC if it disregards the service it has given.

7.34 pm

Mr. Stephen Pound (Ealing, North): In my limited experience in this House, I have heard many right hon. and hon. Members say that great speeches have been made. On many occasions, that has been polite rather than true. However, tonight I have heard speeches from the hon. Member for Newry and Armagh (Mr. Mallon) and the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) that rank high in the parliamentary canon, and I feel privileged to have heard them tonight.

I wish to pay tribute to the hon. Member for Fermanagh and South Tyrone (Mr. Maginnis), who has recovered from an unfortunate incident in Dungannon last week. He is a gentleman whose integrity and courage have earned him many friends and admirers within this building—many from among those who one would not usually associate with those categories. I am proud to be one of them and I hope that the House will welcome the hon. Gentleman back following that unfortunate injury.

There has been talk that the implementation of the Patten report and the Bill is somehow a peripheral matter in the broad sweep of modern history and in comparison with the Good Friday agreement. If I say nothing else tonight that is remembered, I wish to say that this Bill is vital not just to the development of peace in Northern Ireland, but to the furtherance of the Good Friday agreement.

Last night, I heard Pat Doherty MLA state that, in his opinion, the Bill was more important than the Good Friday agreement. I disagree. It is not more important, but the successful implementation of Patten is central to the Good Friday agreement. That is why it is vital that we do not lose track of what the Secretary of State is trying to do. As has been said, this is not Patten pure or Patten pale. It may be Patten pragmatic, but it is Patten with potential for peace and progress.

Mr. Martin Salter (Reading, West): Is my hon. Friend suggesting that it is incumbent upon the Secretary of State and the Government to implement every jot, comma and semi-colon of Patten? The Government were obliged—and committed—to deliver an independent commission and then debate its recommendations. Surely we are not bound by every single dot, comma and syllable of Patten.

Mr. Pound: The fact that Secretary of State is assailed by the Scylla and Charybdis of Unionism and nationalism

[Mr. Pound]

on either side indicates to me that he is doing a fairly good job. If the House were unanimous in either condemnation or support, I would be worried. My hon. Friend is correct that that is not our remit tonight.

We must be aware also of the position of the Government of the Republic of Ireland, who are our supportive partners in the implementation of the Good Friday agreement. Any casual glance at the press and media in the Republic of Ireland will confirm that we cannot underestimate the significance of the implementation of Patten in the other 28 counties. [HON. MEMBERS: "Twenty-six."] I apologise. It has been many years since my family sprang from the fertile soil of county Cork.

I have been pleased to hear that some of the concerns expressed today have been addressed by the Secretary of State, or that he has indicated that he is responding to them. My hon. Friend the Member for Hull, North (Mr. McNamara) asked about the restriction of the ombudsman's powers, and we had an indication that that was under review. The question of the restriction of district policing partnerships to sub-groups for the Belfast area has been raised. I see from the Bill that it is now suggested that there will be sub-groups within the Belfast area, and I am delighted to see that.

The question of the oath has been raised by many people. We have been told that for the oath to be attested by serving men and women of the RUC would be illegal; that it would somehow create a new RUC; that it would be impossible; and that it would be subject to legal challenge. I implore my right hon. Friend the Secretary of State to look again at this subject. If there is one thing that would draw a line in the sand and say that we were starting the new policing of Northern Ireland from this day and in this way, it is the symbolic significance of the oath. Oaths and symbols, as we know, are important.

The hon. Member for Beaconsfield (Mr. Grieve) referred to the question of political appointments and was concerned about a political ratcheting. In many ways, it is the hardest possible thing for someone who lives in the safety of west London—distant from the issue, albeit close to Hammersmith—to ask men and women who have lived their political lives, in many cases their whole adult lives, in the shadow of the gunman and the bomber, to accept that there is such a thing as redemption. Is that so presumptuous of me? I ask whether it is not better, in some ways, for people such as Cathal Crumley, who was elected mayor of Londonderry last night, to be inside the political process than to be outside on the streets with the guns.

I may be being presumptuous, and it may be intensely difficult or even impossible for hon. Members, but I implore them at least to consider the prospect that some people who have engaged in gangsterism—or terrorism or freedom fighting, call it what one will—have a future in a democracy. That future will not exist if they are excluded. They must be brought in and included if the process is to mean anything at all.

Birth is a painful process, and rebirth can be equally painful. However, the glittering prize is almost in sight. The innate genius and extraordinary talent of the six counties of Northern Ireland—that great powerhouse with one of the best educational systems in Europe, which produces engineers, architects, poets, musicians, painters and playwrights in profusion—depend on the process. The brakes can be taken off that extraordinary culture and it can achieve its full potential. Please let us look to the future, not the past. We can fight 1690 over and over again, but I am more concerned about 2090. There is talent in the Chamber tonight, and there is so much talent in Northern Ireland. Let us see that flower. Let us discuss the minutiae in Committee, but let us keep our eyes on the far horizon—on the future—and not over our shoulders to the blood-stained past.

7.42 pm

Mr. Robert McCartney (North Down): The hon. Member for Ealing, North (Mr. Pound) has asked us to raise our eyes to the future and to leave the detailed dissection of the Bill to Committee. Perhaps he is correct. Perhaps this debate on the future of the Royal Ulster Constabulary should be viewed in its overall political context.

Immediately after the signing of the Downing street declaration, which stated that Britain no longer had any selfish economic or strategic interest in remaining in Northern Ireland, the right hon. Member for Huntingdon (Mr. Major), the then Prime Minister, made a national broadcast. He declared that the only people who could give peace were the men of violence, but everyone knows that peace from such men could come only from their suppression or their appeasement. I say with some regret and sadness that both the right hon. Gentleman and his successor chose appeasement. This Bill forms part of that appeasement.

The IRA finally gave its answer to the plea for peace in its recent statement. It said that there would be no lasting peace until the British abandoned their claim to Northern Ireland and ended partition. All else in the statement was conditional on that. It also made it clear that the guns and the bombs would remain silent only for as long as the full implementation of the Belfast agreement facilitated the success of its objectives. The threat to the British mainland remains, as the recent bomb on Hammersmith bridge demonstrates. The retention of the IRA arsenal and the destruction and demoralisation of the RUC are the twin pillars of IRA strategy for attaining its political aims of the abandonment of the British claim to any part of Ireland and the end of partition.

Ulster Unionists were lured into voting for re-entry into the Executive with Sinn Fein, partly on the promises of the published contents of this Bill. We should bear in mind the fact that the police board could include members of Sinn Fein, aka IRA, as could some of the local boards, but the Secretary of State had prudently withheld to himself and the Chief Constable certain powers. Now what has happened? There has been an immediate outcry from the SDLP which, acting as proxies for Sinn Fein—whose members do not grace this Chamber—has put forward amendments to which the Secretary of State has indicated he may agree. That will all be done to prevent the IRA from returning to violence. However, to adopt a policy of reducing security defences against terrorism and demoralising the RUC in the face of terrorists determined to remain armed is worse than a mistake. It is a crime. It is a crime that will be perpetrated on the law-abiding people of Northern Ireland, who have for 30 years suffered death and destruction at the hands of terrorists.

Those members of the armed forces and the RUC who have died in their hundreds—I see that this is a humorous subject for some on the other side of the Chamber—and

been maimed in their thousands in defence of democracy and the rule of law will all have suffered in vain, because terror and the threat of terror will have succeeded in achieving their objectives. No disciplined force, regardless of the quality of its administration or technology, will succeed if its morale is destroyed. The members of the RUC who risked all to remove terrorists from the community upon which they preyed have seen all those terrorists—murderers and violent psychopaths—returned to that community. The members of the RUC see serving members of the IRA army council installed as Government Ministers in charge of the education of their children. Those RUC members witness provisions in the Bill that will place members of Sinn Fein, whom the Prime Minister himself tells us are inextricably linked with the IRA, placed on the police board to which the Chief Constable will be accountable.

RUC members know, as do the Chief Constable and the present police authority, that the removal of the RUC name will scarcely alter the idea of balanced recruitment. However, the imbalance is almost entirely due to the violence, social exclusion and intimidation offered to Catholic recruits, and that will continue until any police force is completely neutered of any anti-terrorist capacity, and it is that capacity that is the central issue.

I shall draw a comparison from history. In 1918, the Royal Irish Constabulary—the predecessor of the RUC—which performed similar paramilitary duties against terrorism had a Catholic Chief Constable. Some 40 per cent. of its officers were Catholic and more than 70 per cent. of its constables on the ground were Catholic. That did not prevent Sinn Fein-IRA slaughtering more than 400 members of the RIC between 1918 and 1921. So the idea that a manufactured balance of Catholic recruits will make a difference is false.

I come now to the use of the word "Royal" in the RUC's title, and in doing so I shall make some personal observations. My family has served the flag and the Crown of the United Kingdom for generations. As a common seaman, my father fought in the Royal Navy at the battle of Jutland. My maternal uncles fought in France: one of them died there, and the survivor served for a further 25 years in the Royal Marines. All my sisters and brothers served in the armed forces when they were of age. My brother served in the Royal Ulster Rifles and was wounded in Italy. My two sisters served in the Women's Royal Air Force.

As a child of five, I saw the dead piled high after German raids hit within 100 yd of where I lived. In the morning, and at the going down of the sun, will we remember them? Or will we barter away their flag, identity and sense of belonging to appease those who hate everything for which they fought and died? This month, we celebrate the miracle of Dunkirk. A policy of appeasement almost destroyed the British Army and threatened the existence of this country and of democracy itself. Have we learned nothing from that?

In 1938, to keep bombs out of London, the British Government abandoned the Czechs as they would now abandon the pro-Union people of Northern Ireland. Our national reputation reached its lowest ebb then. Its finest hour was to come, when the British Government stopped appeasing terror and confronted it. This country, which saved democracy for the world, cannot have declined so far that it cannot preserve democracy in a part of its own kingdom.

Lord Palmerston stated the infamous doctrine of realpolitik when he said that England had no long-term friends or enemies, only interests. For the sake of Northern Ireland and the continuance of the United Kingdom, I hope that he was wrong.

7.52 pm

Mr. Shaun Woodward (Witney): This has been an extraordinary debate, in which hon. Members from all parties have made striking speeches. The Bill is significant and important, but equally important is the climate in which it passes through the House.

I was struck by the speech of the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney), and by his wish that we could somehow move away from the politicisation of the RUC—but almost every other speech has made it clear just how political the issue is.

I do not share the view expressed by the hon. Member for Belfast, East (Mr. Robinson) that the Bill is rotten. I consider it to be a Bill of hope and optimism, and I believe that the changes that will flow from it will bring about lasting peace in Northern Ireland. It undoubtedly arouses passion, which is why I regret the fact that the Conservative party, although it says that it broadly supports the Bill, will nevertheless decline to give it a Second Reading.

The Bill's success depends on more than merely gaining sufficient votes to secure a Second Reading. For real success, it will require a climate in Northern Ireland in which success can prosper. That is why I hope that the Conservative party will at least reconsider whether it is right not to support Second Reading.

The right hon. Member for Bracknell (Mr. MacKay) began his speech with a substantial tribute to the RUC. No hon. Member would wish to dissent from a word of that tribute, as we all recognise the bravery, courage and enormous sacrifice of RUC members. The organisation rightfully deserves the George Cross that has been conferred on it. I can assure the hon. and learned Member for North Down (Mr. McCartney) that we will always remember.

Patten's role was to judge the competing evaluations of police reform. We must remember the importance of the exhaustive consultation process, which involved all communities in Northern Ireland. Patten produced a reasonable and fair assessment of the broad range of attitudes towards the RUC.

I regret that a Conservative party briefing note should state that the party considers there to be no justification for changing the name of the RUC, and that the Patten report can offer no evidence to support the proposal because none exists. I draw the attention of the House to that note because the Patten report consultations contained endless justification and evidence for the implementation of the proposed change. It would be irresponsible to ignore that evidence and that justification.

Beyond Patten, there is a great deal of survey data from Northern Ireland to show that there is strong support for the proposal among the Catholic and nationalist communities, and a widespread disenchantment with the RUC. That disenchantment may or may not be fair, but there is a widespread and deeply held perception among Catholics and nationalists that the RUC is biased towards Protestants.

[Mr. Shaun Woodward]

It has been noted this afternoon that the intimidation of Catholics has prevented some from joining the RUC in the past. Many other factors are involved, but the intimidation of Catholics does not by itself constitute a sufficient reason to resist change. We must hope that we can change things in Northern Ireland. If we lose that hope and optimism, there will be no change and the status quo will persist. The deaths, maimings and bombings will continue, as will the tragic loss of life—among ordinary people and among future soldiers, policeman and RUC members. We have to hope that change can happen, and that it can be achieved.

I disagree with the Conservatives when they say that there is no justification for changing the name of the RUC. The communities in Northern Ireland have made it clear that they want change to come. Surveys show that Catholics feel that reform of the police service is essential to a lasting settlement. Substantial changes have to be made to achieve a lasting peace. The evidence is that many people feel that the RUC must be reformed, but not disbanded.

We in this House must be careful to avoid stereotypes. The changes are not desired only by nationalists, nor are Unionists their only authentic opponents. The Bill will create change that is fair to everyone, regardless of community or religious belief. It is fair in spirit and letter.

The Bill is about a commitment to change, but it in no way undermines the historic and courageous role of the RUC in the past, in the present and in the future.

Mr. Jeffrey Donaldson (Lagan Valley): Rubbish.

Mr. Woodward: To suggest otherwise is deliberately mischievous. The Bill recognises the need for change to build on the success of the past in order to deliver a lasting peace. That peace will be for those who serve and have served in the police forces but—crucially—it will also be for the people of Northern Ireland, regardless of their religion, faith or community background.

I am 41 years old. I grew up watching the violence in Northern Ireland, and I know from friends and members of my family what living through that violence has been like. Many hon. Members have closer experience of that than I do, but that does not mean that we cannot make the situation better. The Bill offers hope and a chance for change.

Names are not carved in stone. A change of name will not take away pride in the RUC's achievements, nor will it detract from the heroism of RUC members. To suggest otherwise is, again, wholly misleading. The Tory motion proposes that the House decline to give the Bill a Second Reading because

it fails to preserve the proud title and insignia

of the RUC.

That is wholly disingenuous. It is not what the Secretary of State has said; it is not what the Bill says. It is a recognition that to bring those communities together for the future, for those young people, we need change. If that requires a change in the name, what are we really standing for? Are we standing for the past or for the future? Do we work for the young people in Northern Ireland, with their hopes and dreams, or do we simply say to them that, because of the past, we are stuck and we cannot change? We listened, and we heard that change must come if we are to deliver that trust.

That is what the Bill is about—trust. If Ronnie Flanagan can say that if the sacrifice of a change of name is required he will endure it, however painful, and if others supporting the police forces can say that if a change of name is necessary they will deliver on that, however painful, however long the consultation period and whether it is justified or not, are we right to politicise this matter by refusing to give the Bill a Second Reading even though the Opposition apparently agree with so much of it? Is it right not to assist in creating the climate for change? If we deliver, and if we create that climate, we will, through the Bill, have contributed in a real and positive way to ensuring a lasting peace.

8.1 pm

Mr. Andrew Hunter (Basingstoke): I hope that the hon. and learned Member for North Down (Mr. McCartney) will allow me to congratulate him on a speech that he concluded 10 minutes ago, and to say that I endorse every word that he said.

In theory, there is no organisation or institution that cannot from time to time benefit from reform. Efficiency and effectiveness can generally be improved, and in this respect, the Royal Ulster Constabulary is no exception. It has been pointed out that a number of the Patten proposals are non-controversial, and that several reflect the findings of the Chief Constable's fundamental review of five or six years ago. However, that is not the point tonight. The point is the wider political context in which the Bill has come into existence and of which it is part. That context, I argue, makes the Bill wholly unacceptable. Its implementation will be an affront to decency and democracy. It is the ultimate denigration of a magnificent police force.

We should have no illusions about the wider political context. The unconditional release of their prisoners, retaining their weapons until their political objectives have been achieved, and the abolition of the RUC, are among the key demands of the Provisionals, in return for scaling down their armed struggle. Their first two demands have been met, or partially met; all terrorist prisoners entitled to early release will have been released before long. They are back in the Executive without decommissioning, and they have no intention of decommissioning. With this Bill, their third demand is met—the RUC will soon be no more. It matters very little, if anything, whether the name remains on some title deeds, whatever those may be.

There are convincing pragmatic security arguments as to why the Bill should be rejected. The principal argument is, I maintain, overwhelming. On security grounds, it can and should be argued that the terrorist threat remains real. The terrorists' capability is undiminished. While that is the case, it is sheer madness to move towards or implement changes that endanger our ability to counter terrorism. I have in mind the broad thrust of the Patten proposals that the Bill facilitates—reductions in the strength and capability of the police force in Northern Ireland, the abolition of the RUC reserve, and changes to special branch, which would undermine its intelligence-gathering and intelligence-monitoring capability. In particular, it is wholly unacceptable that the political representatives of terrorist

organisations should sit on the policing board and on district policing partnerships while those organisations retain the capability to wage their armed struggle. It is unacceptable that those representatives could include people with a track record of personal involvement in terrorist violence.

The Bill matters so much to the Government, the Provisionals and their fellow travellers in the pan-nationalist front because it is an integral part of the winding down of the British state in Ireland, as the Provisionals put it—British withdrawal, preceded by a progressive process of disengagement, as a Labour party paper put it. That is the understood agenda for the Provisionals, but not for others, not to renew their mainland campaign.

As for the context of the Bill, violence and the threat of violence have dictated every phase of this wretched process. Over the years, violence and the threat of violence have drawn concession after concession from successive British Governments. Most recently, it led to the Ulster Unionist council's capitulation on 27 May. It is the reason why we have this Bill, and why the RUC is, effectively, to be abolished.

One speculates that the Bill may prove not to be the British Government's final act of appeasement, but it is certainly one of the most sordid.

8.7 pm

Mr. Mike Gapes (Ilford, South): I do not want to pursue the apocalyptic rejectionist vision that we have just heard. I want to talk about the difficulties of policing in any democratic society. There is no such thing as an ideal world in which to police. The police have to deal on a day-to-day basis with traffic problems, neighbour disputes, crime, robbery, violence and drunkenness. In Northern Ireland they have to deal with other matters as well. The Patten report was produced not just with those other matters in mind, and I do not think that we should spend the whole of this debate talking just about those matters.

The Bill, and the Patten report on which it is based, which, as the hon. Member for Belfast, East (Mr. Robinson) pointed out earlier, came out of the Good Friday agreement, are about improving the system of policing in Northern Ireland, as well as dealing with the wider questions of legitimacy and the involvement of the whole community.

The Bill has been introduced because the commission was set up

> to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements . . .

It was set up to make recommendations, not to make conclusions that the Government had to accept lock, stock and barrel. There is a danger of cherry-picking, and I therefore have some sympathy with the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney), who referred to this earlier. However, it is important to recognise that the Government have to take account of the reactions, consultation process and discussions that there have been since the Patten report was published.

The report deals with a large area under the heading "Culture, Ethos and Symbols". Paragraph 17.6 states:

> In our judgment that new beginning cannot be achieved unless the reality that part of the community feels unable to identify with the present name and symbols associated with the police is addressed. Like the unique constitutional arrangements, our proposals seek to achieve a situation in which people can be British, Irish or Northern Irish, as they wish, and all regard the police service as their own.

That must be the basis for our way forward. Otherwise, that persistent problem will continue to bedevil policing in Northern Ireland.

I speak as a London Member of Parliament. We know that in our city we have not managed to recruit ethnic minority police officers. One third of my constituents are members of ethnic minorities, but only a small number are police officers. After the Macpherson report, the Metropolitan police service designed measures to deal with that. We have not done all that we need to do and there is still a problem.

I refer to that, because in Northern Ireland, it could well be that, even though the top people in the police service are committed to change and to the new agenda—as they have been for many years—nevertheless a canteen culture has developed that makes it difficult to implement those changes locally. For that reason, I hope that the question of the oath is reconsidered in Committee. We need to challenge the persistent old-style canteen culture, which could act as an impediment to what the leadership of the police service, the Government and the Assembly are trying to achieve throughout society.

Another problem that affects society throughout the world is that, in some communities, it is not acceptable for people to co-operate with the police—that is not encouraged. That is certainly true in some areas of London and other big cities. As Patten stated in paragraph 17.9:

> The aim must be that the police service should recruit not only more Catholics, but nationalists (of whom there are some but not many at the moment) and republicans (of whom there are almost certainly none now); and that there should be many more women, and, we hope, also more members from ethnic minorities and greater tolerance of sexual diversity.

That is an important part of the report. It is not enough to recruit Catholics only from areas where they are under no pressure. We shall be able to say that the police service in Northern Ireland represents the whole community only when people from the Shankill and the Falls, from north and east Belfast, from Derry—from Londonderry—can join that police service while continuing to live and to be accepted in their own communities, where they went to school.

Unfortunately, there have been several occasions over the years when people have had to leave their homes because they were terrorised—burnt out and driven out—and their families were threatened. The obligation on this place, on everyone in Northern Ireland and on all those who signed the Good Friday agreement is to encourage people to join the new service and to ensure that, when they do so, they do not have to leave their communities because of that fear of intimidation that has occurred in the past.

It was interesting to see members of the RUC helping in Kosovo and to see British and Irish police officers working together in conflict areas throughout the world—for example, in Palestine. The Department for International Development and the Home Office are supporting training schemes whereby British, Irish and Northern Irish policemen and women are making a major contribution to instituting best practice throughout the world. That is good. Let us hope that, in future, there will

[Mr. Mike Gapes]

be best practice in all parts of Northern Ireland and the UK; that we shall learn from diversity and that we shall reflect all communities in our police service.

8.15 pm

Mr. Jeffrey Donaldson (Lagan Valley): I have grave concerns about the Bill. I am sorry that the hon. Member for Witney (Mr. Woodward) is leaving the Chamber. As someone who represents a large constituency in Northern Ireland, I have to say that the hon. Gentleman's contribution to the debate was condescending in the extreme and insulting.

I represent many people in Northern Ireland—many young people. I happen to be the youngest Member of Parliament who represents a Northern Ireland constituency. Many young RUC officers and their families live in my constituency. The hon. Member for Witney has not listened to what those young people are saying. They find what is happening to the Royal Ulster Constabulary deeply hurtful, painful and insulting. He may have observed the events of the past 30 years from afar—I lived and breathed them. My family lived and breathed them.

The hon. Member for Newry and Armagh (Mr. Mallon) spoke earlier. Two members of my family were carried out of his constituency—members of the Royal Ulster Constabulary, murdered by the Provisional IRA. What is their sacrifice worth today? We are told that the name of the RUC is not in tablets of stone. With respect, it is on the tablets of stone that litter the graveyards of Northern Ireland.

I have talked to the widows—many of them; I have talked to the disabled police officers and to the families of the officers who gave their lives. They find what the Government are doing deeply hurtful. Let us not swipe them aside as though they matter nothing—as though their views do not count; or as though some greater good means that they are not entitled to have their voice heard. Nor should the views of Ulster Unionist Members, who represent those people, be swept aside, as though they do not count either—because they do.

Mr. Patten told us that his objective was to achieve a police service that could command widespread community support. Do the thousands of people in my constituency whom I represent not count when we add up that widespread community support? Do the people represented by my hon. Friends not count? Of course they do. I ask the Government and all hon. Members who support the Bill to consider how they will achieve widespread community support when many decent people in Northern Ireland—law-abiding people who have stood by the police and supported them through thick and thin—cannot support the Patten proposals. Where will the widespread community support come from?

We have heard quotations from the Chief Constable and others, but the Police Federation for Northern Ireland, which represents ordinary police officers, has a clear view. The federation opposes the name change and has said so. Its magazine, "Police Beat", states that

> the deepest hurt of all is the removal of our proud title.

I have met many RUC officers of all ranks who find that proposition unacceptable.

A petition of 400,000 signatures calling for the retention of the name of the Royal Ulster Constabulary was presented to No. 10 Downing street. Yes, we have had surveys, but the reality is that we have heard the voices of the people. They have spoken in election after election; a clear majority, represented by Ulster Unionist Members, finds the Patten proposals objectionable. However, it seems that we do not form part of the new consensus on widespread community support.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis) has supported the Belfast agreement but, like me, he objects to many aspects of the Patten report. Although we have a difference of opinion about the agreement, there is a broad consensus in my party about many aspects of Patten, including on the removal of the name of the Royal Ulster Constabulary. The fudge that the Secretary of State for Northern Ireland has come up with, which is about incorporating the words "Royal Ulster Constabulary" in the title deeds, simply will not do. That does not mean retaining the name of the RUC as a working title for the police service.

We have heard much about recruitment. I am a member of the Northern Ireland Affairs Committee and I listened to the comments of the Committee Chairman, the right hon. Member for Cities of London and Westminster (Mr. Brooke). He spoke about the contribution that had been made by Labour Members to the Committee's report, which called for the retention of the Royal Ulster Constabulary's name and insignia. The hon. Member for Hemel Hempstead (Mr. McWalter) shakes his head, but I suggest that he read the Committee report to which he was a party. He will see that it concluded that the name and the symbol should be retained. That is a matter of fact and of record. However, it now seems that Labour Members have changed their view.

We are told that the Bill will lead to more recruitment of Roman Catholics and I want that to happen. The Select Committee report called for that and we set out what I thought were reasonable, fair and balanced proposals that could achieve that aim. However, we should not underplay the efforts of the Provisional IRA and the impact that it has had on the recruitment of Roman Catholics in Northern Ireland to the Royal Ulster Constabulary. People can down play that fact all they want, but that is the reality and Roman Catholic officers who were courageous and joined the RUC were specifically targeted by the Provisional IRA. They were singled out for special attention and their families were targeted. That was a major deterrent against young Roman Catholics joining the Royal Ulster Constabulary.

The hon. Member for Belfast, East (Mr. Robinson) referred to the murder in my constituency just over a week ago of Mr. Edmund McCoy. It now appears from the RUC that that murder was carried out by the Provisional IRA. No doubt, the Government will take their customary approach and turn a blind eye to the murder. Terrorist prisoners will continue to be released in spite of what the legislation passed by this Parliament says and Mr. McCoy's murder will go unnoticed. I am aware of Mr. McCoy's background but, whatever it was, it does not justify the Provisional IRA taking the law into its own hands and murdering him in cold blood.

However, that is the IRA's idea of justice just as its idea of justice is what it did to the young man who is lying in a hospital in west Belfast, his body scourged by the Provisional IRA. He was beaten to a pulp and left for

dead—that is IRA justice. However, we now want to put its members on to the police board. What standards will that set? What about the district policing partnerships and the potential for influence from paramilitaries through their political representatives? I am concerned about that and the shape of the district policing partnership in west Belfast and the influence that it will have in that area. What safeguards will we have to ensure that paramilitaries do not have an undue influence on policing in such areas?

There has been talk of downsizing the Royal Ulster Constabulary. The local police commanders to whom I have spoken are finding it difficult to cope at the moment with present levels of policing, so I am not sure how they will cope if police numbers are reduced significantly. We are told that we are bringing the RUC into line with other parts of the United Kingdom, but problems that are unique and distinct to Northern Ireland have not gone away. Dissident republican terrorism and loyalist terrorism continue and are a problem. I hope that the Government will give a firm commitment that they will retain the strength of the Royal Ulster Constabulary for as long as it is needed to combat the threat of violence and the levels of violence that exist in Northern Ireland.

Car theft, joy riding, murder and beatings all continue. In my constituency, I see that everyday. Thieving emerges from west Belfast, thieves steal cars in Lisburn, Moira and Dunmurry and they attack property. They can get away with that because police commanders do not have the personnel on the ground. The Government's policy of not recruiting does not help.

I also appeal to the Government on behalf of the RUC Reserve. It is important that it be treated with equity and fairness in the process. It did a good job, it was professional and it acted with integrity. It should not be given a raw deal at the end of the process.

I want to finish—

Mr. Deputy Speaker: Order. I am afraid that the hon. Gentleman must finish now; he has had his 10 minutes.

8.26 pm

Mr. Malcolm Savidge (Aberdeen, North): I tend to approach Northern Ireland debates with a certain trepidation as I am aware of the sensitivities of the situation. My hon. Friend the Member for Ealing, North (Mr. Pound) made an excellent speech; Scylla and Charybdis are comparatively minor navigational problems at times in comparison with the issues that we are discussing.

It is interesting to note that, for all the criticisms that have been made of the Patten report, the RUC in practice found the majority of it acceptable, and the majority of people of good will in both communities found the majority of the recommendations acceptable. It is worth remembering that. However, the report should not be seen as holy writ or like the law of the Medes and the Persians, if I may say so to my hon. Friend the Member for Newry and Armagh (Mr. Mallon). It was never intended to be that.

As my hon. Friend the Member for Ilford, South (Mr. Gapes) said, the Good Friday agreement said that the report should come forward with recommendations that would then be the basis for consultation. Within reason, there should be a measure of flexibility. I recognise that there are major concerns about the Bill. However, as the hon. Member for South Down (Mr. McGrady) suggested, there is room for those to be considered in Committee.

I recognise the concerns of nationalists about accountability and the balance of powers between my right hon. Friend the Secretary of State, the police board, the ombudsman and the oversight commissioner. However, what my right hon. Friend said about the police board should be remembered. The intention is that there should be a steady evolution in parallel with an improvement in the security situation. In those circumstances, a sensitive and pragmatic compromise may be a more sensible way of proceeding than statute. I remind the House that my right hon. Friend said that he wishes to avoid capricious or vexatious use of the power of the bodies.

It is fair to say that while the concerns of the nationalist community are more about organisational matters, those of the Unionist community have been more about what might be termed symbolic and cultural matters such as the force's name. My right hon. Friend has made it clear that, although we shall adopt a new name as was implied in Patten, the title deeds will recognise continuity with the RUC. Frankly, in most places probably the same name will be used on most vehicles and badges as is used throughout most of Europe. That is simply the word "police", which is not offensive to either community.

Mr. Mallon: Other hon. Members share my concern. Will the hon. Gentleman explain to us all what the title deeds of the Bill are?

Mr. Savidge: I take it to mean that there will be a record of the fact that the proposed police service for Northern Ireland will be established from the Royal Ulster Constabulary and preceding forces. I know that I am allowed further time for my speech if I accept interventions, but I cannot find time to add to my reply.

With the short time at my disposal, I shall concentrate on the issue of symbols. Patten suggested that that was not as large a problem as the name. He acknowledged that to some extent there was a problem of gaining acceptance in both communities. He suggested that we should adopt a symbol that was free from all association with the British or the Irish state. I know that my hon. Friend the Member for Newry and Armagh, the Deputy First Minister, supports that view.

Let us consider the view taken in a previous debate by the First Minister, the right hon. Member for Upper Bann (Mr. Trimble). That view was supported by the right hon. Member for Bracknell (Mr. MacKay) today. It was suggested that the present symbols—the crown, the shamrock and the harp of Brian Boru—were inclusive, so inclusive that the right hon. Member for Upper Bann suggested that some mystery member of the Government had said that if he were looking for inclusivity, that badge would be ideal.

I have deep respect for the right hon. Member for Upper Bann and I obviously respect members of the Government, however anonymous. I have less respect, perhaps, for the right hon. Member for Bracknell, but I would give serious consideration to their suggestion. However, I would be naive if I did not first say that I doubt whether it would be entirely acceptable to nationalists.

[Mr. Savidge]

One should remember the associations that symbols acquire. For example, let us suppose that I suggested an alternative inclusive badge—a badge that would symbolically represent the Unionist community and the nationalist community, give exactly equal representation to both in size and in prominence, and place a symbol of peace between the two. I am referring, of course, to the original intention behind the green, white and orange tricolour. That is precisely what it was intended to do. Therefore, people could say that it was a wonderful symbol of peace.

If I suggested to hon. Members in the Unionist parties that that would be an acceptable symbol of peace to be flown around Northern Ireland, they might say that I was naive and disingenuous, and some Unionists outside the House might use even stronger language than the hon. Member for Belfast, East (Mr. Robinson), who spoke of being cursed for ever and who might use more colourful language to describe such a proposal.

However, I take seriously the suggestion made by the right hon. Member for Upper Bann, and I notice that my right hon. Friend the Secretary of State said that he takes it seriously. An alternative to the proposal to use the symbols of neither state, as supported by my hon. Friends the Members for Newry and Armagh and for Leominster (Mr. Temple-Morris), is to consider the possibility of using the symbols common to both states—for example, the harp of Tara, or Boru, as it is sometimes described, and the shamrock.

Obviously, the one symbol that is not equally acceptable to both communities is the royal crown. The royal crown is used in the cap badges of all English and Welsh police forces, although not necessarily in their other insignia. The royal crown is not used in the collective badge or most individual badges of the Scottish police forces; those that use a crown at all use a distinctively Scottish crown.

Interestingly, Ireland has its own distinctive crown. Before Henry VIII adopted the harp as a symbol for Ireland, the traditional symbol of Ireland was the three antique gold crowns on a blue background, which was the mythical coat of arms of St. Edmund the Martyr. Is that a possibility? Would an antique gold crown that was uniquely Irish be acceptable to both communities? That coat of arms is still retained by the province of Munster, and therefore is part of the arms of the Republic of Ireland.

I offer that as a suggestion, and wonder whether some design based on a permutation of the harp, the shamrock, the Irish crown, and possibly the blue flax flowers that have been accepted by the Northern Ireland Assembly, might show the continuity with previous policing, but the distinctiveness from it. I am sure that many other suggestions could be considered.

When we speak of continuity with previous policing, we should not look back just to 1922 and the RUC. Why not look back to the common tradition from 1822 of the first ever police force in the British Isles in Ireland, and include the tradition of the Constabulary (Ireland) Act 1836, which specifically set out to get 50:50 membership from the Catholic and Protestant communities? That continuing tradition could run through into the Patten proposals. I am pleased that there seems to be general acceptance of the idea of trying to get equal membership from both communities.

We must assert the rule of law throughout Ireland. We need to end the existence of pretend policing and mock justice, whereby paramilitary thugs carry out their own vendettas using knee-cappings, beatings and, above all, murders.

In view of the time, I shall close by saying that I in no way underestimate the enormous difficulties to be overcome and the enormous differences over policing matters between the two communities. I remain cautiously optimistic that, given sufficient good will and flexibility on both sides, those problems are not insuperable.

8.36 pm

Mr. Andrew Robathan (Blaby): The hon. Member for Aberdeen, North (Mr. Savidge) had an interesting idea about the crown, although I am not sure that I entirely agree with it. However, I agree with him about the need for the rule of law to run throughout Ireland, particularly Northern Ireland. That is why many of us are concerned about the Bill.

I worked closely with the Royal Ulster Constabulary for some time when I was in the Army and I tabbed the dismal streets of west Belfast with members of the RUC, both Protestant and Catholic. I saw them, warts and all. I saw prejudice in some members of the RUC. My right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) will recall that the first time we met, I berated him with my views on the RUC and how it was not pursuing as quickly as I wanted a victory in the terrorist war.

However, I found the members of the RUC extremely brave, especially the Catholic members. After we had spent our five months in Belfast, we went home, but those who had to stay behind—the policemen and women, Catholic and Protestant—had to live every day with the threat of a bomb under their car, their children being abducted, their wives being harassed, and so on. They are very brave, as we should all remember.

In considering the Bill, I have spoken to friends in the RUC, including one particularly good senior officer, who has given me some interesting insights into it. They support much of what Patten said, as we have heard in the debate. Much of it deals with modernising policing in Northern Ireland, which needs to happen. We need to get rid of armoured Land Rovers, for example.

I want to consider why there is a determination to change the symbols, and why we seem to be about to allow terrorists to take charge of policing in Northern Ireland through the policing board. First, on symbols, the hon. Member for Newry and Armagh (Mr. Mallon) said that he had spoken to his constituents, who did not want to join the RUC because of various anti-police, anti-establishment views, if I may paraphrase the hon. Gentleman. I am sure that he is right. There is tremendous feeling against the RUC among many people. I have also observed that. However, the Government and the Patten report found that the main reason for that was the fear of intimidation.

The Government published a report in April 1998. It stated:

> More than half of all respondents reported that they thought there were too few Catholics in the police force . . . The main reason given for this by Catholic respondents was that Catholics would not join because they "fear intimidation or attack on themselves or their relatives."

It is not the only reason, but it is the main reason. The Patten report states:

> 70 per cent. of Catholic respondents to the latest Community Attitudes Survey cited intimidation or fear of attack as the main reason why Catholics were deterred from entering the police . . .

That is straightforward, and my experience confirms it.

Let us consider the title "Royal Ulster Constabulary", to which many hon. Members, including the hon. Member for Aberdeen, North, referred. It is interesting to note that there is a Royal Irish Academy, which is supported by the state. Seamus Heaney is a member. There are no riots on the streets of Dublin about that. The Lord Mayor of Dublin is vice-president of the Royal Irish Academy of Music. Ireland has a Royal Academy of Medicine, of which Patrick Hillery is a fellow. There is also the Royal Dublin Society; the Royal College of Physicians of Ireland; the Royal College of Surgeons in Ireland; the Royal Victoria eye and ear hospital, Dublin; the Royal Irish yacht club; and the Royal Dublin golf club. Charles Haughey, who is not renowned for his Unionist tendencies, is a member of the Royal Cork yacht club. There is little evidence of the antipathy that we are told exists towards the word "royal".

It is unfortunate that the debate has become such a party political matter. We must get away from the idea that every nationalist or republican in Ireland is opposed to the word "royal". Furthermore, many Irish people live in this country. I can see at least a couple of Labour Members of Irish descent in the Chamber. Some 8 million people on the mainland of Great Britain claim Irish descent—many more than the 5.3 million on the island of Ireland. If they hate the crown and royal insignia so much, why are people, such as the Labour Members to whom I referred, willing to live here? I believe that they do not hate the word "royal" in the way people pretend. Perhaps they hate what they perceive to be a particular manifestation of "royal" in recent times.

When I was in the Army, I met many Catholic soldiers from nationalist areas. In 1976 in Ballymurphy—a hard area—I bumped into someone who had been a Royal Irish Ranger and had trained with me a couple of months previously. He had joined after the beginning of the latest troubles. He did not mind serving in the "Royal" Irish Rangers. I regret that fewer Catholics join nowadays because of intimidation.

Let us consider the policing board. The idea of Mr. McGuinness or Mr. Adams, both of whom, it is commonly believed, are members of the IRA army council—Mr. McGuinness has admitted as much—sitting on a policing board for Northern Ireland is outrageous. "Outrageous" is an awful term, but it is appropriate; it is like putting the fox in charge of the chicken coop. We should not allow it.

Peace may mean that we have to assent to many matters that we do not want to accept. Like others, I might be prepared to accept Adams and McGuinness running policing in Northern Ireland if the IRA had moved. However, apart from one recent statement about arms, it has not moved. No decommissioning has taken place; no weapons have been handed in. As the hon. Member for Lagan Valley (Mr. Donaldson) pointed out, beatings, murders and intimidation continue.

Martin McGuinness is a Minister in the devolved Northern Ireland Executive. If he is also a member of the IRA army council, he will know who was responsible for the Omagh bombing nearly two years ago. He is a former member of the IRA and it would be easier to believe in the good faith of McGuinness and Adams if they co-operated and handed over the people responsible for the Omagh bombing and other atrocities. However, we hear nothing.

What about Hammersmith bridge last week? Where did the Semtex or explosives that blew it up come from? I assure hon. Members that it came from an IRA dump somewhere. Somebody in the cell will know who is responsible and therefore the IRA high command will know it. Again, we hear nothing.

I might accept the change that the Bill proposes if all aspects of the Belfast agreement were implemented. The hon. Member for Newry and Armagh quoted Patten, a Conservative, and said that we should agree with him. In a letter to *The Daily Telegraph* in October 1999, Lord Mason stated:

> Above all, the suggestion that Sinn Fein/IRA be given "ownership" of the force by allowing them to be represented on the province's new policing board and on local committees is a madness worthy of Ken Livingstone's GLC, circa 1981. It has a particular piquancy for me, since I know that Sinn Fein/IRA have not given up violence.

Earlier, the morale of the RUC was discussed. It is difficult to assess morale. My friend, whom I mentioned earlier, spoke of the genuine anguish that he and his colleagues feel as the Patten report is implemented. He is an intelligent, senior person and a decent man. He is a bit of a liberal, dare I say it. Many of his colleagues asked him whether they should vote for the Belfast agreement. He told them that they should because he believed that it was the best way forward for peace. He says that people now tend to avoid his eyes because matters are not progressing as he had hoped. The Patten report is one of those matters.

The Royal Irish Constabulary used to be known—I may be wrong—as the black bastards because of the colour of the uniform. I have certainly heard the RUC referred to in similar vein in Belfast, but by Protestants and Catholics; it was not a sectarian matter. The IRA terrorised and killed RIC constables before partition. That was its tactic then, and it is its tactic now. I regret that the Government in the Bill and Christopher Patten in his report seem to be pandering to Sinn Fein and the IRA. It appears that they are looking for peace, but peace is not built on sand.

The Bill is designed to change the sectarian composition of the force, and I welcome that entirely. Let us get more Catholics into the force, but I tell the hon. Member for Newry and Armagh and Messrs Adams and McGuinness, who claim to support peace, that they have done nothing so far to encourage it. As the Patten report says, they could encourage people to join the RUC. They could change it now; they do not have to wait for a new order.

Mr. Mallon: Will the hon. Gentleman give way?

Mr. Robathan: I fear that I cannot.

[Mr. Robathan]

It is wishful thinking to believe that Sinn Fein and the IRA will change; there is no evidence or experience to show that they will. By emasculating the RUC, we are pursuing the IRA's aims.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order.

8.46 pm

Mr. Tony McWalter (Hemel Hempstead): One of the joys of speaking relatively late in the debate is that, although most of what I was thinking of saying may have been said already, it provides an opportunity to consider carefully the main lines of opposition to the Bill. As my hon. Friend the Member for Witney (Mr. Woodward) said, the debate is not only about trying to give the Bill a following wind and a Second Reading, but about trying to achieve as much rapprochement as possible with those who feel deeply uneasy or hostile about it.

I am struck by the fact that the efforts and impetus of those Opposition Members who have opposed the Bill in this debate and a previous one on an Opposition motion come back to their attitude to the decision in Patten report to put history to one side. That is a brave decision by Patten, but it has unquestionably created absolute fury among Unionist Members. They claim that putting history to one side means that the signal courage and achievements of the RUC are also put to one side.

If we are to revisit history and ignore Patten's advice, we must do so even-handedly. We cannot incorporate into whatever arrangements we make a large chunk of Unionist history but very little nationalist history. Even-handedness is an absolutely vital part of the method of achieving progress. I shall spend some time on the history because, last year, I had the pleasure of talking for the last time to my then 97-year-old Uncle Tom, who died a couple of weeks ago at the age of 98 and a half. My cricket was never good enough to make a century, but I had hoped that either my Uncle Tom or my Uncle John, who died at the same age, might have done so. They moved away from Galway—which shows which side of the debate they were on—in 1926. The fact that someone's name or point of origin shows which side he or she supports is part of the issue. My uncles moved to America from a shattered and fragmented land that had been at civil war, but they never forgot it.

I listened to music from what passed for a record player in my old uncle's house and he played a song called "Four Green Fields". The four green fields were the provinces of Ireland, and the song said:

> Each one was a jewel
> 'Till strangers came,
> and tried to take them from me.

The song was republican: the strangers were Unionists. In 1926, the aspiration of people in Ireland was to drive the Unionists out and have a Catholic country for a Catholic people. Equally, there was a strong desire on the Unionist side of the border to erect a type of Berlin wall to ensure the continuance of a Protestant state for a Protestant people. Those attitudes of mutual hostility did not stop in 1926, 1936, 1956 or 1996. Deeply peaceful people such as my Uncle Tom, who was still cutting hair at 95—he had some customers, although he was not much good for me—still felt that Unionists were strangers who had tried to take something and should not be accommodated.

I have heard a lot of talk about the word "royal", but nobody in southern Ireland cares about it because it poses no threat to nationalists. However, in Northern Ireland it is considered by nationalists to be a symbol of their crushing defeat, as is the word "Ulster". Historically, Ulster was one of the four green fields and had nine counties, so the nationalist side viewed its incorporation in the RUC's title as triumphalist: "We can even redefine the historic provinces of Ireland if we feel like it. We can redefine who has a vote in the new Ulster and who has not. The old Ulster would have contained too many Catholics."

History is often held too deeply in Ireland. People relive it instead of using it to establish a heritage that they can cherish and from which they can work to recognise other people's concerns in a way that the old Irish debate never did. My uncle's generation was wrong to think that Unionists were strangers; they of course had every right to be regarded as British and Irish. Equally, those in the new Ulster who had absolutely no time for those old people did not understand what caused their hostility to the embodiments of what they regarded as the British conquest.

Many members of my family were serving police officers. Several joined the Garda Siochana, but they would not have joined the Royal Ulster Constabulary. Alas, those in the older generation communicated that feeling to later generations; they had no time for the RUC, which they regarded as imposing illegitimate and unjust law. However, that is not our analysis, because our analysis is that it is possible to achieve an inclusive Northern Ireland. A fundamental prerequisite to that is an inclusive Northern Ireland police force.

The Select Committee did not call for the retention of the title "Royal Ulster Constabulary", but in 1998 we were willing to live with that as the first stage of the move to the inclusive new police force. However, at the last minute, there was a division over flags. Nothing much changes. The instruments of history cannot be presented to us again and again.

Patten was right to say that we must seek a fresh start and a new beginning for an inclusive police force in Northern Ireland that everyone in that community will own. I sincerely hope that those who want to pull a little history into our debate recognise the dangers of reactions against that beginning and accept that we should work with Patten's ideas in this important Bill.

War is made in the minds of men and women. We have moved so far that the previous generation's attitude to war has become less prevalent in the new Northern Ireland. I sincerely hope that the next generation in that country will see the real benefits of legislation such as the Bill.

8.56 pm

Mr. William Thompson (West Tyrone): As we approach the end of our debate, we have covered much in relation to the police of Northern Ireland and the Bill. I have the advantage of sitting on this side of the House. I come from Northern Ireland and have lived there all my life. I live in a predominantly nationalist area and represent a predominantly nationalist constituency. Indeed, for the past 30 years, I have conducted a business the majority of whose customers are Roman Catholics and

nationalists. Unlike some others, I can therefore speak with experience of the real situation in Northern Ireland. I sometimes think that it is presumptuous of people to lecture me on what is best for Northern Ireland.

We have been here before. In the early 1970s, the Hunt commission recommended great changes to the RUC. It wanted their guns to be taken away, said that they were to act like ordinary English bobbies, and so on. At least Hunt had some sense, as he recognised that a change in the RUC's name would offend more than it would appease. Nothing much has changed since then.

We have sat here many times as various Governments recommended wonderful changes to bring utopia to Northern Ireland, despite the opposition of the majority of those Members of Parliament who come from there. It seems that everyone's views are recognised, except those of the majority of Northern Ireland's elected Members, whose opinions—whatever people say—are ignored and overridden.

I have been associated with the Royal Ulster Constabulary for many years and am proud of its members and their sacrifices. Unfortunately, I have sometimes had to walk behind the coffin at their funerals, after policemen have been murdered by the IRA. Close to my home are many graveyards in which there are policemen murdered by the IRA. In my experience, I have never found any great antipathy in the nationalist community to the Royal Ulster Constabulary. Had the SDLP asked the nationalist community to support and join the Royal Ulster Constabulary, there would be many more Roman Catholics in the RUC today.

There are two basic political reasons why Roman Catholics did not join the RUC. The nationalist community would not look kindly on them if they did so, especially when the nationalist political party was opposed to that. In addition, Catholics who joined the RUC were subject to intimidation, and many were unable ever to come home again. That is why there are so few Roman Catholics in the RUC. However, if they had more support from their political leaders, plenty of them would join. Many young people would be delighted to join because it is a good, well-paid job, and they could rest assured that they would be rushed to the top.

Once again, a name change is recommended. The IRA and Sinn Fein hate the Royal Ulster Constabulary, and we have listened to Bairbré de Brun's remarks about it. They are determined to destroy it, as they destroyed the B Specials, the Ulster Defence Regiment and other organisations, and now they have the opportunity to do so because they have the Secretary of State over a barrel. The success of the Bill's recommendation that nationalists join the RUC depends on the SDLP and on Sinn Fein. However, Sinn Fein says that it will not make that recommendation unless it gets all the changes recommended by Patten. Even then, it will not recommend that nationalists join the future police service of Northern Ireland.

I would be surprised if Sinn Fein ever made that recommendation because, irrespective of the changes to the name or the service, one thing that will not change is that it represents the British Government in Northern Ireland. It will therefore be difficult, if not impossible, for Sinn Fein ever to recommend that nationalists or republicans join the new police service.

The RUC will be destroyed, and even when we have the wonderful, utopian new police force, we will still find that Roman Catholics will not join. All that will be gained is that the republican movement will have won another propaganda victory against the Unionist and British people of Northern Ireland.

Unionists do not object to changes to the police that are reasonable and come about through the improving security situation. We object to the fact that the Royal Ulster Constabulary, which has served Ulster so well and been recognised by the presentation of the George Cross, will get a slap in the face. It will be done away with and replaced by a so-called police service, when there is no guarantee that any more Roman Catholics will join it, but Sinn Fein-IRA will have claimed another propaganda victory.

9.4 pm

Mr. John McDonnell (Hayes and Harlington): Throughout this process, the Government's task is to hold together the coalition which supported the Good Friday agreement and wants it to be implemented. There are Members who did not support the agreement—who honestly did not support it—and who will never support any legislation that stems from it. The problem with the Bill is that it has generated such strength of feeling, indeed anger, among those committed to the implementation of the agreement.

Many of us feel that the Bill undermines the spirit and, indeed, the letter of Patten. We wanted a new beginning for policing in Northern Ireland, and that will not be achieved by a Bill that proposes a simple limited reformulation of the RUC. We want the Patten principles to be integral to the Bill. Depoliticising must be the key to the new beginning, so that all can participate in the new arrangements for policing in the six counties. That will result from the creation of real accountability, a genuine community partnership, a clearing out of the partisan symbolism of the past, and a commitment to attaining a critical mass of Catholic/nationalist representation in the police service at every level.

So far, certain general attitudes have been displayed in the debate. It has also given us an opportunity to specify the bottom lines that should be addressed if the Bill is to be supportable. As it should form the new constitution of the police service, it ought to address the question of the name, the flags and the emblems. The bottom line for many, however, will be that the Secretary of State's power should prescribe a new emblem and new symbols that are free of any association with either the British or the Irish state. The regulation of emblem and flag by the Secretary of State should be based on consultation, and achieving consensus with the policing board, the Chief Constable, and human rights organisations in the community generally.

Parts I and VI relate to the policing board. Hon. Members on both sides of the House have spoken of the need to strengthen its powers. Those parts of the Bill should encapsulate the Patten principles of accountability and transparency, but the board's powers are curtailed throughout by the Secretary of State. For instance, the board should be required to meet in public. It should have the power to draw up education and training strategies, working with the police service, human rights experts and the community. The Secretary of State's power to halt a policing board inquiry on grounds other than those set out by Patten should, in my view, be withdrawn from the Bill.

[Mr. John McDonnell]

Patten said that the

presumption should be that everything should be available for public scrutiny

unless it was

in the public interest—not the police interest—to hold it back.

Clause 56(4) enables the Secretary of State to halt an inquiry if it is not

in the interests of the efficiency or effectiveness of the police force.

That flies in the face of the principles of the Patten proposals. There should be no obstacle to the board's ability to initiate inquiries.

Inquiries should be in line with the Patten principles, in that they should be held in public. The time limits on inquiries and non-publication of reports are against the spirit of Patten. Appointments to the board should be based on the requirement for the Secretary of State to consult, but there should be a time limit on consultation—three months, for example. The first chair and the vice-chair should be elected by the board itself, subject to the agreement of the First and Deputy First Ministers of the Assembly.

I want to say something about district and community policing arrangements. The Bill establishes arrangements for community involvement in policing and for local accountability, but again it fails to live up to the Patten proposals. We should set time scales for the establishment of district partnerships. I want clarification in the Bill of the provision for Belfast sub-groups, which has been discussed before. I also regret the fact that the 3p levy is not included, because it could have funded local policing initiatives.

The district partnerships should meet in public, and members of the public should be able to question their members, including local commanders. District commanders will play a pivotal role in the whole exercise, and should therefore be appointed by the chief constable, but there should be consultation with the board. Because they will play such a pivotal role in the preparation of the local policing plan, they should be responsible for consulting on it with partnerships and with the whole community. The councils that appoint independent members should be transparent in their actions and should base appointments on consultation with the local community.

Part III deals with policing objectives and codes of practice. It gives the Secretary of State power to determine and revise the objectives of the policing service. I consider that that should require the approval of the policing board. The policing plan should be published in full.

The Bill gives the Secretary of State power to determine changes in the codes of practice. Exercise of that power should be based on full consultation, not only—of course—with the Chief Constable, but with the policing board and the community. All codes should be published in full.

In part VI—on the economy, efficiency and effectiveness of the police service—overall control is again placed in the hands of the Secretary of State. I propose that the function of the board and of the Chief Constable should be overseen by the oversight commissioner. The board should be presented with the task of managing, implementing and monitoring change under the oversight commissioner's direct supervision. Change should be decided not by the Secretary of State or by the RUC, but by the policing board itself, working with the oversight commissioner.

In this period of change, policing practice must be viewed critically, and we must ensure that it is open, transparent and in line with the spirit of Patten. The code of ethics is, therefore, critical. Today, we have heard criticism from both sides of the House that we have not seen the code's detail in sufficient time. Many hon. Members believe that the code should be, as Patten suggested, included in the Bill.

All officers should operate in line with the central duty imposed by, for example, the United Nations code on conduct of law enforcement, which entails respect for and protection of human dignity and maintenance of the human rights of all people.

The oath is critical. It will, in a time of new beginnings, give confidence in policing practice to all. The oath should be applied to all officers and based on the protection and upholding of fundamental human rights and on equal respect for all individuals and their traditions and beliefs.

The special quota arrangements in recruitment are important, but they will require time to be effective. Therefore, the 10-year review period should be maintained and the proposal for a three-year period rejected. There should be a register of all interests and of membership of all organisations for members of the new police service.

The police ombudsman will play a crucial role in establishing confidence in the new service. Therefore, there should be no time limits on the ombudsman's ability to initiate inquiries. The ombudsman's powers of investigation should be stated in the Bill. Similarly, the oversight commissioner should be given statutory duties and powers in the Bill.

I believe that, in its current form, the Bill should be sent back, but I accept that we shall not have the opportunity today to vote on that matter. The onus is therefore now on the Committee to redraft the Bill in detail, so that it is in line with the original Patten proposals and inspires the confidence of all the communities.

I respect the views that have been stated today by those who live in and represent the six counties of Northern Ireland. However, policing of the six counties is critical to us all, because it is part of the peace process itself. I believe that the Bill's proposals are not in line with the overall Good Friday agreement, undermine confidence in the agreement itself and threaten some of the ways forward that we envisaged when people signed up to the agreement. I therefore look forward to hearing the Minister say in his reply that the Bill will be thoroughly reviewed in Committee.

9.13 pm

Mr. Dominic Grieve (Beaconsfield): There is much in the Bill to be commended. As many hon. Members have already said, there is much in the Bill that is common ground. Clearly, the police service in Northern Ireland—or whatever its name may be—can do with reform. We have a common aim and ambition: to transform it into something very different from what it is today—

ultimately, we hope, into an unarmed police force doing exactly the same type of job as other police forces do elsewhere within these islands.

The problem, however, has been inherent ever since the process was embarked upon, and it was quite apparent when the Patten report was published last autumn. As I realised at that time, when I attended a British-Irish conference, the timing of the process has got completely out of kilter. That fact cannot be escaped. The principles established in the Belfast agreement were intended to produce a set of circumstances by which we would move to establishing political structures, there would be decommissioning and the community as a whole could start looking carefully at the way in which policing was done. Instead of which, we find ourselves considering the Bill at a time when the Assembly and the Executive are only totteringly back on their feet, and when the issue of decommissioning remains up in the air, a sword of Damocles that is hanging over the peace process.

It is already apparent from the way in which the Belfast agreement has been interpreted that there are substantial areas of disagreement in its interpretation which go to its very root. I think that these are reflected in some of the problems we have with policing. In a nutshell—as there is so little time to develop these matters—I simply say that it is apparent from comments made, for example, by members of Sinn Fein—which I heard when in Northern Ireland—that there are diametrically different views on whether the Belfast agreement is setting up a structure where United Kingdom sovereignty remains but tremendous institutional changes are implemented to create harmony and participation by all people, with the prospect of reunification if a majority ever wants it in future, or whether we are proceeding through a process of cantonisation and condominium where individual communities can set up themselves and their rights against others and insist on structures which suit them and not the community as a whole.

I regret that that has been fostered in part by people who should know better, such as the Foreign Minister of Ireland in his ill-considered and ill-judged comments. It is a strand that runs through the way in which the agreement has been interpreted in republican circles. It is not surprising if that strikes at the root of the confidence that is required to carry out the sort of changes in policing that the Secretary of State has put forward, and which in many ways appear perfectly reasonable—and might appear even more reasonable if the right climate existed for their implementation within the community. It is with that in mind that I must approach how I vote or whether I abstain this evening. I will certainly vote on the Opposition amendment.

Let us consider one or two of the issues that are raised. There is the question of the boards and the district boards. Having served on the Lambeth police community consultative group, I know the value of engaging the police with a community that may have built-in hostility to it. It is a creative process, as long as there is a willingness for dialogue and not an attempt to undermine one side or the other.

My anxiety about aspects of the Bill is that they provide fertile ground for precise undermining—the cantonisation. I well remember that when we discussed these issues at British-Irish conferences two years ago, it was suggested at one stage that there should be a two-tier police service with a sort of reserve gendarmerie to deal with one aspect, with locally based community police services to deal with others. I thought that that would be highly undesirable for all concerned. There is real anxiety that the structures that we shall set up will contribute to endless and rancorous debate, as they are used as a blunt instrument to bludgeon the police into the further process of cantonisation, which is contrary to the spirit of the Belfast agreement.

These are matters that we can consider in Committee, and I hope that we shall be able to do something with them. I have an open mind on some aspects, but I have real reservations about whether the proposals will create the clarity that is desired and wanted to make the proposed legislation work in practice.

The same considerations apply to all the other issues that seem to concern us so endlessly. In a funny way, and perhaps iconoclastically, I am not sure whether I mind very much what the oath is. Equally, I am not sure that I very much mind what the symbols may be. However, we cannot get away from the fact that as we are dealing with a part of the United Kingdom, all judicial offices—the Secretary of State acknowledged this when he was dealing with the courts—and the police service are Crown appointments. A constable holds an office under the Crown. To perform elliptical somersaults to get away from the fact that all power derives from the Crown within the United Kingdom—and as long as Northern Ireland is part of the United Kingdom we should seek to make that the impartial mechanism by which the legal system and the police service is provided—is to venture on to difficult ground from which we shall never succeed in extracting ourselves.

Therefore, I say to those on the Treasury Bench that I am happy to look at all sorts of possible solutions, but they cannot fudge the reality. If they try to fudge the reality, they are contributing to the cantonisation and condominium procedure, which the Belfast agreement does not seek to do, but which the enemies of the agreement—or at least the cherry-pickers of the agreement—want. It is small wonder that Ulster Unionists feel strongly about the issue when they see what appears in many ways to be a fairly clear document being muddled in that fashion.

As for the quotas, I confess that I am amazed. I do not see how putting quotas in the form in which they appear in the Bill is compatible with the European convention on human rights—forget about European legislation. I am 100 million times in favour of increasing Roman Catholic representation within the police service in Northern Ireland, whatever name it may have. I could not care less what figure it reaches. If it reaches 60 per cent. or 70 per cent., I will sleep quietly in my bed at night, but to enshrine a 50:50 split in the system seems to be questionable. An aspiration that it should reflect properly the constituent make-up of the community from which it is drawn seems totally unexceptionable, but the 50:50 quota raises far more problems than it will solve.

I hope that, later in the passage of the Bill, I may be able to contribute further. As I say, the Government are to be commended. They have tried to work their way through a minefield. I am sorry that that has come about in the way in which it has. The fault lies with those who have prevented the Belfast agreement from getting up and running to the point where we could have some clarity of discussion on the future of the police, but we must live in

[Mr. Dominic Grieve]

the real world. We must be careful of listening to too many siren songs about a few more somersaults or convolutions solving the problem.

The past year has shown that it is when the Secretary of State is prepared to express himself clearly that we make progress. It was regrettable that he had to come along and to start telling us all about flags. The fact that we had to spend an evening dealing with flags reflects rather badly on the way in which the whole process has been developing, but at least we cut through that.

We need to be willing to cut through some of this, too. Otherwise, we will get ourselves into an increasingly complex situation, where we do not provide the sort of police service that I am convinced the majority of people in Northern Ireland want.

9.23 pm

Mr. John M. Taylor (Solihull): Second Reading debates with 10-minute limits on Back-Bench speeches seem to pose minor problems in the management of the business of the House. I rather thought that I would rise to my feet at about half past the hour and that I should preface my remarks by mentioning the limited time available to me. In fact, I am under no such handicap. There is a fair open space of time ahead of me.

Mr. McNamara: Will the hon. Gentleman give way?

Mr. Taylor: Yes.

Mr. McNamara: Seven minutes?

Mr. Taylor: That was a disappointment.

I am one of those Englishmen who is particularly fond of the Province of Northern Ireland—after all, it is part of my country. I agree that it seems a desperate shame that such nice people can find a gruesome divide to quarrel across. I used to wonder whether I could be part of the generation that helped to solve it. I thought to myself as a young man that I might never find the answer, but that I owed it to myself at least to try to understand the question.

I have spent a lot of my adult life trying to understand the question. Northern Ireland is such a beautiful and promising country that does so many things so extraordinarily well and is, in its own way, eminently capable of enjoying itself. It has so much to offer to tourists. My right hon. Friend the Member for Bracknell (Mr. MacKay), the shadow Secretary of State, will attest to the fact that some of the finest golf courses in the world are in Northern Ireland. It would be nice if people were not made nervous about playing on those beautiful golf courses and fishing in the beautiful streams of Northern Ireland.

Mr. Mallon: The names of at least two of those golf courses begin with the word "Royal". I invite anyone to visit them and play.

Will the hon. Gentleman help us all out? For some time I have been on a chase that has become a personal odyssey. I have tried everybody else and failed, so can the hon. Gentleman tell us, from his great depth of experience of parliamentary legislation, what the title deeds of a Bill are?

Mr. Taylor: As a lawyer, that expression is technically known to me as gobbledegook. I studied the law as a young man and practised it for 22 years. I know what a Bill is, I know what an Act of Parliament is and I know what title deeds to real property are, but I have no idea what the title deeds to a Bill are.

Incidentally, of the two golf courses in the constituency of the hon. Member for Newry and Armagh (Mr. Mallon)—Royal County Down and Royal Portrush—

Mr. Mallon: They are not in my constituency.

Mr. Taylor: This may be a minor diversion and the House may not wish to know it, but I am playing Portrush in October.

The hon. Gentleman may be trying to explore another area that is worthy of exploration. I have seldom known a Bill with so many collaterals to it—so many codes of practice that are not in the Bill and so many reserve powers for the Secretary of State. It will be difficult to handle the Bill in Committee, because we will be asked to accept in good faith a lot of closed and inaccessible items. That can sometimes be asking a lot on such important issues.

I shall start my remarks proper by endorsing the Conservative reasoned amendment, which defines our dissatisfaction with the Bill because it fails to sustain the Royal Ulster Constabulary George Cross in the way that we would like, and leaves the way open for representatives of paramilitaries and even persons convicted of terrorist offences to serve on the policing board and district policing partnerships, and because all that will happen without even a start having been made on decommissioning.

I do not embrace all of the Patten report, but it is irrelevant to dispute whether the Bill lives up to that report, because Patten set out to address the question of policing on the far side of the full implementation of the Belfast agreement. We are not in that position, because one aspect of the Belfast agreement has not been implemented—many would say not even in the slightest degree.

Mr. Stephen O'Brien (Eddisbury): The terms of reference for the Patten report were to provide a framework for the policing of a peaceful Northern Ireland on the completion of all aspects of the Belfast agreement. As we do not yet have that, is not the Bill in many respects premature?

Mr. Taylor: My hon. Friend makes that point fairly, and I concur; in short, he is right.

Mr. McNamara: I have the terms of reference of the Independent Commission on Policing for Northern Ireland before me, and they contain none of the caveats mentioned by the hon. Member for Eddisbury (Mr. O'Brien).

Mr. Taylor: Perhaps the hon. Gentleman and my hon. Friend can resolve that dispute. As far as I am concerned, my hon. Friend is correct. The ethos of Patten is that it is a formulation for policing in Northern Ireland on the far

side of the fulfilment of the Belfast agreement. That is why I say that my hon. Friend is correct. Patten predicated peace as a premise to new policing, and we are not there.

Mr. McWalter: Does the hon. Gentleman accept that a solution to the policing difficulties should be a causal factor in the development of peace rather than something that comes only after peace is firmly established?

Mr. Taylor: All the elements are interdependent, and we are entitled to see progress with all of them.

On a separate and lighter note—there are not many lighter notes in Northern Ireland politics—as an Englishman who attends his own local police consultative committee whenever he can, I was surprised by the number of layers of monitoring and consultation provided in the Bill. There are the policing board, district policing partnerships, community committees and police liaison committees, to name but four.

I was reminded of my friend Barry Field—the former Member of Parliament for the Isle of Wight—who said that given the number of parish and district councils on the island as well as the county council, he sometimes felt that almost everybody on the island was a councillor of one kind or another. Here it may be that anyone in Northern Ireland who is not a police consultee might feel a sense of exclusion.

That may be a virtuous tendency, and of course, it is far better than too little consultation. However, as Patten predicts a reduction in police numbers in Northern Ireland, one feels entitled to ask whether a serious and realistic assessment has been made of the amount of resources and police time that will be absorbed in those processes over and above crime fighting and enforcement of the law.

As for the name of the Royal Ulster Constabulary, a survey of how Ulster people see themselves was conducted by the *Belfast Telegraph* in April this year. It found not merely that 93 per cent. of Protestants had no objection to the RUC identity and name, but that 61 per cent. of Catholics had no such objection either. Such police satisfaction figures are almost unknown elsewhere in the civilised world.

I have been struck tonight by the extent to which the Bill is friendless in those parts of the House where support might have been thought to be most significant. A near-friendless Bill is setting out to make a nearly gratuitous change of name.

Dr. Godman: It has been suggested that the proposed title—the Northern Ireland Police Service—is, to put it mildly, somewhat inane. How does the hon. Gentleman feel about the suggestion that the new title should be the Northern Ireland Constabulary?

Mr. Taylor: I find more attractive the suggestion made earlier in the debate by my right hon. Friend the Member for Bracknell, who felt that the names Northern Ireland Police Service and Royal Ulster Constabulary should both find their way into the name of the service. If they were combined, the name might be clumsy, but at least it might avoid offending either of the parties.

Mr. Robert McCartney: The hon. Member for Greenock and Inverclyde (Dr. Godman) suggests the name the Northern Ireland Constabulary, but would the hon. Member for Solihull (Mr. Taylor) object to the Royal Northern Ireland Police Service?

Mr. Taylor: I have reached the point of asking for answers on a postcard, please. I am not sure that I can handle all the various suggestions that have been made, but I am a loyal proponent of the name offered by my right hon. Friend.

Mr. Mallon: The suggestion made by my hon. Friend the Member for Greenock and Inverclyde (Dr. Godman) is interesting, except that when that name is shortened, people will say, "I was nicked by the NICs."

Mr. Taylor: I am sorry that I cannot follow the hon. Gentleman on that, except to say that when I was at the Lord Chancellor's Department, the NICS was the Northern Ireland Court Service. There are too many initials and acronyms these days. DPP now stands for district policing partnerships, but I always thought it was the Director of Public Prosecutions.

Mr. Pound: In your personal experience?

Mr. Taylor: Yes, of course it was my personal experience. We have a logjam of acronyms. By the way, the hon. Member for Ealing, North (Mr. Pound) made an exceptionally good speech, which was passionate and full of great eloquence and oratory. I did not agree with any of it.

Mr. McNamara: You did not understand it.

Mr. Taylor: Do you know, I think I did.

The first time I ever went to Northern Ireland was in the 1960s when I was in my mid-20s, having been rather surprisingly selected to play golf for the English solicitors against the Northern Ireland solicitors. When we met our hosts—their hospitality was legendary—introductions were made and the usual get-to-know-you small talk ensued. I was asked about my home club—the golf club of which I was a member. I replied that I was a member of North Warwickshire golf club. My host asked me whether it was a Protestant club or a Catholic club. That was my first, sharp realisation that I was in a part of my own country, but one with a completely different culture.

The last time I was in Northern Ireland, earlier this year, I travelled up the Shankill road and down the Falls road, and passed uncompromising political slogans and a police station fortified as I had never seen before. I regret to say that we have some way to go towards peace. This is a Bill for policing in peace, and that is the mismatch and the flaw in it. As my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney) said, I cannot see how an Act that ultimately satisfies no one will aid the Secretary of State in his efforts to advance the peace process.

Mr. Öpik: Am I right to assume from the reasoned amendment that the hon. Gentleman and his party cannot think of one person who has been convicted of terrorist offences, on either side of the sectarian divide, who would

[Mr. Öpik]

be able to make a meaningful and positive contribution to either the policing board or one of the district policing partnerships?

Mr. Taylor: I am unable to give the hon. Gentleman the name of a convicted criminal who would be able to serve helpfully, but I do not have an encyclopaedic list of names. I can answer him only in principle, not in particular. My answer in principle is, "No, I can't think of one."

This has been a tense and sometimes awkward debate. Many hon. Members have contributed, in a series of exchanges that could hardly be called consensual. I have not heard many satisfied voices from any quarter—in fact, I have seldom heard so little satisfaction in a Second Reading debate.

The Opposition are not satisfied either. We cannot support the motion to give the Bill a Second Reading, and I urge my colleagues and others to support the reasoned amendment.

9.40 pm

The Minister of State, Northern Ireland Office (Mr. Adam Ingram): This has been an informative debate. There is no question but that the future and past of policing in Northern Ireland provokes intense and strong views on all sides of the argument. To some—although not to many Members of this House, I must say—the RUC is the embodiment of all that is wrong in Northern Ireland, and the root of many of the deep problems facing people there. I believe that that is palpable nonsense.

Others believe that the RUC can do no wrong, that it should not be modernised or changed, and that it should not be subject to critical comment. That is equally palpable nonsense. The Good Friday agreement and the independent commission under Chris Patten occupied the large middle between the two irreconcilable extremes, and set out to define a new way forward for policing in Northern Ireland. In the words of the Good Friday agreement, the proposal

> provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole.

The Bill makes it clear that the Government intend to deliver on that objective, as my right hon. Friend the Secretary of State said in his opening remarks.

The matter does not end there. The Bill is large and complex, and it is likely to be subject to fine tuning and amendment under the detailed scrutiny that it will receive in Standing Committee. My right hon. Friend and I have been involved in detailed discussions with the relevant parties since the Bill was published. All manner of views have been expressed, and I believe that the process of clarification has been helpful.

As my right hon. Friend said earlier, the Bill will be subject to possible amendment, but I want to make it clear that, as it stands, it is faithful to the objectives of the Good Friday agreement and to the recommendations of the Patten commission. The Bill provides a comprehensive framework to achieve a new beginning for policing in Northern Ireland.

I turn now to the detail of the debate, which centred on a number of key issues at the heart of the Bill. However, I shall deal first with the remarks of the right hon. Member for Bracknell (Mr. MacKay). As I understand it, the import of the reasoned amendment is that the Conservative party opposes elected members who have been convicted of schedule offences becoming members of the policing board. Given that the new political settlement depends on inclusivity, which is the purpose and driving ethos of the Good Friday agreement, that appears a rather strange view to adopt.

As an extension of the point of view expressed by the right hon. Gentleman, it could be argued that he would be equally opposed to the same elected members serving as Ministers in the devolved Administration.

Mr. Robert McCartney: We are.

Mr. Ingram: I understand that some hon. Members take that view, but I want to know whether it is the opinion of the right hon. Member for Bracknell. He should make himself clear on this point. If that is the logic of what he said, the next logical development is to assume that he is against the restoration of the Executive. Why should Ministers who are in charge of many billions of pounds of taxpayers' money have only a minority voice on a regulatory policing body?

Mr. MacKay: I am happy to clarify that point for the Minister. The Opposition straightforwardly believe that it is totally and utterly wrong to have people sitting on policing boards and taking part in police district partnerships who are convicted terrorists when there is still a terrorist threat. If the right hon. Gentleman does not agree with that, it is very sad for this country that he should be a Minister.

Mr. Ingram: The right hon. Gentleman has not answered the question. I am asking him to put forward his point of view logically. If that is his point of view, and if he supports the Good Friday agreement, there is an inherent contradiction in that. If he is saying that Sinn Fein should not be allowed to run Northern Ireland or be part of the Administration that runs Northern Ireland, he should have strongly resisted the restoration of the Assembly. That would clearly have been detrimental to the continuing development of the peace settlement that we are all seeking to achieve.

Mr. MacKay: This is very simple to answer. I should have thought that even the Minister could have followed this logic. Under the Belfast agreement, which we support, it is up to the people of Northern Ireland to decide who their Ministers will be by whom they elect to the Assembly. We have always accepted that a sufficient number of Sinn Fein members were elected to the Assembly to entitle two of them to become Ministers, under the d'Hondt formula. That seems straightforward. Nothing in the Belfast agreement says that they are elected by the people to be part of a police authority. As I said earlier, having convicted terrorist criminals on police boards or district police partnerships is wrong, and I am amazed that the Minister cannot see it.

Mr. Ingram: I appreciate that the right hon. Gentleman has never been a Northern Ireland Minister, although he

served previous distinguished Secretaries of State for Northern Ireland for an extensive period. With the new devolved settlement, there will be an interface between myself as security Minister and devolved Ministers, of the type that he suggests. We will be discussing issues that may have a policing interest, such as the curtailment of drug use, and crimes on the street involving paedophiles and sex offenders. There are many other such areas. How would he resolve that anomaly? Should I not speak to those Ministers?

There are many weaknesses in the argument advanced by the right hon. Gentleman. I do not want to overstate the point—

Mr. Robert McCartney: Will the right hon. Gentleman give way?

Mr. Ingram: I will deal the hon. and learned Gentleman's contribution later in my summing up—I am conscious of the time available. I want to deal with a range of points, but I make that request, based on logic, to the right hon. Gentleman. He has to square the circle in some way.

The right hon. Member for Cities of London and Westminster (Mr. Brooke) made a strong plea about the name of the RUC and the pride that it engenders. I am sure that he accepts that the Secretary of State made clear his endorsement of that view, not just in what he said this evening but in every other contribution that he has made. The Bill also reflects that in a number of ways. It seems to me that nothing can diminish the proud achievements and sacrifices of the RUC. But nothing stands still. Let me explain what I mean by that.

We are now 60 years on from Dunkirk. My Uncle Jim, as a British soldier, escaped north of Dunkirk as part of the 51st Division. He fought in north Africa and lost his brother Harry in the line. He fought in the Italian campaign. He was there in the early days of Normandy. He fought through France and Germany, and was in Luneberg Heath when peace was signed in 1945. He was not unique. Many tens of thousands of British soldiers could recount many other brave examples. He was a proud soldier, and he was proud of his regiment, the Seaforth Highlanders. That regiment no longer exists. Did that take away his pride? No, it did not. Did it diminish his contribution? No, it did not. Did it diminish the sacrifice made by my family and many tens of thousands of other families during the second world war, whose regiments have equally been disbanded and amalgamated? No, it did not. That pride and those sacrifices live on in their hearts and heads, and in the traditions of their families.

Mr. McCartney: Will the Minister give way?

Mr. Ingram: I will come to the hon. and learned Gentleman later in my speech.

We are not doing what previous Governments have done to British regiments. The name of the RUC will be reflected fully in the Bill. It will be honoured in so many meaningful ways, not least in the RUC George Cross Foundation.

Dr. Julian Lewis (New Forest, East): Will the Minister give way?

Mr. Ingram: The hon. Gentleman has just walked into the debate.

Dr. Lewis: I have been here for half an hour.

Mr. Deputy Speaker: Order. The Minister is not giving way. That should be enough for the hon. Member for New Forest, East (Dr. Lewis)—*[Interruption.]* Order. The hon. Gentleman should not argue with me.

Mr. Robathan *rose—*

Mr. Ingram: Will hon. Members let me develop my case? The hon. Gentleman, too, has hardly been in the Chamber during the debate. He was here at the beginning, disappeared for hours and has come back to try to be a clever lawyer. I shall restate the point that I was making in response to the speeches of the right hon. Member for Cities of London and Westminster and other hon. Members.

My right hon. Friend the Secretary of State said that he believes that the sensible way forward is to provide a legal description in the Bill that incorporates the RUC—in effect, he said, in the title deeds of the new service—making it clear that disbandment is not taking place, while introducing a new name, the Police Service of Northern Ireland. That name will be used for all working and operational purposes.

Mr. Mallon: Will the Minister give way?

Mr. Ingram: I was about to turn to the speech made by the hon. Gentleman.

Mr. Mallon: Will the Minister give way on that point?

Mr. Ingram: Yes.

Hon. Members: Ah.

Mr. Mallon: I thank the Minister for giving way. I have been trying to intervene all day. As a matter of fact, I have been trying to do so for more than a month.

Will the Minister inform us of what the title deeds of the Bill are?

Mr. Ingram: The hon. Gentleman should listen to what the Secretary of State said. That is why I referred to it. He said, in effect, the title deeds. That was a careful choice of words. [HON. MEMBERS: "They are meaningless."] We can have hilarity or a serious debate.

I regret that the hon. Gentleman's speech was cut short, although I understand and accept the 10-minute limit. I also regret his assessment of the way the Government approached the Patten report. I do not accept his point of view. As he knows, both my right hon. Friend and I have spent many hours in close discussion with him and with members of his and other parties. We have tried to deal with their concerns. We shall continue such detailed examination in Committee, where I know his party's view will be strongly represented.

The hon. Gentleman made a telling intervention on the right hon. Member for Bracknell and pointed out the strength of feeling in large parts of the Catholic community as to the need for a change in policing. He warned the right hon. Gentleman that people who do not

[Mr. Ingram]

live in Northern Ireland should not express paternalistic views or comments. I suggest that the right hon. Gentleman pay careful heed to those words.

Mr. MacKay: The Minister does not live in Northern Ireland.

Mr. Ingram: That is true, but I spend a considerable amount of time there—devoting much energy and effort, on behalf of the British Government, to helping people in Northern Ireland to find a way forward. I suggest that the right hon. Gentleman's paternalistic approach might not be helpful in finding a way forward.

The hon. Member for South Down (Mr. McGrady) highlighted several detailed concerns—rightly pointing out that his party had identified 44 matters. He referred particularly to powers of inquiry and to the code of ethics. In his opening speech, my right hon. Friend the Secretary of State said that the Bill might not be perfect, but that we would consider constructive changes. However, they must be aimed at creating a modern, efficient, representative and acceptable police service. I know that the hon. Gentleman will share that sentiment.

The hon. Gentleman mentioned the inquiry power of the policing board. My right hon. Friend said that we want to strike the right balance; we are prepared to reconsider that balance and how better to refine and define it. The hon. Gentleman said that the code of ethics should apply to all officers—existing and new. That is exactly what the Bill says. Clause 30(4) states:

> In carrying out their functions the members of the police force shall have regard to the code of ethics under section 48.

I hope that deals with the points that he raised.

I thank the hon. Member for Montgomeryshire (Mr. Öpik) for his considered response to the Bill. I recognise the strong views that he has about key elements of the Bill and about 50:50 representation, not least on gender and race issues. He also expressed his view on who should and should not be entitled to serve on the policing board and the district policing partnerships. As my hon. Friend the Member for Leominster (Mr. Temple-Morris) pointed out, those detailed issues are worthy of consideration in Committee.

Many of the issues that we have considered in this debate will be helped by the implementation plan, which, as my right hon. Friend the Secretary of State said in his opening speech, was published in Belfast. The plan is now available in the Vote Office for hon. Members to consider and to develop their understanding of the Bill.

On the point that the hon. Member for Montgomeryshire made about 50:50 representation, we clearly have to take European Union directives into account, comply with them and, if it is appropriate, we may have to seek derogation. On the make-up of the board and the district policing partnerships, it is important that we do not take action that works against the grain of the new inclusive approach on which the future of Northern Ireland depends.

As the right hon. Member for Upper Bann (Mr. Trimble) has said elsewhere, the fact that someone has a past does not mean that he cannot have a future. That must be the right approach, and I know that the hon. Member for Montgomeryshire accepts that. I hope that other hon. Members will, on reflection, consider that point. The Bill is right to contain effective safeguards as to who can and who cannot serve on the bodies in an independent capacity. It does that and, even though others may take a view on that, the Bill makes clear the process that will be involved.

The hon. Gentleman also said that the Chief Constable should be required to comply with the annual policing plan. He said that he wanted the Government to go beyond Patten's recommendation and that, therefore, the board's powers should be increased under the Bill. At present, the Police Authority issues an annual plan and the Chief Constable issues a strategic plan. He then has to pay regard to the annual plan. Under the Bill, the policing board will issue both the strategic and the annual elements in a single plan and again the Chief Constable will have to have regard to that. To go further than that would infringe his operational independence. I am sure that the hon. Gentleman will give further consideration to that point.

The hon. Member for Fermanagh and South Tyrone (Mr. Maginnis), as usual, made robust arguments in support of his case. I could take issue with him on a number of detailed points, but I look forward to our debates in Committee. I do not for one minute doubt his sincerity and integrity; nor do I criticise the determination that he has shown in promoting his views and those of his community.

I recognise the role of the right hon. Member for North-West Cambridgeshire (Sir B. Mawhinney) as a former Northern Ireland Minister. He called for the Secretary of State to be radical, but it is bit difficult to accept such a suggestion from a member of the previous Conservative Administration. Anything they did was clearly of a damaging nature. As I understand it, the right hon. Gentleman called for a loosening of the powers of the Secretary of State relative to the policing board. In at least five significant areas, the Secretary of State will give powers to the policing board that do not apply to the existing Police Authority. That may or may not be radical.

I understood that I was to be given much more time to sum up. The hon. Member for Solihull (Mr. Taylor) rightly used up the time available to him, but unfortunately I am not able to deal with all the detailed issues. I look forward to their being considered in Committee. I commend the Bill to the House.

Question put, That the amendment be made:—

The House proceeded to a Division.

Mr. Deputy Speaker: I instruct the Serjeant at Arms to investigate the delay in the Aye Lobby.

The House having divided: Ayes 142, Noes 342.

Division No. 217] **[9.59 pm**

AYES

Ainsworth, Peter *(E Surrey)*	Beresford, Sir Paul
Amess, David	Blunt, Crispin
Ancram, Rt Hon Michael	Body, Sir Richard
Arbuthnot, Rt Hon James	Boswell, Tim
Baldry, Tony	Bottomley, Peter *(Worthing W)*
Beggs, Roy	Bottomley, Rt Hon Mrs Virginia
Bercow, John	Brady, Graham

Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Burns, Simon
Butterfill, John
Cash, William
Chope, Christopher
Clappison, James
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Greve, Dominic
Gummer, Rt Hon John
Hague, Rt Hon William
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McCartney, Robert *(N Down)*
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Maples, John
Mates, Michael
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paisley, Rev Ian
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Robinson, Peter *(Belfast E)*
Roe, Mrs Marion *(Broxbourne)*
Ross, William *(E Lond'y)*
Rowe, Andrew *(Faversham)*
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Thompson, William
Tredinnick, David
Trend, Michael
Trimble, Rt Hon David
Tyrie, Andrew
Viggers, Peter
Walker, Cecil
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Peter Atkinson.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brinton, Mrs Helen
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Denham, John
Dismore, Andrew
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gidley, Sandra
Gilroy, Mrs Linda
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hume, John
Hutton, John
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally

Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Keetch, Paul
Kemp, Fraser
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Livsey, Richard
Llwyd, Elfyn
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McGrady, Eddie
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Maclennan, Rt Hon Robert
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mallon, Seamus
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Shaw, Jonathan
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Tony McNulty and
Mr. David Jamieson.

Question accordingly negatived.

Question put, That the Bill be now read a Second time:—

The House divided: Ayes 329, Noes 14.

Division No. 218] **[10.18 pm**

AYES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Atherton, Ms Candy
Ballard, Jackie
Banks, Tony
Barnes, Harry
Barron, Kevin
Battle, John
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Bermingham, Gerald
Berry, Roger
Best, Harold
Betts, Clive
Blears, Ms Hazel
Blizzard, Bob
Blunkett, Rt Hon David
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brinton, Mrs Helen
Browne, Desmond
Bruce, Malcolm *(Gordon)*
Buck, Ms Karen
Burgon, Colin
Burnett, John
Burstow, Paul
Butler, Mrs Christine
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Casale, Roger
Caton, Martin
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corston, Jean
Cotter, Brian
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Denham, John
Dismore, Andrew

Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gerrard, Neil
Gidley, Sandra
Gilroy, Mrs Linda
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harman, Rt Hon Ms Harriet
Harvey, Nick
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hume, John
Hutton, John
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Kirkwood, Archy
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Livsey, Richard
Lock, David
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McGrady, Eddie
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
McNamara, Kevin
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Mallon, Seamus
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Merron, Gillian
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moffatt, Laura
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morgan, Alasdair *(Galloway)*
Morgan, Ms Julie *(Cardiff N)*
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Oaten, Mark
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Opik, Lembit
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Perham, Ms Linda
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
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Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Shaw, Jonathan
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Rt Hon Chris *(Islington S)*
Smith, Jacqui *(Redditch)*
Smith, John *(Glamorgan)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Willis, Phil
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Tony McNulty and
Mr. David Jamieson.

NOES

Donaldson, Jeffrey
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Hunter, Andrew
McCartney, Robert *(N Down)*
Maginnis, Ken
Paisley, Rev Ian
Robertson, Laurence
Robinson, Peter *(Belfast E)*
Swayne, Desmond
Thompson, William
Trimble, Rt Hon David
Walker, Cecil
Winterton, Nicholas *(Macclesfield)*

Tellers for the Noes:
Mr. William Ross and
Mr. Roy Beggs.

Question accordingly agreed to.

Bill read a Second time, and committed to a Standing Committee, pursuant to Standing Order No. 63 (Committal of Bills).

POLICE (NORTHERN IRELAND) BILL [*MONEY*]

Queen's recommendation having been signified—

Motion made, and Question put forthwith, pursuant to Standing Order No. 52 (Money resolutions and ways and means resolutions in connection with bills),

That, for the purposes of any Act resulting from the Police (Northern Ireland) Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(a) any expenditure incurred by the Secretary of State under the Act; and

(b) any increase attributable to the Act in the sums payable out of money so provided under any other enactment.—*[Mr. Kevin Hughes.]*

Question agreed to.

WELSH GRAND COMMITTEE

Motion made, and Question put forthwith, pursuant to Standing Order No. 108 (Welsh Grand Committee (sittings)),

That the Welsh Grand Committee shall meet on Tuesday 20th June at half-past Ten o'clock and between Four o'clock and Six o'clock at Westminster to take questions under Standing Order No. 103 (Welsh Grand Committee (questions for oral answer)), and to consider the matter of Social Exclusion in Wales, under Standing Order No. 107 (Welsh Grand Committee (matters relating exclusively to Wales))—*[Mr. Kevin Hughes.]*

Question agreed to.

INTERNATIONAL DEVELOPMENT

Ordered,

That Mr. Tony Colman be added to the International Development Committee.—*[Mr. John McWilliam, on behalf of the Committee of Selection.]*

PETITION

Langage Energy Park

10.30 pm

Mrs. Linda Gilroy (Plymouth, Sutton): I have a petition signed by 5,000 people from my constituency and surrounding constituencies in Devon and Cornwall.

The Petition of the Residents of Plymouth and the South West

Declares that we support the development of the Langage Energy Park as it will provide a major boost to the region including much needed jobs, reliable energy supplies and a reduction in energy prices.

The petitioners therefore ask that the House of Commons

Urge the Secretary of State for Trade and Industry to take steps to grant approval to allow Langage Energy Park to proceed.

And the petitioners remain etc.

To lie upon the Table.

Utilities Regulation

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

10.31 pm

Mr. Hilary Benn (Leeds, Central): I am grateful for the opportunity to raise the issue of fairness in gas and electricity prices. Although I want to speak principally about pre-payment meters, I am equally concerned about the problems that people experience with debt and fuel poverty. Fuel poverty has been defined as the situation experienced by households that must spend 10 per cent. or more of their income to keep their homes adequately warm. There are between 4 million and 5 million such households in England, of which about 1 million have to spend 20 per cent. or more of their income every week on energy.

Let me begin, however, by paying tribute to the steps that the Government have taken to reduce the cost of lighting our homes and keeping them warm. The reduction in VAT on domestic fuel and on the supply and installation of energy-saving measures, the introduction of the winter fuel payment for pensioners and the new home energy efficiency scheme are all examples of practical action that directly addresses the issue of fuel poverty.

This is a Government who have shown that they are serious about doing something, but there is one area in which more action is needed. I am thinking of people with pre-payment meters who are charged more for their gas and electricity than those paying by other means. Because those on low incomes are more likely to have pre-payment meters, the poor are burdened with the highest gas and electricity bills, both in absolute terms and as a proportion of their income. To put it simply, that cannot be right if we want to tackle fuel poverty.

There has been a huge increase in the number of pre-payment meters in recent years. It rose from just under 2 million in 1991 to just over 5 million in 1998. The total extra cost of gas and electricity to pre-payment meter users is now an even bigger problem than it was a decade ago. Part of the reason for the increase has been the use of pre-payment meters to deal with problems of debt. It is quite common for people in arrears to be moved to a pre-payment meter system as a way of clearing that debt, although it is the most expensive way of paying for gas and electricity.

The Office of Gas and Electricity Markets has looked at what has happened to prices since 1990. Prices have, of course, fallen for all customers and in the case of all payment methods, but the evidence indicates that

the differential between direct debit and pre-payment meter prices has widened somewhat.

That differential—that extra cost—is significant.

Let us imagine a street with a gas pipe and an electricity cable. Over a year, exactly the same amount of gas and electricity is supplied to the person living at No. 21—who pays bills by direct debit—and to the person living at No. 23, who has a pre-payment meter. However, national figures tell us that the person at No. 23 pays, on average, 20 per cent. more for gas and 6 per cent. more for electricity than his or her neighbour. To make matters worse, the person at No. 23 is much more likely than the person at No. 21 to be on a low income.

How on earth can that be? It is, of course, because the utility companies charge different amounts for their product depending on the customer's payment method. Direct debit enjoys the lowest prices, followed by standard quarterly credit, whereas pre-payment meters face the highest charges.

Is there a justification for that set of circumstances? We are told that supplying a pre-payment meter customer is more costly than supplying a direct debit one, and there is some truth in that. However, when Ofgem examined the matter in relation to electricity, it found—in a very interesting study—that, although there were some additional costs, there were also savings to the supplier. Its conclusion was that the cost of a pre-payment meter customer

might reasonably be of the same order

as that of a typical quarterly credit customer, yet pre-payment meter customers are charged more.

The aspect of the matter that I find hardest to fathom is that many companies give a special discount to those whom they describe as "prompt payers"—those who settle their bills quickly. I cannot imagine a more prompt payment method than paying for all the gas and electricity that one uses before one has taken even a single therm or kilowatt out of the supply, which is exactly what pre-payment customers do. However, for the privilege, they are forced to pay the highest prices. The practice is, in the jargon, counter-intuitive, although other people might describe it as a rip-off.

There is an even more fundamental argument about charging people according to what the companies describe as their "customer characteristics". Let us consider the most obvious factor that makes it more costly to supply and service some customers than other customers—the matter of where customers live. Maintaining a supply will be more expensive in a remote rural location than in a town. However, rural customers are not charged more because of that, and one can imagine the outcry if anyone tried to charge them more on that basis.

Why should some customers face a higher charge because of another characteristic—not where they live, but how they choose to pay their bill—particularly when it bears hardest on those who are poorest? It is perfectly possible to cross-subsidise to even out costs when it suits the companies to do so, and that is what should happen in this case.

The other justification sometimes offered by suppliers is to argue that not all pre-payment meter users are people on low incomes. That is also true. However, there are a lot of poor pre-payment meter users. Ofgem, in its own consultation document on pre-payment meters, which it issued last October, said clearly:

pre-payment meter usage is concentrated amongst less well off households.

The facts support that view. The Government estimate that a quarter of households receiving income support pay for their gas by pre-payment meter. A recent MORI poll clearly showed that use of pre-payment increases among lower socio-economic groups, with more than 50 per cent. of one-parent families using pre-payment meters to pay for electricity and 40 per cent. of such families using them for gas. Regardless, that justification is not an argument for doing nothing.

There is one final way in which low-income pre-payment meter customers are disadvantaged, in that the cheapest gas and electricity—for those paying by direct debit—is denied to those who do not have a bank or building society account. Therefore, once again, it is the poor who lose out.

The British Bankers Association estimates that between 6 and 9 per cent. of the population—3 million people—do not have access to a bank account. The national right to fuel campaign reports that research done for "Competition Monitor" found that 30 per cent. of pre-payment meter users did not have a bank account. It is, of course, an issue not only for the energy companies—it goes to the heart of financial exclusion in our society. However, could we please have action so that no longer are people without bank accounts denied access to the cheapest and easiest way of keeping their homes warm and lit?

I should like to make it clear that I am not opposed to pre-payment meters in principle—far from it. Many consumers find such meters a convenient and controllable way of paying for their gas and electricity, although the meters do not in themselves solve the problem of fuel poverty, as they can still result in self-disconnection when people have literally run out of money. It is clear, however, that the practice of overcharging needs to end. There are many who share that concern, such as the Gas Consumers Council; the national right to fuel campaign; the Trade and Industry Select Committee, which has examined the matter in detail; and the Public Accounts Committee, which has said that it is time that pre-payment meter customers benefited from the liberalised gas market.

So what action is needed? First, we need action by the suppliers, some of which have a better record than others. However, despite competition, pre-payment meter customers are still getting a raw deal. Part of the reason for that is to be found in the impact of competition. Established companies are afraid to even out their collection costs across their own customers for fear that that might result in new entrants to the market cherry-picking their most valuable customers—those who pay by direct debit.

Having said that, British Gas at least charges pre-payment meter users the same as standard quarterly credit customers, and according to the Gas Consumers Council it has the lowest charges for pre-payment meters of any of the gas suppliers. In the light of competition, I wonder why it is that all the other gas suppliers are charging their pre-payment meter customers so much more.

I am aware, of course, of the recent launch by TXU of its StayWarm scheme, which is being trialled in Yorkshire. It is aimed specifically at people on low incomes. In return for a regular agreed payment, the customer can have as much energy as he needs without having to pay anything extra or worry about bills. Let us have more innovation of that sort.

For example, given that customers without bank accounts are made to pay higher prices, why cannot the banks and the utility companies get together jointly to market a product that makes banking available to low-income customers and enables them to pay the lowest prices for their gas and electricity? What about some further innovation in pre-payment meter technology to bring down costs?

[Mr. Hilary Benn]

Secondly, we need action by the regulator. The regulator now has to have regard to the draft statutory social and environmental guidance, which was issued in February. Under the Utilities Bill, he has an explicit duty to

protect the interests of consumers . . . wherever appropriate . . .

including

individuals with low incomes.

"Wherever appropriate" has not yet been defined, but I cannot think of a better case than the current overcharging of pre-payment meter users, where the evidence makes it clear to me that competition per se will not deal with the problem. I believe that the time for intervention has arrived.

Ofgem has taken some action in announcing that the price differential for electricity pre-payment meters should be capped at £15 per annum, but why should there be a differential at all? However, the overcharging for gas is much greater. In its recent document on meter liberalisation, Ofgem has proposed that the annual surcharge levied by Transco on suppliers for operating PPMs should increase by 50 per cent., from £10 to £15. Unless that is offset by reductions elsewhere on the Transco charge, that could further increase the price differential and so add to the cost disadvantage that PPM customers already bear.

In preparing for the debate, I learned quickly that the issues of regulation are highly complex. However, I am sure that where there is a will there is a way to sort out this problem. Yorkshire Electricity, for example, with which I have been in correspondence, has suggested that the cost of pre-payment meters could be shared across all suppliers through the introduction of a social levy.

Finally, we need action by Government. An important and significant step has been taken to put the consumer at the heart of regulation through the Utilities Bill. Clauses 68 and 97 give the Secretary of State the power to make an order on price levels in cases where in his opinion members of any group of customers are being treated less favourably than other customers.

That is exactly what is happening, and if Ofgem will not act I sincerely hope that my right hon. Friend the Minister will use the powers that are available to her. In particular, it would be helpful to know how long Ofgem will be given to sort out the matter before my right hon. Friend steps in to introduce a scheme.

In conclusion, this is an issue of fairness. People who are poor should not have to pay more than others to heat and light their homes. I represent many people who work hard to get by on low incomes. In my opinion, we should not tolerate for one moment longer a system which penalises them in practice because they are poor.

10.44 pm

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): I congratulate my hon. Friend the Member for Leeds, Central (Mr. Benn) on securing this debate. I am aware that he has taken a considerable interest in pre-payment meters. He has asked a number of questions and has raised the issue on more than one occasion. I congratulate him also on a well-reasoned and rational speech that contained almost nothing with which I would disagree. He has made the case effectively and eloquently for action to deal with the issues of pre-payment meters.

My hon. Friend is right to associate the issues of pre-payment meters with fuel poverty. Many of those who use pre-payment meters in my constituency and, indeed, in yours, Mr. Deputy Speaker, do so because they are frightened of the risks of running into debt. They must budget closely for their energy requirements.

My hon. Friend is right to point out that, just because someone uses a pre-payment meter, that does not necessarily mean that they are the fuel poor. Many others do so—for example, those who rent out accommodation to students or as holiday lets—so it is not an accurate assessment just to extrapolate across. However, those of us who represent constituencies with considerable deprivation are well aware of the extent to which pre-payment meters are used by the fuel poor.

My hon. Friend is right to draw attention to the fact that, as the Government have taken action to drive down electricity and gas prices, one of the challenges that has arisen is ensuring that those who use pre-payment meters benefit from the competitive pressures that drive down prices in the same way as everyone else. It is another indicator of social exclusion. The Government regard eliminating social exclusion as one of their major tasks. Tackling fuel poverty is an important aspect of that work.

Fuel poverty is about not just energy issues, but housing, health and ensuring, for example, as my hon. Friend has said, that banking facilities are available to those who have never felt able to open a bank account. It is for that reason that I have established and chaired a cross-departmental working group on fuel poverty, which will report in the autumn and which is looking at those issues with a view to ensuring that all the various aspects that contribute to fuel poverty are taken into account.

Fuel poverty is an easy phrase to say, but the reality of it is that people have to prioritise between keeping warm or buying food. Often, it can lead to deaths. There are social costs related to those deaths, but, if we look just at the cost to the most vulnerable members of society, it does not bear thinking about.

The issue of dealing with people on pre-payment meters is initially one for the industry. I have challenged it to take on board the difficulties that people on pre-payment meters have to deal with. Many of the arrangements that are made for those on pre-payment meters are discriminatory. For example, there is the issue of transferability of debt. Often, people who have got into debt are forced on to pre-payment meters. Often, they are running to stand still.

I had one case in my constituency where a woman was wrongly accused of having run up bills of several hundreds of pounds because of a fault in her pre-payment meter, which kept tripping on to the emergency tariff time after time. She could get little redress because she did not have a strong enough voice to secure that redress. I was glad to be able to do something to assist her.

It is important that the industry itself take up the challenge. My hon. Friend has referred to the fact that British Gas has acknowledged that there should not be discrimination towards those on pre-payment meters. At the moment, companies are not allowed to cross-subsidise one group of customers at the expense of another. He is

right to point out that, in the Utilities Bill, which is in another place, there is provision for a reserve power on cross-subsidisation.

I will regard it as a failure on the part of industry if those cross-subsidisation powers have to be used. I have challenged the industry to come forward with proposals. The Electricity Association Services Ltd. has set up a taskforce that is looking at issues of fuel poverty, among them the discrimination that is contained within pre-payment meters, but I challenge the chief executives of the energy companies to make it one of their priorities. One of the difficulties that we have traditionally had with fuel poverty is that dealing with it has been the responsibility of junior members of companies who do not have the clout to drive through the changes that are required.

The Government will not hesitate to use the cross-subsidisation powers if the industry fails to do so, but the quickest and most effective way of ensuring that we get rid of the distortions for the most disadvantaged in our society is for the industry to take action.

Companies are beginning to come forward with ways of helping poorer consumers, some of which are very imaginative. For example, just two weeks ago, I launched the TXU scheme that my hon. Friend spoke about. Aimed at those on benefits, it is an imaginative way of trying to ensure that the customer and the company agree an annual price for electricity and gas. It will be interesting to see how that programme works its way through. The fact that I want to associate myself with the programme shows the extent to which the Government are interested in the issue.

The Chancellor's Budget announcement of tax concessions for the affordable warmth scheme is another sign of the extent to which the Government are trying to help the companies to take the necessary action to address issues of fuel poverty. One of my Department's priorities is to ensure that energy bills for most customers come down. Prices have come down over the past five years, but my hon. Friend is right to say that direct debit customers have retained a price advantage throughout that time. The latest figures for 1999 show that average annual bills for pre-payment customers are about £50 higher for gas and £27 higher for electricity than for those paying by direct debit. The difference with customers paying on standard quarterly credit is much less—about £13 for gas and £17 for electricity. It is important to address the differences.

My hon. Friend referred to the regulator and the new structure of regulation that we are introducing in the Utilities Bill. It will ensure that our system of regulation gives precedence to the consumer. The regulator published a social action plan in March that included several measures directed specifically at helping customers using pre-payment meters. Ofgem, the new regulator, will be modifying supply licences to limit the pre-payment meter surcharge to a maximum of £15 for gas and electricity. We hope that the companies will be able to do much better. Ofgem will bring new licence conditions and codes of practice for suppliers, setting out the services that pre-payment customers should expect, including the distances that customers need to travel to recharge their meters and action to rectify faults. People on pre-payment meters often find themselves doubly disadvantaged because action is not taken quickly enough to rectify faults in their meters.

Ofgem will also look at ways of promoting competition to improve meters and services. We are in the 21st century. It should be possible to deliver smart meters that can deal with some of the complex pre-payment issues. Ofgem is supporting research into ways of encouraging pre-payment customers to switch to other payment methods. Other banking institutions can be used. Credit unions are often a useful way of encouraging the disadvantaged into a situation in which they can get the benefits and financial services that the rest of us take for granted.

Ofgem is also supporting research into the extent and significance of self-disconnection and rationing by pre-payment meter consumers. Those are sophisticated phrases to describe people who deprive themselves of light and heat because they cannot afford to take the risk of switching on their cooker or their lights. Ofgem is consulting with the industry about the removal of the right of suppliers to block the move of consumers to cheaper competitors if the consumers have debt—and many pre-payment meter customers have debts.

Notwithstanding those difficulties, there has been an increase in the number of pre-payment meter customers in this country and we must try to understand why. The issue of pre-payment meters is complex and does not relate solely to energy price or fuel poverty. However, the Government, the regulator and the industry have to work together to take a range of steps to address fuel poverty across the board and to ensure that all consumers share in the benefits of the liberalised markets that are driving down energy prices. It is important to ensure that pre-payment meter customers are not disadvantaged. Not all are disadvantaged but, sadly, many of the most vulnerable are.

I congratulate my hon. Friend the Member for Leeds, Central on securing the debate, and I hope that those who take decisions in the energy companies read his speech. Certainly it will be required reading for the regulator, because my hon. Friend has made a number of important points that the regulator must look into. However, at the end of the day, it is the responsibility of the industry, the regulator and the Government to ensure that the benefits of modern energy markets are shared by all and that we do not have a situation in this day and age where people are frightened to avail themselves of energy and put themselves through great hardship because of that fear.

Question put and agreed to.

Adjourned accordingly at three minutes to Eleven o'clock.

House of Commons

Wednesday 7 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF LONDON (WARD ELECTIONS) BILL *(BY ORDER.)*

Order for further consideration, as amended, read.

To be further considered on Wednesday 14 June.

RAILTRACK (WAVERLEY STATION) ORDER CONFIRMATION BILL

Read the Third time, and passed.

Oral Answers to Questions

INTERNATIONAL DEVELOPMENT

The Secretary of State was asked—

Rwanda

1. **Mr. Desmond Browne** (Kilmarnock and Loudoun): When she last met British non-governmental organisations to discuss the situation in Rwanda; and if she will make a statement. [123169]

The Secretary of State for International Development (Clare Short): I met representatives of United Kingdom and Rwandan non-governmental organisations during my visit to Rwanda last month. Rwanda is a desperately poor country recovering from a terrible genocide in 1994, which the international community shamefully failed even to try to prevent. Progress since 1994 has been considerable. The UK is playing a major role in supporting the Government and people of Rwanda in trying to promote development and reconciliation.

Mr. Browne: I thank my right hon. Friend for that reply. I preface my supplementary question by observing that representatives of all the UK NGOs to whom I have spoken and who have a presence in Rwanda applaud the Government's decision on bilateral debt. That said, I recall that it was intended once that heavily indebted poor countries such as the very poor Rwanda would be fast-tracked for international debt relief. What has happened to that proposed action, and when can we expect debt decision day for Rwanda?

Clare Short: The importance of the decision was that Rwanda is a post-conflict country. Under previous arrangements, it would have required a much longer track record of good economic management before it qualified for all sorts of International Monetary Fund and World Bank support, which would in turn have been required before HIPC relief could be achieved. Rwanda has been fast-tracked, and is now working on an interim poverty reduction strategy. I cannot remember the exact date, but that will be finalised in a matter of months, taking Rwanda to the point of beginning the debt relief process. I am pleased to say that it is doing well.

Dr. Jenny Tonge (Richmond Park): The Secretary of State will know that the United Nations has just produced a report tracking the progress of women since the Beijing conference five years ago. With that in mind, and given the experience that the Select Committee on International Development and I had in Rwanda of talking to women survivors of the genocide and hearing of their terrible suffering and problems, can she say what influence she has had on the Rwandan Government over how they deploy the survivors fund? Can she ensure that the benefit of that fund goes to the survivors of the genocide, and no one else?

Clare Short: Yes, indeed. When I went to Rwanda, I met one of the young women who runs the surviving widows organisation, which represents about 30,000 women. Many of those women have HIV because they were raped. Many were mutilated. Many have children. Many have memories of seeing all the members of their family slaughtered before their eyes. What they went through is unimaginable, and that is what reconciliation must deal with in Rwanda. We are providing support to the survivors fund, as well as to that organisation. I have not heard criticism of the use of the fund. The problem in Rwanda is with capacity; most educated people were slaughtered, so even when good will exists, often there is not the administrative capacity to follow through on policy. I share the hon. Lady's objectives, and we are doing all we can.

Mr. Paul Goggins (Wythenshawe and Sale, East): Given the progress made on conflict resolution in Rwanda, will the Secretary of State say why she believes Rwanda is engaged in conflict in the Democratic Republic of Congo?

Clare Short: Rwanda has what I might call the best case for being involved in the DRC. Fighters there wish to return to Rwanda to complete the genocide. For Rwanda, to fight back means that the north of the country has been pacified, and things in Rwanda are better accordingly. The war is using resources, which obviously is not beneficial. We need implementation of the Lusaka peace accords, which Rwanda backs strongly. Rwanda needs peace in the DRC and security. The Ex-FAR and Interhamwe, who want to complete the genocide, must be disarmed so that low-level members may return to Rwanda and international criminals go to the international tribunal.

Education

2. **Mr. Paul Burstow** (Sutton and Cheam): If she will make a statement on the provision of education in countries involved in conflict. [123171]

The Parliamentary Under-Secretary of State for International Development (Mr. George Foulkes): Conflict seriously disrupts lives and livelihoods, and education is a major casualty. The needs of displaced children are particularly acute. While all possible effort must be made to provide education to displaced children, progress in meeting the target of universal primary education by 2015 will depend on the resolution of conflict and a return to a focus on development.

Mr. Burstow: Is education not part of the solution to the conflicts? Given that smart aid has proved effective at delivering humanitarian assistance in many countries, can the same approach not be used for development aid? Given that education is a key way to unlock potential and reduce conflict, how can it be right that countries such as Ethiopia and Sudan have had their budgets cut? Generation after generation of children have not had education. Surely the Government should do more through smart aid to get money to assist those children.

Mr. Foulkes: Of course education is part of the solution, and poverty eradication is the key to getting rid of some of the major causes of conflicts. However, it is very difficult to ensure that there is proper education, and to get children into schools, and schools running properly, where conflicts exist. Where conflicts are escalating, as they are in Ethiopia and Eritrea, it is doubly difficult to achieve those goals.

Ms Oona King (Bethnal Green and Bow): Does my hon. Friend agree that no Government who are committed to delivering universal primary education should be prevented from doing so because of a lack of resources? Will the Department for International Development be able to make progress on that issue at the United Nations millennium summit?

Mr. Foulkes: I absolutely agree with my hon. Friend. In the past three years, the Department has spent £300 million—11 per cent. of our Budget—on education, particularly in sub-Saharan Africa and south-east Asia. Nevertheless, I give my hon. Friend this pledge: we aim to do a great deal more.

Mr. Michael Fabricant (Lichfield): Does the hon. Gentleman agree with me—[HON. MEMBERS: "No!"]—that in areas of conflict, people lose their lives not only because of the conflict itself, but because of the disease that ravages such areas? What role does the Department have in providing education for young people—particularly in Africa, but, unfortunately, increasingly in south-east Asia, too—on the dangers of AIDS? Specifically, what is the Department doing to support the excellent work being done by the World Health Organisation?

Mr. Foulkes: Given the response that the hon. Gentleman received from my hon. Friends, I am a bit reluctant to agree with him. On this occasion, however, I agree with him 100 per cent; he is absolutely right. [HON. MEMBERS: "No."] He cannot be wrong every time.

I had the privilege of visiting Mlazi township, in South Africa, to see for myself the work being done with peer education, which entails youngsters talking to other youngsters about what needs to be done to prevent HIV-AIDS. Additionally, at the Commonwealth Heads of Government meeting, the Prime Minister announced that we are spending £100 million to help to eradicate AIDS in Africa. Again, however, we plan to do a great deal more.

Kosovo

3. **Dr. Norman A. Godman** (Greenock and Inverclyde): What financial support the European Union is providing for the administration of elections in Kosovo. [123172]

The Parliamentary Under-Secretary of State for International Development (Mr. George Foulkes): The European Commission has contributed 5 million euros to the combined civil registration and electoral enrolment exercise currently in progress in Kosovo. The United Kingdom share of that contribution is almost 1 million euros. We have also directly contributed £1.25 million.

Dr. Godman: I offer my compliments to my hon. Friend's officials who are administering aid programmes in Kosovo. Not long ago I was in Kosovo, and I saw that they are doing great work there. Given the turbulent conditions in Kosovo, it will be extremely difficult to administer fair municipal elections. Is there not a case for ensuring that some municipal seats are reserved for Serb candidates and other representatives of minority communities?

Mr. Foulkes: I am aware that my hon. Friend visited Kosovo with the Foreign Affairs Committee in March, when some of our officials were there on an assessment mission—which we are following up with a great deal more help to Kosovo. We are trying to encourage the Serbs to register and to participate, but so far, very few of them have registered. That is due in part to intimidation from Belgrade. We think that more has to be done to encourage Serbs to participate, and we are examining how, in terms of voter education, we can support them in doing so.

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy): What action is the Department taking to ensure that there are enough international police officers in Kosovo to ensure that those elections will indeed be fair and free?

Mr. Foulkes: I understand that the Government have taken action by providing police officers from Northern Ireland. I am not sure of the exact details of the arrangement, but I undertake to reply in detail to the hon. Gentleman's question.

Mrs. Alice Mahon (Halifax): Given the recent increase in murders of members of minorities by the Kosovo Liberation Army, how can the Government guarantee anyone's safety? Is it not clear that Kosovo is now being run by a bunch of terrorists?

Mr. Foulkes: We cannot guarantee that. We do not have responsibility for it; the United Nations Mission in Kosovo has the responsibility. We do whatever we can to support UNMIK: we have made a substantial financial contribution and provided personnel support. I hope to be

able to visit Kosovo in July, and I undertake to look into any problems or issues raised by my hon. Friend or by any other hon. Member.

Mrs. Cheryl Gillan (Chesham and Amersham): We getting used to hearing the Government announce plans for new expenditure, only to find that they involve a re-announcement of the same money, but it is worrying when doubts are cast on this country's aid budget. Today, yet again, the Minister has said that this country will give a great deal more help to Kosovo. Will he answer the question raised in the Foreign Affairs Committee report on Kosovo, which was published today? Of the £100 million aid announced at the Brussels conference in March by his colleague the Minister of State, Foreign and Commonwealth Office, the hon. Member for Leicester, East (Mr. Vaz), on stability pact financing, how much was new money and how much had already been announced? Is the *Financial Times* right to suggest that the Government are callously redirecting the Balkan aid programmes?

Mr. Foulkes: With respect, I did not announce any additional assistance. I dealt with the question of the registration of Serbs and with the issue raised by my hon. Friend the Member for Halifax (Mrs. Mahon). The European Commission is spending 865 million euros. That has already been announced; I am merely repeating it. Bilateral assistance from European countries provides an almost equivalent sum. There are, of course, other calls on our budget—from Africa, south Asia and elsewhere. On other occasions, the hon. Lady has accused us of spending too much in Europe and not enough in Africa.

EU Development Work

4. **Mr. Malcolm Savidge** (Aberdeen, North): If she will make a statement on progress in reforming the EU's development work. [123173]

The Secretary of State for International Development (Clare Short): We have been working since 1997 to try to improve the very poor quality of EU development efforts, which take up one third of my budget. I welcome the commitment of the new European Commission to reform. A statement of overall EC development policy and an action plan to implement the reform process are now being negotiated, but the impact of the promised reform has yet to be felt on the ground and there is, as yet, no plan for implementation.

Mr. Savidge: I thank my right hon. Friend for that reply. Is it true that over the past 10 years, the European Union has reduced spending on the poorest countries? If so, can that be explained or justified?

Clare Short: I am afraid that my hon. Friend is right: 75 per cent. of EU aid went to the poorest countries in 1987, whereas the proportion is now 51 per cent. That cannot possibly be justified. It arises from a fractured decision-making structure and lots of gesture spending, whereby large amounts are announced—often without any analysis of how the money will be spent or how it will promote development—in response to the political concerns of the day. That leads to extremely poor development assistance, as has been demonstrated by all the evaluations that we have requested. We have a well argued reform agenda, but there is a long way to go.

Mr. Andrew Rowe (Faversham and Mid-Kent): Does the Secretary of State agree that to those of us who are glad to be members of the EU and proud of much of what it has achieved, its total failure to manage its aid budget is an obstacle to our support? Will she commit herself to doing her best either to ensure that the EU has the resources to put in place the administration necessary for the swift disbursement of aid, or to repatriate a large proportion of the budget that we provide?

Clare Short: I completely agree that such failures bring the EU into disrepute. The Commission and member states together provide 60 per cent. of worldwide overseas development aid and comprise the world's biggest single donor. If Europe had a clear vision of how to promote development in the poorest countries, it could be a major force for good—more powerful than any individual European country could be, because it could gather critical mass and exploit the international reach of all the countries of Europe. However, the EU's current performance is not good enough. As the hon. Gentleman knows, we are working hard on a reform agenda. Chris Patten said recently that if Europe cannot do better in the next few years, it should be less ambitious in what it asks member states to provide, perform well on that basis and then build up again. In that way, we might achieve a better quality effort.

Mozambique

5. **Mr. Steve McCabe** (Birmingham, Hall Green): In which areas of Mozambique the main British aid effort is concentrated. [123174]

The Secretary of State for International Development (Clare Short): We are working at national level to support Mozambique's impressive commitment to reform. We are supporting customs reform, health and education reform and providing budgetary aid. I am happy to tell the House that I have recently decided that Mozambique should have a further £40 million in budgetary aid. Our provincial focus is in Zambezia province, which is one of the poorest areas of Mozambique and was a major centre of fighting during the civil war. We are focusing there on de-mining, land reform, rural roads and micro-finance.

Mr. McCabe: I thank my right hon. Friend for that reply. Does she agree that before the floods, Mozambique was almost a model in Africa for progress in its economy and efforts to heal the divisions following the brutal civil war? What progress is the country making in recovering from the devastating effect of the floods?

Clare Short: My hon. Friend is right; Mozambique is a star. After years of war and bad economic management, it raised its economic growth to 9 per cent. a year. That is the kind of level that countries in Africa need to move the economy forward and reduce poverty. Mozambique is a country of desperate poverty, but with a very powerful commitment to reform and making great progress. The floods set it back, and this year's economic growth

will probably be 5 per cent.—but still positive. The expectation of all donors in the international financial institutions is that Mozambique will recover and get back on its path of growth and reform.

Mr. Gary Streeter (South-West Devon): Will the Secretary of State confirm that her departmental report this year includes a cut of £24 million in spending on Mozambique over the next three years? Is that not a reflection of the fact that under Labour the British aid budget expressed as a percentage of gross national product has fallen from 0.27 per cent. in 1997 to 0.23 per cent. in 2000? Will she confirm that that is a clear breach of the manifesto commitment that she gave to increase the aid budget expressed as a percentage of GNP?

Clare Short: No, I cannot confirm that. The hon. Gentleman's questions confirm the fact that he has serious numeracy problems. There has been no cut in our aid programme. This year, there has been the biggest increase in aid spending in one year—an all-time record in the British aid programme. Because the OECD development administration committee in Paris counts in calendar rather than financial years, there is a technical flaw in the figures, as it says in its announcement. The hon. Gentleman needs to go back to school for some arithmetic lessons.

Mr. Streeter: The Secretary of State's excuses simply will not do. She used to attack us on the basis of the GNP figures, and she must accept those figures herself. She cannot confirm my points—though she is wrong—so will she confirm that she is presiding over the lowest GNP spend on aid for 30 years? Will she confirm that for the first time in a decade, despite all her spin and hype, the British aid spend is less than the average of OECD countries? Will she confirm that even according to her Department's figures, the average GNP spend on aid over this Parliament will be less than that over the previous Parliament? She said that under Labour, GNP spend would go up; it has gone down. Is it any wonder that the British people are beginning to reject this Labour Government?

Clare Short: The hon. Gentleman has got serious problems with any attachment to accuracy and truth. It is the job of Oppositions to oppose, but it is also their job to accept facts as facts. I have just told the hon. Gentleman that, after years and years under the Government of whom he was a member—in a junior capacity, admittedly—there was decline and decline in Britain's aid budget. That has been reversed. This year there is the largest ever increase in a single year. There is a technical measure in the OECD development administration committee's announcement, but it adds that that is a technical measure, and that Britain's programme is going up. So, no: the hon. Gentleman is wrong, wrong, wrong, not attached to the truth, and has real numeracy problems.

Mr. Peter L. Pike (Burnley): Does not the Government's record on aid to Mozambique underline their policy of helping countries that show positive signs, as Mozambique has done since the end of its civil war? The fact that so much has been done to overcome the disastrous floods shows that the Government have responded in a positive way. Does not Mozambique send out a positive signal to Angola, on the other side of Africa, about what could happen if it got over its civil war and went forward in a positive way?

Clare Short: My hon. Friend is absolutely right. Important studies have recently been conducted on where aid is effective. It is effective where there are reformers, and big resource transfers come behind them to leverage and speed up economic reform, and then reform in education and health care. We are moving away from the gesture spending of the European Commission and the previous Government and towards backing reformers. That says to any country that if it goes down that road we will be behind it, and it can have fast economic growth and improved social programmes. We are beginning to get reformers setting good examples for others. *[Interruption.]*

Zimbabwe

6. **Mr. Edward Leigh** (Gainsborough): If she will make a statement on aid to Zimbabwe. [123175]

7. **Mr. Andrew Robathan** (Blaby): If she will make a statement on her Department's activities in Zimbabwe. [123176]

The Secretary of State for International Development (Clare Short): I apologise for being slow in responding to these questions, Madam Speaker, but I could not hear for all the noise.

Our country strategy paper for Zimbabwe was published in April 1999. It outlines the case for economic reform and land redistribution in order to improve the life opportunities of poor Zimbabweans, and makes clear our willingness to provide resources of up to £36 million for that purpose. Unfortunately, there has been no such reform and the economic and political situation, as everybody knows, has deteriorated very badly indeed. Our programme is therefore limited and focused on HIV-AIDS, water and rural livelihoods. Our spending is £12 million. *[Interruption.]*

Madam Speaker: Order. It is very noisy. No wonder the Secretary of State cannot hear, and neither can I. The House is so noisy that I could not even hear whether she is taking Questions 6 and 7 together. I understand that she is. Let us have a little less noise.

Mr. Leigh: With a country such as Zimbabwe, whose economy has been so ruined by corruption and cronyism, is not the lever of British aid a significant one? Has sufficient weight been applied to that lever, or is the truth that, with their policy of appeasement of the dictator Mugabe, the Secretary of State and her colleague are the Neville Chamberlain and Lord Halifax of the situation? They are dithering while our passport holders are being ethnically cleansed, humiliated and driven from the country?

Clare Short: President Mugabe has made it clear, repeatedly and on the record, that he had a much more friendly relationship with the previous Government than with the current Government, and found them much more helpful. There has been no appeasement by the

Government. The situation in Zimbabwe is an absolute tragedy. The economy is shrinking, inflation is at 80 per cent. and there is political thuggery, killing and intimidation to prevent people from standing for election. We have not appeased Zimbabwe in any way. The House, the hon. Gentleman and Opposition Members should not do exactly what Mugabe wants, which would allow him to go back to his heyday and pretend that he was fighting the defenders of the white regime in Zimbabwe. That is what he wants, because he is in so much difficulty with his people. We should stand up for what is right and let the people of Zimbabwe control their future.

Mr. Robathan: The right hon. Lady will know that I support her projects for fighting AIDS and HIV, and the water purification projects, but although she has referred to the dreadful Government-inspired campaign of intimidation, violence and murder, she has not mentioned the fact that the Mugabe Government are spending millions each week on a war in Congo that is all about lining the pockets of Mugabe and his cronies. Does she accept that the people of Zimbabwe will perceive our aid programme as support of the Government, even though that perception may be wrong? Would it not be better to stop all our aid programme until this dreadful man is thrown out of office?

Clare Short: I agree with everything the hon. Gentleman says, except his underestimation of the intelligence of the people of Zimbabwe. Their President has told them clearly what he thinks of the UK Government and their view of his policies. For us to withdraw from programmes that are trying to prevent the spread of HIV and AIDS—in a country where one in four of the adult population has the infection—would do nothing to hurt President Mugabe. We have that problem in many other badly governed countries. To withdraw completely would not help those who are being oppressed. I agree with the hon. Gentleman's analysis of what is taking place in Zimbabwe, but to withdraw from preventing the spread of HIV and AIDS and the provision of water and sanitation to very poor people would not hurt President Mugabe.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [123199] **Dr. Georgé Turner** (North-West Norfolk): If he will list his official engagements for Wednesday 7 June.

The Prime Minister (Mr. Tony Blair): This morning, I went to the Women's Institute, where I had an interesting exchange with some of its members. I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be having further such meetings later today.

Dr. Turner: I am sure that I speak for the whole House if I first briefly congratulate my right hon. Friend the Prime Minister and his family on their newest arrival. We all wish them well.

My right hon. Friend will be aware that during his short absence political debate has returned to the old battleground of opportunities, for the many or the few, with the Tories committed—as ever—to the few. Does my right hon. Friend agree that although much has been done, there are too many barriers preventing too many people from achieving their full potential and will he commit his Government to ensuring that they may do so?

The Prime Minister: I agree entirely with my hon. Friend and, what is more, I am delighted to see today that teaching applications are now up 30 per cent. That is a direct result of the measures that the Government have taken and, along with the best ever literacy and numeracy results this country has seen, it shows that, slowly but surely, we are getting the education system right.

Mr. William Hague (Richmond, Yorks): I very much join in the personal congratulations to the Prime Minister and his wife, and I very much welcome him back to the Floor of the House of Commons. We all know how difficult it must have been, with sleepless nights, a lot of noise and a refusal to settle down, and that was just the Chancellor of the Exchequer. Was it not a shame that the Chancellor reignited class war, plunged the Government into a complete shambles, made statements that he could not then back up, and exposed a whole catalogue of hypocrisy at the heart of new Labour? If the Prime Minister agrees with the Chancellor, as he says he does, is he prepared to repeat the assertions made by the Chancellor that Oxford admissions are scandalous and based on the old school tie?

The Prime Minister: It is only the Tories who could be satisfied with the numbers of children going from state schools to universities. Let me quote from the Sutton Trust's report on Monday. It said that children from independent schools are 25 times more likely to enter a top university than those from a lower social class or living in poverty. The Conservatives are happy with that situation: we believe that it has to change.

Mr. Hague: The Prime Minister knows all about going to university from independent schools, but it looks like the Chancellor is being hung out to dry. Should not Ministers be helping universities bring in students from all backgrounds by raising the standards of schools, rather than denouncing university admissions departments out of ignorance and spite? Does not this whole affair tell us more about the internal politics of the Labour party than the Government's approach? Has it not occurred to the Prime Minister that when the Chancellor whinges about public schoolboys getting the top jobs, he is not just talking about Oxford university? If the Prime Minister agrees with the Chancellor, is he prepared to use the same words as Chancellor about this matter?

The Prime Minister: First, we are investing more money to help recruit and retain the brightest students everywhere, but the issue is surely how we increase the level and quality of state education in this country. We are raising education spending as a proportion of our national income, whereas the Leader of the Opposition would cut education spending. *[Interruption.]* Well, I shall give the figures. In the two years when the right hon. Gentleman was in the Conservative Cabinet, education spending as a

proportion of national income fell. Under this Government, it has risen. Who cares more about state education—the people increasing spending, or the person who cut it?

Mr. Hague: The Prime Minister has been asked twice to agree with the Chancellor, and twice he has hung the Chancellor out to dry. Is not the real lesson that this Government say one thing and do another? Have they not now taken hypocrisy in government to a new extreme? The Leader of the House of Lords says that her fee-paying school was a pretty standard grammar school. The Government criticise people who go to Oxford from private schools, even though their leader did so himself. Ministers attack privilege as they leave their ninth bathroom on their way to their third home in their second Jaguar.

However many times the Prime Minister relaunches this Government, is it not now clear that they are happy to use opportunity and privilege for themselves, while trying to deny it to others?

The Prime Minister: We do not have to talk about theory, we can talk about the record—of the Conservative Government when they were in power, and of this Government. Who put 3 million people on the dole? The Tories. Who doubled homelessness? The Tories. Who trebled child poverty? The Tories. Who doubled crime? The Tories. Who doubled the national debt? The Tories. *[Interruption.]* They do not like the facts, do they?

We are the Government who have put a million extra people into work, who have cut the national debt, who are investing £6 billion in school buildings, who are delivering literacy and numeracy to people. We are the Government who have introduced the minimum wage, the new deal and the working families tax credit.

The Leader of the Opposition has spoken about how the liberal elite has wrecked education in this country, but a 21-year-old will have spent every year of his or her education under a Tory Government. It is not a liberal elite that has wrecked education in this country. It is a Tory Government.

Mr. Robert Sheldon (Ashton-under-Lyne): With reference, for a change, to the euro currency, may I tempt my right hon. Friend to go just a little further than he has done previously? If the Chancellor of the Exchequer is successful with his five economic tests and economic convergence, will my right hon. Friend recommend entry to the euro to the British people?

The Prime Minister: I am afraid that my right hon. Friend cannot tempt me to go further than the policy that the Government have set out, but I will, of course, restate it. In principle, we are in favour of joining a successful single currency, but in practice the economic conditions have to be met. What would be absolute folly would be for this country to rule out the possibility of joining the euro even if it were in our economic interests to do so.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): In adding my personal congratulations to the Prime Minister, may I welcome him back to Prime Minister's Question Time? After what he was subjected to at this morning's Women's Institute performance, it must seem a warm and comfortable experience.

Mention has been made of access to higher and further education. Given the trends that are being revealed, does the Prime Minister welcome the fact that the Scottish Executive abolished tuition fees, so that more Scottish students can go to Scottish universities?

The Prime Minister: Such decisions are entirely up to the Scottish Executive: that is the point of devolution. However, I must tell the right hon. Gentleman that I do not regret changing the system here. The latest figures indicate that 40 per cent. of families in this country are exempt from tuition fees. In the end, the only way that we were able to get the numbers of people going into university away from the old cap applied under the Tories was to change the basis of student finance. In doing so, we followed the all-party Dearing committee report. It is completely absurd for political parties who joined in that report to deny its implementation.

Madam Speaker: Mr. Tam Dalyell.

Mr. Kennedy *rose—*

Madam Speaker: No. I am sorry—your second question, Mr. Kennedy.

Mr. Kennedy: I consider this one a top-up, Madam Speaker. Are the Government doing any research into the fact that the figures show that the number of applications from Scottish students wanting to go to Scottish universities is up, and the number of applications from English and Welsh students wanting to attend universities is on the slide? Will the Prime Minister acknowledge that? Is it completely unconnected with the imposition of tuition fees? If we are really about opportunity, would not that be the opportunity to concentrate on, rather than the opportunism of the Chancellor of the Exchequer?

The Prime Minister: No, in fact, enrolment of school leavers in English universities is up, not down. It is important to recognise that if we are to expand university education, we will, like virtually every country around the world, have to have a balance. We are actually putting more money into higher education and universities, but if we want to invest properly in the facilities of those universities, and increase the numbers available to go to university, we simply have to change the system of finance. Virtually every major country around the world has had to do the same, and I think that it is right that the Government made the difficult, but right, choice to reform student finance. It is all very well for the right hon. Gentleman: as he knows, his party can sit there promising to spend limitless amounts of money, but it never says where the money comes from.

Iraq

Q2. [123200] **Mr. Tam Dalyell** (Linlithgow): If he will hold discussions with the Governments of *(a)* Bahrain, *(b)* the United Arab Emirates, *(c)* Saudi Arabia, *(d)* Iran and *(e)* Turkey on the future of UN sanctions against Iraq.

The Prime Minister: We maintain regular contacts with all these Governments on a wide range of issues, including the UN sanctions regime against Iraq.

Mr. Dalyell: As four of the countries mentioned in the question have already sent embassies to Baghdad; as the Government of Italy have sent an embassy to Baghdad since the question was tabled; and as even the Saudis are extremely ambivalent about the Qatar proposals, has not the time come to reflect on whether the policy of sanctions is not counter-productive?

The Prime Minister: Security Council resolution 1284, as my hon. Friend knows, is a way forward that would allow us to get to the point of suspending sanctions. However, that can be done only if Iraq complies with the international community's demands to halt the manufacture of weapons of mass destruction.

In respect of humanitarian aid, as I have said to my hon. Friend many times, Iraq has the ability to get as much of that aid as it wants and to use it for its people and for medicines and medical facilities, but it is not choosing to do so. So we have to keep up the pressure for Iraq to come into line with the Security Council resolutions. Of course we feel for the humanitarian suffering in Iraq, but the only way of making sure that we do not allow Saddam Hussein to use that as a bargaining counter to start developing these weapons again is to stick to the principles that the UN set out.

Engagements

Q3. [123201] **Mr. Christopher Gill** (Ludlow): As a former naval person, I am very concerned to learn that the interval between ordering new warships for the Royal Navy is longer now than since the reign of Henry VIII. Will the Prime Minister take this opportunity of telling the House why, since he came to power more than three years ago, not one new warship has been ordered for Royal Navy?

The Prime Minister: We have, in fact, a very full procurement programme, but I do not think that we should take any lessons from a political party that cut defence spending by 30 per cent. It is this Government who are increasing the procurement programme.

Mr. Brian Jenkins (Tamworth): Does my right hon. Friend agree with my constituents and the many ex-service men in this country that the Hollywood film "U-571", which portrays American sailors retrieving the Enigma machine and codes, is an affront to the memory of the British sailors who lost their lives in this action? I refer in particular to Lieutenant Tony Fasson and Tamworth-born Colin Grazier. They were both awarded the George medal posthumously, and were both local heroes.

The Prime Minister: I agree entirely with what my hon. Friend says. The two people he mentioned fought with great distinction and bravery; of course, we honour their memory. We hope that people realise that those were people who, in many cases, sacrificed their lives in order that this country remained free.

Q4. [123202] **Mr. David Amess** (Southend, West): While the Prime Minister was away, did he have the opportunity to study the election results in Basildon—*[Interruption.]*—where Labour lost overall control, or in Southend where every Labour candidate lost? If he did not have time to do that, was he able to study the remarks of his right hon. Friend the Member for Birkenhead (Mr. Field), and of his hon. Friends the Members for Liverpool, Walton (Mr. Kilfoyle), for Stoke-on-Trent, Central (Mr. Fisher), for Great Grimsby (Mr. Mitchell) and for Cannock Chase (Dr. Wright)—*[Interruption.]* They can be summed up by his noble Friend, Lord Sawyer who said that the right hon. Gentleman—*[Interruption.]*

Madam Speaker: Order. The House will come to order—*[Interruption.]* Order. Mr. Amess will be heard.

Mr. Amess: If the Prime Minister could not take in the election results, can he take in the remarks of his right hon. and hon. Friends, summed up by the noble Lord Sawyer, who said that the right hon. Gentleman was remote and completely out of touch, unlike the noble Baroness Thatcher. Before the Prime Minister looks for an answer in the book in front of him, what is his answer to the senior citizen who came to my surgery on Friday and said that the right hon. Gentleman's party is interested only in young people and could not care less about the elderly?

The Prime Minister: Was that a planted question?

I think that the local election results the hon. Gentleman studied were those in Basildon and that is why he ran off to Southend. Frankly, on the results of the general election, that was the wisest judgment he ever made.

Mr. Gordon Prentice (Pendle): When does my right hon. Friend expect fox hunting to be banned?

The Prime Minister: The Burns report will be published next week. The Home Secretary will make a statement and I am sure that the House will want to make its views known then.

Mr. William Hague (Richmond, Yorks): Statistics in the past week show that health service waiting lists are up by 16,000 and that the number of new general practitioners joining the NHS is at its lowest for a decade. Last week, the Government also sent out 13 million survey forms, saying that they did not know how to run the national health service and would someone please let them know. Those forms were meant to be in on Monday. What proportion of the 13 million have been returned?

The Prime Minister: Waiting lists are 100,000 below the level we inherited when we came into office. There are almost 4,000 extra doctors. It is perfectly sensible to consult people on the future of the health service. We will publish a plan in July, which will allow us to use the huge amount of extra money the Chancellor put into the health service.

Mr. Hague: The closing date was 5 June—two days ago. The Prime Minister is obviously embarrassed, because he talks about a first-class health service, but the Government could not deliver a second-class letter. Was that not a costly public relations exercise? Is it not true

that the money should have been spent on operations? Was it not another example of the distorted priorities that doctors have complained about since the right hon. Gentleman came into office?

This morning, the Prime Minister gave a speech and received the rare honour, of a slow handclap from members of the Women's Institute. He has had three hours to think about that. Why does he think it happened?

The Prime Minister: On health service funding—just to get it right for the right hon. Gentleman—whereas, when we took office, that funding was actually falling as a proportion of national income, it has now risen. No one should ever forget that he is committed to cutting the amount of health spending that the Chancellor has put in.

Mr. Hague: The Prime Minister clearly has no idea why it happened and it is a mark of an out-of-touch Prime Minister that he does not know why he is out of touch. He is now totally out of touch with what is happening in the health service where more consultants are taking early retirement than ever before, more managers are leaving, fewer doctors are joining and 400,000 people are on a waiting list for a waiting list. This is a Government of gimmicks, empty words, empty gestures and public relations exercises. They are no longer even competent at them. Have we not seen in the past few weeks that the right hon. Gentleman has abandoned middle Britain and that middle Britain is abandoning him?

The Prime Minister: Are 5,000 more nurses in the health service an empty gesture? There are 4,000 more doctors and every single accident and emergency department in the country will be refurbished if it wants it. There are 100,000 fewer people on the waiting lists and there has been the largest ever increase in health spending. People remember the national health service as it was under the Tories and what is more they now know that if the right hon. Gentleman's party came back to power, because of his plans on private health, £1 billion would be taken out of the health service tomorrow. Ours are the priorities that middle Britain wants.

Ms Julia Drown (South Swindon): Will my right hon. Friend join me in welcoming the support that the House gave last month to raising the age of recruitment to the armed forces from 16 to 18? In the light of the vote, will he undertake to reconsider the issue with a view to bringing UK practice into line with that of our European partners?

The Prime Minister: I am afraid that I cannot offer my hon. Friend the assurance that she wants. We have had a long tradition in this country of tying the age at which people go into the armed forces to the school-leaving age. Many of the people who join before the age of 18 are among those who stay on longest in the armed forces. I understand the arguments, but I am not convinced by them.

Q5. [123203] **Mr. Stephen Day** (Cheadle): Why does the Prime Minister disagree with those 63 per cent. of his constituents in Sedgefield who oppose abolishing the pound and joining the euro? When will he have the courage to tell them the answer, because it is manifestly obvious that he does not have the courage to tell the House?

The Prime Minister: Neither my constituents nor, indeed, any of our constituents have been asked to join the euro now. The question is whether we should rule it out for the next Parliament. We are the party that is offering people a referendum so that they have a choice. If we recommend joining the euro, people will have a choice. However, the Conservative party would take that choice away from them. The constituents of mine to whom I talk would prefer to have the choice.

Q6. [123204] **Mr. Colin Pickthall** (West Lancashire): Is my right hon. Friend aware that Skelmersdale in my constituency has one of the country's lowest rates of entry into our universities? That is not the result of a lack of talent, but the result of a lack of tradition of entry into higher education, and a whole range of social obstacles. Nevertheless, the citizens there help to finance the universities through their taxes and particularly the extra funding that Oxford and Cambridge receive from the taxpayer. Does my right hon. Friend agree that it is a duty of the Government to ensure that the citizens of Skelmersdale and millions like them have an equal opportunity to get into our universities and perhaps especially our most prestigious universities? Does he further agree that, if the Leader of the Opposition is correct and a class war is brewing, the citizens of Skelmersdale and the millions like them should win it?

The Prime Minister: It is extraordinary that the Conservatives should want to tolerate such a situation. May I give another fact from the Sutton report? Some 65 per cent. of those getting three A grades at A-level are from state schools, but they make up only 53 per cent. of the intake at the top universities. I should have thought that it was sensible to say that we all have a responsibility: the schools to encourage their pupils, the universities to go out to try to draw in a larger number of people, and us, as a Government, to fund education properly. That is why we are the party of opportunity for all and the Conservatives are the party of the few.

Q7. [123205] **Mr. Peter Luff** (Mid-Worcestershire): The Prime Minister has bizarrely claimed that abolishing the historic right to trial by jury for hundreds of offences is a modernising measure. Will he now confirm—as the Minister of State, Home Office, the hon. Member for Norwich, South (Mr. Clarke) was forced to do in Committee yesterday—that the measure's real purpose is to save the Treasury money because most convicted criminals will serve much shorter prison sentences that will be imposed by magistrates rather than by Crown courts?

The Prime Minister: I said that it will allow us to save money, which is a good thing as it allows us to put money into the criminal justice system. It was recommended by a royal commission and the Lord Chief Justice said that it was right. Scotland has not done it for ages, and has not experienced any of the problems that have been raised. Finally, at the moment, the system is being abused. It is no good Conservatives touring the country with the piddling little measures that the right hon. Member for

Richmond, Yorks (Mr. Hague) is going on about when they are not prepared to take on the major issues that will clean up the criminal justice system. Unless we are prepared to take measures against drug dealers and abusers of criminal justice, the criminal issue will never be dealt with properly.

Mr. Andrew Reed (Loughborough): Is the Prime Minister aware that, despite the overall strength of the economy, the textile sector has suffered over the past few years? Will he join me in welcoming the £10 million in aid that was announced yesterday by my right hon. Friend the Secretary of State for Trade and Industry, and ensure that that is not the end of the story but the first step in strengthening that industry, which has a proud future in our economy?

The Prime Minister: It is important to help the textile industry through a great period of restructuring and change. There is no doubt that the high level of sterling has caused it particular problems. However, in future, it must increase productivity, and produce goods with higher value added. The purpose of the money and programme that we are introducing is to try to help it do that and is the best way of guaranteeing the security of people's jobs.

Ministerial Visits

Q8. [123206] **Mr. Andrew George** (St. Ives): If he will visit west Cornwall and the Isles of Scilly in the St. Ives constituency.

The Prime Minister: I am sorry to say that I have no immediate plans to do so.

Mr. George: That is a pity because, as I am sure the Prime Minister knows Cornwall has a distinctive culture and identity that allows it to play a full part in the celebration of diversity here and in the wider world. Has he heard yesterday's truly shocking news from Marazion in my constituency? It is alleged that a group of youths abused, physically and racially, a visiting party of young people from Berlin. Does the Prime Minister agree that, if certain members of the political elite in the Chamber abuse their privilege by appealing to base instincts and artfully blaming asylum seekers, blaming Europe and blaming foreigners at every opportunity, it is little wonder that we find in Marazion, as elsewhere, that we reap what we sow.

The Prime Minister: I agree entirely. Of course, we condemn that attack and detest xenophobic racism of any sort. We are glad and proud to be a country that welcomes people from abroad and engages in proper cultural ties with other countries. I hope that we all welcome that.

Engagements

Q9. [123207] **Mr. Paul Goggins** (Wythenshawe and Sale, East): Is not one of the Government's most significant achievements the fact that, since May 1997, the number of people forced to depend on income support and job seeker's allowance has fallen by no less than 1 million? Does the Prime Minister agree that when the Tories talk about scrapping the new deal they reveal that they have learned nothing from the tragedy of unemployment that they created?

The Prime Minister: Unemployment is at its lowest level for 20 years or more. *[Interruption.]* Opposition Members say that it would have fallen anyway. However, 250,000 jobs have been created through the new deal, which the Tories are committed to scrapping. As a result of 1 million extra jobs, there has been an £8 billion saving on welfare during this Parliament. The economic policy of reducing unemployment and the social policy of spending more on schools and hospitals therefore go together.

Q10. [123208] **Mr. William Cash** (Stone): On the fundamental charter of rights, will the Prime Minister veto any proposal that those rights should be made binding and subject to the jurisdiction of the European Court? Will he restate that it is intended to be no more than a political showcase, as he said in a previous Question Time? Does he agree with the Minister of State responsible for European issues that proposals on those rights deal only with existing rights and will not amend anything in future?

The Prime Minister: They are not legally binding rights and I reiterate entirely what I have said to the hon. Gentleman in the Chamber and elsewhere. I would have hoped that he and his colleagues would welcome the fact that we are to set up in a charter the basic rights of people in Europe. It is unfortunate that, when the notion of civil and democratic rights comes from Europe, that affronts the Conservative party.

Given that the hon. Gentleman has been talking about backsliding in the Conservative party on the issue of Europe, I hope very much that that is the position. I hope also that the party finally comes to its senses and realises that the future of this country lies in its being a key player in the major strategic alliance on its doorstep and not, as many Tories want, in getting us out of Europe, with enormous damage to British jobs, industry and investment.

Point of Order

3.30 pm

Ann Clwyd (Cynon Valley): On a point of order, Madam Speaker. You will know that on several occasions in the House I have raised the question of a private cosmetic surgeon named David Charles Herbert. Eighty written complaints have been made against him and sent to the General Medical Council. This surgeon continues to operate. I checked today, and he is operating at least twice a week in two hospitals.

The complaints are extremely serious. The GMC tells me that there is no legislation that allows it to suspend this man from his work, yet he continues to butcher women throughout the country. A ministerial statement should be made on this issue and the man should not continue to operate. The GMC should be given powers to suspend him. Instead, it has invited him for professional assessment.

Madam Speaker: I know that the hon. Lady has raised the issue on previous occasions. Indeed, she did so only yesterday with the Secretary of State for Health. I am not aware that a Minister is seeking to make a statement. If the hon. Lady would like to use her ingenuity and to read the Standing Orders, she may find that there are methods by which she can make an application that will allow her to express her views, and she may get a response. I leave the matter to her.

Human Fertilisation and Embryology (Amendment)

3.32 pm

Ms Debra Shipley (Stourbridge): I beg to move,

That leave be given to bring in a Bill to amend the Human Fertilisation and Embryology Act 1990 with regard to the status of the father of a child conceived posthumously.

I am grateful for the opportunity to discuss the issues concerning the Human Fertilisation and Embryology Act 1990, which, although a relatively recent Act, is in urgent need of amendment.

The Act came to my attention due to the plight of one of my constituents, Mrs. Marion Jordan, and her baby son, Daniel. Mr. and Mrs. Jordan were a happy newly married couple who wanted a family. Sadly, Mr. Jordan was diagnosed to be seriously ill with cancer. Hoping that treatment would help, and mindful of the devastating effects of some cancer treatments on fertility, Mr. and Mrs. Jordan decided to preserve a sample of Mr. Jordan's sperm, so that it could be used subsequently to conceive their much-wanted child. All this was carried out legally and professionally, and it is fully documented.

Mr. Jordan gave full consent for his sperm to be used by his wife to conceive his child. It is a child that they wanted, planned for and, indeed, longed for. Sadly, Mr. Jordan died. Mrs. Jordan went ahead and underwent IVF treatment, which happily resulted in a beautiful, healthy baby boy. By now, Mrs. Jordan had undergone the terrible trauma of losing her husband, but she had the great consolation that she had his son, Daniel.

Then her administrative troubles began. On going to register the birth of baby Daniel, Mrs. Jordan was distressed to discover that she was prevented from registering her deceased husband as the father of his own child. It is a shocking fact that the 1990 Act effectively makes baby Daniel illegitimate. That has to be wrong. This baby is a much-wanted child of whom his parents dreamed together. His mother is Marion Jordan, and there is documentary evidence to prove beyond a shadow of a doubt that David Jordan was his father. Yet the law provides that, because Mr. Jordan died prior to conception, he cannot be named on baby Daniel's birth certificate. Surely, no hon. Member who seriously believes in strengthening the family could possibly think that that is a sustainable position.

The law must be changed. In a letter to me dated November 1999, the head of the births and deaths branch of the General Register Office stated:

Section 28(6) of the Act provides that where the sperm of a man is used after his death he is not to be treated as the father of the child.

He added in the same letter that, in 1997, the Department of Health commissioned Professor Sheila McClean of Glasgow university to review the 1990 Act and that, in commenting on the review, the office of births and deaths said that it would welcome a change to the Act to allow the father's particulars to be recorded where a widow conceives her husband's child after his death.

The results of that review were published in July 1998. On 3 December 1998, in a written reply to a parliamentary question, the then the Minister, my right hon. Friend the Member for Dulwich and West Norwood (Ms Jowell), welcomed the report and stated that the Government

would seek public and professional views on its recommendations. That process was, she said, to be completed by April 1999. That Minister has since moved to another Department.

In November 1999, I contacted the present Minister, the Under-Secretary of State for Health, my hon. Friend the Member for Pontefract and Castleford (Yvette Cooper), hoping for a constructive outcome to the unhappy situation that my constituent, Marion Jordan and her then tiny new-born baby, were in. In December 1999, a whole year after the first ministerial response, the new Minister told me that she expected

> to be able to make an announcement shortly on Professor McClean's recommendations, including our views on any possible amendments to the 1990 Act.

She added that the report raised concerns surrounding issues of inheritance. Inheritance issues, although legally important to address, are in this instance something of a red herring.

There has been no announcement from the Minister on the subject, although, on 26 January, her office said that an announcement would be made in four to six weeks. We are now not six weeks but six months further on and my constituent is still unable to register her late husband as the father of their child. Colleagues with constituents who are similarly and cruelly stranded in that legislative limbo-land have contacted me. I want to see action for these loved and wanted children.

My Bill proposes a simple amendment to the 1990 Act with regard to the status of the father of a child conceived posthumously, so that mothers such as Marion Jordan need never again suffer the double blow of losing a partner and having him legally denied as the parent of their child. As Professor McClean stated in her review:

> The terms of s.28 of the 1990 Act make it clear that a child conceived posthumously is legally fatherless. Now, it might be thought that by taking the trouble to make a written statement of intent concerning the use of gametes after death, the man is intending that the child should be regarded as his.

She added:

> Whilst the current legislation permits the child access to certain information about, for example, genetic provenance, it also expressly precludes the child from having a father for legal purposes.

It is ridiculous. Indeed, such legal status might be the child's right under the 1979 United Nations convention on the rights of the child. Article 2.1 states:

> Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Professor McClean therefore recommends amendment of section 28(6), which is exactly what my Bill seeks to do.

Professor McClean addressed the question of inheritance issues, which was raised as the problematic area by the present Minister. The professor recommends that the law should not be amended to secure inheritance rights of a child conceived after the death of its father—and thus that red herring is speedily dispatched.

The few simple amendments that I propose would mean a lot to the families who have had so much grief to deal with. I hope that my colleagues will support the Bill's passage into law.

Question put and agreed to.

Bill ordered to be brought in by Ms Debra Shipley, Mrs. Llin Golding, Mr. Simon Burns, Jackie Ballard, Barbara Follett, Mr. Geraint Davies, Mrs. Joan Humble, Mr. Jim Cunningham, Mr. Laurence Robertson, Dr. Jenny Tonge and Ms Christine Russell.

Human Fertilisation and Embryology (Amendment)

Ms Debra Shipley accordingly presented a Bill to amend the Human Fertilisation and Embryology Act 1990 with regard to the status of the father of a child conceived posthumously: And the same was read the First time; and ordered to be read a Second time on Friday 9 June, and to be printed [Bill 138].

Opposition Day

[12TH ALLOTTED DAY]

Equal Opportunities in Britain

Madam Speaker: We now come to the first debate on the Opposition motions. I have selected the amendment in the name of the Prime Minister.

3.40 pm

Mr. Charles Kennedy (Ross, Skye and Inverness, West): I beg to move,

That this House believes that the Chancellor of the Exchequer was being simplistic and divisive in attacking the admissions procedure of Oxford University on the basis of a single, individual case; regrets the lack of action by the Government to promote freedom and opportunity for all the people of the United Kingdom; and calls on the Government to match its rhetoric with action, by removing government obstacles to the less well-off entering university, significantly increasing investment in education, taking those on low incomes out of income tax, tackling pensioner poverty, improving the quality of healthcare for all, and ensuring access to basic services in both rural and urban communities.

I initiate the debate against the backdrop, as we saw in Prime Minister's questions this afternoon and have seen even more so outside the Chamber lately, of some intriguing arguments beginning to develop among those who are against one set of elites and those who are against another. Many of the arguments are bogus. Let us hope that this afternoon we can point to some of the errors that may arise in politics when the specific is applied to the general.

It is invariably a mistake to enter into gesture politics, as we are all tempted to do from time to time. It is certainly a mistake for senior politicians to take a specific example and to generalise from it. That was one of the great mistakes that the leader of the Conservative party made recently over the Tony Martin case. Equally, the Chancellor of the Exchequer stands accused of taking a specific issue and overgeneralising it, in the Laura Spence case. That results in bad attitudes and, if legislation were ever to flow from it, worse laws.

My hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris), who has been particularly prolific over the past week in respect of the Laura Spence case, put the issue well when he said that if the Chancellor of the Exchequer tries to raise a principle on the back of one specific case, he must answer the question on which he remains completely silent: which of the other candidates should have been turned down? Not to answer that question is gesture politics of the worst kind.

What matters is reality. Much of what the Government are saying—and to some extent the Conservatives as well, in so far as they intrude upon reality these days—is not what real life is about. I asked the Prime Minister this afternoon about tuition fees. Applications are up in Scotland from Scottish students, and down in Wales and England from Welsh and English students. The Prime Minister answered very carefully. He did not answer the question. He said that enrolments were up. As the Minister knows, applications and enrolments are two entirely different things in the tertiary education sector.

Speaking as a Scot, I welcome the fact that Scotland has a different policy, which is advantageous compared with that in England and Wales. However, I do not welcome the fact that the Government will not acknowledge the deficiencies of their policy on a United Kingdom basis. I hope that the change in policy that was effected in the Scottish Parliament will provide a beacon for a policy change in respect of education in England and Wales.

Mr. Dafydd Wigley (Caernarfon): We in Wales are jealous of the Scottish Parliament's ability to enact such legislation; we would very much like to do that. I hope that the Government hear the right hon. Gentleman's encouraging words. Does he agree that, among the red herrings that have been trawled around, the needs of thousands of ordinary children are forgotten? That applies especially to those who may not go to university, but cannot get the resources to train in further education colleges.

Mr. Kennedy: In the spirit of celtic comradeship, may I say that I agree with the right hon. Gentleman and that the Liberal Democrats wish that the Welsh Assembly had the legislative capacity to make the sort of decision that was made in Edinburgh? I hope that that case will be advanced in due course. I endorse the point that the right hon. Gentleman makes. Amid all the heat that the Chancellor's comments generated and the debate that they sparked, very little light has been shed on educational reality.

I have a copy of a letter, which was written to my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) by a constituent of my hon. Friend the Member for Cheltenham (Mr. Jones). The writer considers student funding in general and tuition fees in particular. The letter reflects reality, as opposed to the headlines, and the news management that the Government have attempted. I have the student's permission to quote the letter. It states:

My opposition and "outrage" stems from the fact that the proposals as leaked in the recent Russell Group report . . . would mean that I couldn't afford to go to Oxford university. I came from a state comprehensive and was the first person from my school EVER to get a place at Oxbridge. My Dad is a fireman and my Mum works with disabled kids. They are typical middle class people, not affluent, but not too hard up. If they are expected to pay £5,000 per year for my university education, simply because I'm clever enough to get a place at Oxford, they cannot afford to do so.

That is the social reality in this country.

The Government's approach, especially to opportunity in higher and tertiary education, has been grossly deficient. They have also failed to invest adequately in the education system in general. If my hon. Friend the Member for Harrogate and Knaresborough catches your eye, Madam Speaker, he will want to concentrate on that issue. I cannot cover every item in our admittedly wide-ranging motion. Education and social opportunity is essential and I do not apologise for focusing on that to a large extent.

The second issue that we want to consider is the national health service. The Government have embarked on a fundamental rethink of the NHS. That was not promised or flagged up three years ago. The rhetoric at the end of the general election campaign stressed that people had a week in which to save the NHS by voting Labour, and that any other outcome would mean the demise of the NHS. The health service is not in that parlous state, thank God, but it is in deep difficulty, and staff morale is low; there is considerable disillusionment.

The Prime Minister has embarked on his great review. I do not know about the Minister's experience, or that of the Prime Minister, but, as a Member of Parliament who has visited many hospitals up and down the country in the past 17 years, the one persistent and consistent comment that I heard from health service staff is that they need more money, and that the last thing they need is politicians reorganising them yet again. Every Government fall prey to the temptation of reorganisation because they are unwilling to confront themselves or the tax-paying public with the harsh reality that if we want a better health service, we must be prepared to dig deeper in our pockets to provide it. That is where the political priority should lie, not in yet another bureaucratic, politically motivated and orchestrated reorganisation.

I do not believe that NHS staff are encouraged by the thought that yet another set of political masters will tear up the plant to see how it is growing: they want that plant to be better tended in the first place. That is how the funding priorities should have been set in the first half of this Parliament. We said so before, during and after the general election.

Mr. Phil Willis (Harrogate and Knaresborough): We will say it at the next election.

Mr. Kennedy: I agree with my hon. Friend; we will say it at the next election, and we have been proved comprehensively correct.

Mr. Peter Bottomley (Worthing, West): Will the right hon. Gentleman tell us how much he welcomes today's Mental Health Alliance lobby of Parliament? Will he join me in regretting that, in all 11 pages of the major speech that the Secretary of State for Health made yesterday, there was no reference to users of mental health services, their carers or mental health staff?

Mr. Kennedy: I welcome that lobby, and several of my right hon. and hon. Friends and I have had discussions with those involved today. That oversight is certainly significant and sad. I hope that the fact that the hon. Gentleman has taken the opportunity to put it on the parliamentary record will stop any such deficiency occurring in future. I very much agree with him.

Mr. Alan W. Williams (East Carmarthen and Dinefwr): Although I agree with the right hon. Gentleman about NHS resources—I am delighted that substantial extra resources will be provided during the next three years—I am surprised that he thinks that fundamental reform is not needed. Is he happy about the fact that part-time consultants in the NHS, especially orthopaedic surgeons, have long waiting lists and that people have to wait perhaps a year for hip operations that could be carried out next week if they went private and paid for them?

Mr. Kennedy: My criticism of further reform at this stage is that many of the institutional and structural issues that the Government and, in particular, the Prime Minister will address are the result of insufficient funding during the lifetime of this Parliament. That is criticism No. 1. Criticism No. 2 is that, if we want to reform the delivery of health services at community level to make them more accountable and efficient—no hon. Member would be against that principle—two things must be done. First, managers must be allowed to manage; the Government must not spend their time interfering politically. Secondly, managers must be set budgets that allow them to plan.

Every year, the Government of the day suddenly announce—pre-Christmas or post-new year—extra cash to help solve whatever perceived problems arise during the winter months. We saw that in classic form with this year's flu epidemic. We all know that that happens; it is a feature of the weather and of demography. NHS managers tell us that the money is welcome and that, if only they had known that they would get it eight, 10 or 12 months ago, they could have deployed it far more efficiently and effectively. The Government need to deal with that, not with what one suspects is a high-profile, well news-managed health inquiry, chaired by the Prime Minister, which no doubt will be unveiled in glitzy fashion at No. 10 Downing street, but will not reach those whom it is intended to assist. That is the case that we are making. It is an issue of opportunity that is close to the hearts of Liberal Democrats.

Mr. Geraint Davies (Croydon, Central): Will the right hon. Gentleman give way?

Mr. Kennedy: I shall certainly do so, although I want to make progress.

Mr. Davies: I am grateful to the right hon. Gentleman for giving way a third time. He seems to suggest simply that more money is required, not modernisation or reform. Has he read the Public Accounts Committee report, which shows enormous variation in the unit cost of standard procedures such as hip operations, and in efficiency and performance? The Government are introducing benchmarking of costs and outputs to provide more cost-effective and consistent standards of health across the country, rather than simply throwing more and more money at what is often mismanagement and bad practice. Does the right hon. Gentleman welcome that?

Mr. Kennedy: Again, we have absolutely no objection to the most cost-effective delivery of health care in the country, which must be in everyone's interest. However—I am not in any way undermining the work of the Public Accounts Committee—it must be recognised that the delivery of health care in my part of the country bears hardly any relation to the delivery of health care in, say, the constituency of my hon. Friend the Member for Torbay (Mr. Sanders) in terms of, for instance, geography, demography and other demands.

I often feel that the indices and formulae that are used do not take adequate account of geographical disparities. That has an impact not just on health but on the delivery of education, and on many other things.

One group which, in terms of "Opportunity Britain", must feel that they are being the most denied under the present Government are pensioners. They are some of the poorest and most disadvantaged members of society. Let me quote to the Minister the last Labour manifesto, in which Labour pledged that pensioners would

> share in the increasing prosperity of the nation.

After three years of Labour Government, however, the percentage of national income going to pensioners has declined. That is a statement of fact.

[Mr. Kennedy]

Insult has been added to injury by the increase of 75p in the basic state pension. Lifetime savings of just £8,000 bar 600,000 pensioners from entitlement to income support, although their income is lower than £75 a week. Up to 700,000 pensioners who are entitled to claim income support fail to do so.

In 1998–99, there were 50,000 "excess winter deaths"—a chilling phrase—most among elderly people. That is the highest figure for many years, and is substantially higher than the figures in any comparable western country.

As a people, we should be ashamed of such statistics. There must be a substantial increase in the amount given to pensioners, and the comprehensive spending review will provide a big opportunity. Any increase should be loaded in favour of the oldest and poorest pensioners, who all too often form the same group.

I could mention many other issues, but there is not enough time for me to do so. Let me say a word about one of the most dispiriting aspects of national political dialogue. I refer to the increasing sense that there is a difference between urban Britain and rural Britain. There is no such difference. A lack of opportunity in rural Britain may take a different form from a lack of opportunity in urban Britain, but a lack of opportunity in either should be something that a Parliament is not prepared to tolerate. We are seeing too much of it.

In rural Britain in particular, the extent of deprivation and social exclusion is all too often disguised. That applies as much to the fate of the local post office as to the lack of access to decent transport. It impacts on the single mother as much it impacts on the pensioner. The Government are not doing enough, and we want more to be done. We also want aspirations and anxieties to be met in the context of the incidence of crime, and the perception and fear of crime. Before the election, it was a case of "Vote for us; more bobbies on the beat". Three years after the election—in which enough people voted for the Government—there are thousands fewer police to be deployed in our rural and urban communities. Those are the facts, and they need to be exposed.

The Government have done much that is good, and the Liberal Democrats have said that. As the Minister knows, we are frequently criticised by others—members of the Conservative party and the media—when we do so, but if we think that the Government are trying to do the right thing, why should we not say so? That is an example of sane, rational, constructive politics. What is most disappointing, however, is that although they have a benign economic scenario, a thumping House of Commons majority, a so-called official Opposition who have shown no signs of getting their act together over the first three years of the Parliament—

Miss Julie Kirkbride (Bromsgrove): Dream on.

Mr. Kennedy: The few of them who are here are dignified and distinguished representatives of a dwindling band.

Despite having all that in their favour, the Government have a poverty of ambition. What could, and should, they have done on the social justice agenda? What could, and should, they have done to make life better for pensioners? What could, and should, they have done to improve our national health service? What could, and should, they have done to improve the lot of those in education in general and the tertiary system in particular?

I want us to be ambitious about our politics. The Liberal Democrats are ambitious, and we will make the case for greater opportunity—a case that finds no resonant echo in the Conservative party, still less the Government of the country.

4.1 pm

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Malcolm Wicks): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'believes that true opportunity for all requires that access to higher education should be based on merit not background; welcomes the measures the Government has implemented to widen access as part of the record increase in education spending of 8 per cent. in real terms in this year alone; and welcomes the many initiatives taken to help those in society whose needs are greatest, including an extra £950 a year for older pensioners on low incomes and a record increase in NHS spending of an extra £2 billion this year, plus 6.1 per cent. average growth year on year until 2004.'.

The right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) was kind enough to mention that his motion covers a wide range of subjects. Perhaps one or two matters of world interest are not covered in it—

Mr. Charles Kennedy: They are for the second motion.

Mr. Wicks: Indeed. One of my colleagues said that the motion had all the hallmarks of being written on the back of an envelope; I thought that the back of a serviette was more likely. Despite that remark, I shall treat the subject of the debate seriously.

Despite the right hon. Gentleman's criticisms of the Government, some, though not all, of which I can address, I acknowledge that my party and his have in many respects shared in the radical tradition and ambition of the past century. Long before new Labour—indeed, 100 years or so before—there came the new Liberals, following the great schism at the end of the 19th century between the welfare Liberals and the market Liberals.

In spite of the many differences between us—I shall not be wholly conciliatory—there is a sense in which we have all been concerned about how to attack injustice and pursue a just society. That has led us to discuss issues concerning the right balance between economic prosperity and fairness and between the values of equality and liberty. It was a great liberal—Hobhouse—who reminded us in 1911:

> Liberty without equality is a name of noble sound and squalid result.

Some of the right hon. Gentleman's remarks about some of our universities lacked the right balance between those two important values.

We have been concerned about citizenship and the balance to be struck between rights and duties. The unjust society—the motion is about justice—has been described in many ways across epochs. It varies from era to era in terms of its determinant causes and characteristics, but I always think—I say this not just to be conciliatory—that the best portrayal of injustice is still that from Sir William

Beveridge, a great Liberal, in his report of 1942. Sir William talked about the challenge facing our country after the second world war. In a wartime speech, he said:

> Reconstruction has many sides, international and domestic. On the domestic side, one can define its aims best by naming five giant evils to be destroyed: want, disease, ignorance, squalor and idleness.

That was the agenda successfully confronted in many ways by the Attlee Government in 1945.

Much has changed in the 50 to 60 years since then. Many substantial improvements have been made in the life chances of our people, not least in their life expectancy. There is much to applaud, but, when the Government came to power in 1997, the socio-economic context was depressingly familiar in terms of rampant inequality.

There was a real sense in which Beveridge's five giants, well known in the 1940s and before the war, still stalked the land. There was want—one in three babies were born into poverty. Disease, sickness and mortality correlated with social and economic circumstance. There was ignorance—one in four or five of our adults were lacking basic numeracy and literacy skills. There was squalor—neighbourhoods were grim and desolate. There was also idleness, which is, of course, the experience of mass unemployment, with one in five households having no adult in work. We were familiar with that when we came to power, and we are seeking to deal with that agenda.

All five of those Beveridge giants are significant. All of them are interconnected. One cannot be overcome on its own—we need to overcome all of them. The connections include the fact that one third of adults without skills are on benefits. By contrast, those who have good GCSEs are able to increase their earnings by 40 per cent., compared with those who lack any qualifications. That is why, in addressing these issues, we need comprehensive strategies.

We need joined-up government. We also need the important work of the social exclusion unit, and projects such as sure start that bring together health, education and other services to help families with children in the early years. We need the Connexions service, for 13 to 19-year-olds, which involves the modern development of careers and the youth service, cutting across Departments and involving a range of professionals.

I shall focus on three of the giants that I mentioned: idleness, want and ignorance. I shall not cover all the points raised by the right hon. Member for Ross, Skye and Inverness, West, but I want to examine some of the aspects that he mentioned—employment, social security and education. *[Interruption.]*

Madam Speaker: Order. Who has the telephone? Turn it off, please.

Mr. Wicks: Madam Speaker, I am sure that it was not William Beveridge telephoning to correct my quotation. I can assure you that it was accurate in every detail.

I think that the starting point for our social policy has to be a strong economy and jobs. That is why we were not impressed by what I think many people would regard as the "pay now, probably cut later" economics of the Liberal Democrats. We had to plan for the long term, not the quick headline. Our central economic objective is to achieve high and stable levels of growth and employment. We need to lock in economic stability as a platform for sustainable growth.

The approach is working, most notably in respect of jobs. I think many of us would regard a job as the most important social security policy of all. We have a dynamic and healthy labour market, and the number of people in jobs is the highest that it has ever been, at 27.8 million. More than 900,000 more men and women are in jobs now than in May 1997 when we took office. Claimant unemployment is the lowest that it has been for 20 years, with the claimant count of unemployed men and women down to January 1980 levels.

I do not recite those statistics to be complacent. I understand that the unemployment level is still too high and that it still affects many communities. Nevertheless, I think that our record on jobs is impressive.

Mr. Kennedy: The Minister used the phrase "pay now, cut later" to describe the Liberal Democrats' approach to economics. Although we join him in rightly criticising the boom-and-bust days that preceded this Government, it is worth placing on the record the fact that, although he and his ministerial colleagues are occasionally—indeed, regularly—somewhat dismissive of our approach to economics, the central plank of the Government's economic strategy, which has created the opportunities to do so many things, was in our manifesto but not in Labour's. I am referring to operational independence for the Bank of England.

Mr. Wicks: We thought that it was right to implement that policy, and did so at the very start. I agree that it has been a very important plank of our economic policy. What was wholly missing from the right hon. Gentleman's speech today was any notion at all of spending commitments or spending priorities. He had a wish list, but, although it would be the wish list of many of us, I heard no ideas or commitments concerning the money that would have to be raised to implement it.

I am struck by the common sense of the hon. Member for Harrogate and Knaresborough (Mr. Willis), with whom I have been serving on a Standing Committee for the past few weeks. He said recently:

> Simply saying that we can dip into a bottomless pit of resources is not acceptable.

It is vital that the right hon. Member for Ross, Skye and Inverness, West and other Opposition Members provide basic arithmetic on spending and priorities, otherwise they offer only the economics of the playpen. The hon. Member for Harrogate and Knaresborough might play a useful role in the Liberal Democrats' Front-Bench Treasury team.

In addition to increasing employment opportunities, it is a radical feature of the Government that we are doing more to make work pay. We all know the problems of dependency culture and the unemployment trap. Through a combination of the national minimum wage, the working families tax credit and child benefit, we have done a great deal to enable people who are moving from benefit into work to receive a decent income. Our policies mean that, from early next year, no one with children who is in full-time work will earn less than £214 a week. That is a major step forward.

Mr. John Bercow (Buckingham): The Minister speaks glibly about increasing employment opportunities, just as the pre-Budget report did, but how is the creation of

[Mr. John Bercow]

employment opportunities assisted by dramatically increasing the national insurance contributions of swathes of self-employed people the length and breadth of the kingdom?

Mr. Wicks: We need to cost carefully our tax and national insurance proposals and to get the balance right between the revenue that must be raised and our spending priorities. Perhaps the hon. Gentleman and I both speak glibly, but the fact is that, since the Labour Government took office, 900,000 more men and women have found jobs. That is a victory for those men and women, their families and communities, and it is good news for the economy. I am not being glib; I am stating a record of achievement of which many of us who remember the horrors of mass unemployment perpetrated on this country by the Conservatives are proud.

Dr. Peter Brand (Isle of Wight): I am impressed by the list of measures that the Government have taken to help people into employment. Will the Minister examine the impact of the current cut-off for therapeutic earnings, which stands in the way of people who are recovering from or who have a history of mental illness? We have to be far more flexible if we are to enable such people to gain their rightful place in the work force and the community.

Mr. Wicks: That is why we increased the level of that cut-off in the last Budget. I accept the more general point that, to enable people with learning disabilities or other forms of disability to enter the labour market if they want to, as many do, we need to provide an array of policies and support systems, some of which will operate in the field of social security.

Although I wish I had the opportunity to do so, it is not my purpose today to address in detail the issues surrounding incomes for elderly people and pensioners. There are interesting and legitimate disagreements about the package of measures available in that respect, but I should like to state one fact: during this Parliament, we have spent an additional £6.5 billion on pensioners, which is £2.5 billion more than we would have spent had we merely linked the basic state pension to earnings.

It is legitimate to argue about the pros and cons of our strategy, but no one can deny that we are spending money on the proper needs of elderly people. We are doing that in a variety of ways, for example, by providing free television licences to those aged 75 or more, which is important and targeted support because many—although not all—of our elders in their late 70s, their 80s and 90s are housebound, living alone and dependent on their television. We have increased the winter fuel allowance and provided free eye tests for the over-60s—a piece of decent social policy of which we are proud.

I acknowledge the terrible data quoted by the right hon. Member for Ross, Skye and Inverness, West about those who have died from cold in winter. Early in my career, I participated in a major research study into that topic, and I am proud to be able to claim to have written the first major study of the old and cold problem. When we need to summon the energy to do better for our country, evidence that old people—still today, I acknowledge—are cold in the winter, and sometimes lethally so, is a national disgrace. By focusing on the poorest, the home energy efficiency scheme and many other measures, we are doing our utmost to address that appalling problem in terms of pensioner incomes.

Mr. Steve Webb (Northavon): The Minister is very knowledgeable about these matters. Will he clarify the Government's position on the 75p pension rise? Looking back, does he think that that was the right or the wrong thing to do?

Mr. Wicks: The hon. Gentleman and I share an academic background in social security. These are important matters and there are differences of opinion. Our priority as a Government has been to focus support on the poorest elderly people. We are doing that in different ways: partly through the income support system, with the minimum income guarantee, and partly through free television licences, a measure that focuses on the very important group of people over the age of 75. I think that that is the right priority and the right thing to do.

I repeat the fact that, over this Parliament, we shall be spending more on elderly people, particularly the poorest—many women in those elderly groups never had an occupational pension, have few savings and have been widowed—than we would have spent if we had simply index-linked the pension to wages. There is legitimate discussion about that, but no one can say that we are not spending proper amounts of money.

Mr. Geoffrey Clifton-Brown (Cotswold) *rose—*

Mr. Wicks: I want to talk about another subject in which I am interested—education—but I am happy to give way first.

Mr. Clifton-Brown: Is it not a fact that the Government have not helped the very poorest pensioners, because the minimum income guarantee means nothing unless a pensioner is claiming income support? Is it not high time that our poorest pensioners who have no other income are absolved from having to claim benefits, and receive a consolidated basic pension?

Mr. Wicks: The gap between the richest and poorest pensioners increased dramatically under the previous Government.

Mr. Bercow: That is not an answer.

Mr. Wicks: That is part of our legacy.

Miss Kirkbride: That has nothing to do with it.

Mr. Wicks: It has a lot to do with it. In 1997, we had to look at the situation confronting us. We weighed the options very carefully. We found that, after 18 years—not least because of Mrs. Thatcher's decimation of the state earnings-related pension scheme—

Mr. Bercow *indicated dissent.*

Mr. Wicks: If the hon. Gentleman thinks that the attack on SERPS has nothing to do with the issue, he shows that he is approaching the social security question with a certain illiteracy.

Our judgment is that we should concentrate resources on the poorest elderly people. We are doing that in the ways that I have described. We are communicating as effectively as we can and in imaginative ways that ensure that those who are entitled to income support in old age receive it.

Although the basic priorities for our social policy are a strong economy and good jobs, much of the ability of our citizens, whatever their age, to get such jobs will depend on education, training and skills. Although that has always been so in many respects, the challenges posed by globalisation and the impact of new technologies mean that those of us who are interested in social security in the broadest sense must turn our attention to education, training and skills. That is why we have a true commitment to the notion of lifelong learning and are spending more on education.

Over this Parliament, education spending will increase by more than 16 per cent. in real terms. This year alone, following the announcement by my right hon. Friend the Chancellor in the Budget of a further £1 billion for education, spending on it will rise by more than 8 per cent. in real terms—the highest annual increase for more than 20 years. The right hon. Member for Ross, Skye and Inverness, West speaks as if we were not spending more on education or, for that matter, on health. The very reverse is the case.

Mr. Willis: The Minister is very selective in his statistics. Unit funding for students in further and higher education has gone down each year under this Government and is scheduled to go down right through to 2001–02.

Mr. Wicks: Unit funding for university education declined dramatically under the Conservative Government. We have rectified that because we will have no trade-off between quantity, with the increasing number of people in higher education, and quality. The hon. Gentleman is committed to further education, as I am, and knows that spending on it is at record levels. At long last we have a Government taking further education seriously, as it deserves.

Lifelong learning has to start with the early years. Some of the best preparation for our people will take place at a tender age. That is why our national child care strategy—with the development of nursery education, guaranteeing places for all four-year-olds, and the innovative sure start programme, tackling a range of issues, involving parents, and considering health, education and the family as a whole—is so important.

It is also why, despite some opposition from some forces of conservatism, our national literacy and numeracy strategy has played such an important role in our education system. Some thought that it was not necessary, but we believe that it was absolutely right and proper that the three Rs should be emphasised in our primary schools. The results show a great improvement.

In the Budget, all schools—primary and secondary—received a major boost. There is now an average extra direct grant of £40,000 for secondary schools and £9,000 for primary schools. That goes directly to the school, and that is how money should be spent.

Sir Robert Smith (West Aberdeenshire and Kincardine): Going back to nursery education, does the Minister recognise the concern highlighted in a report by, I think, the Parliamentary Office of Science and Technology that, although it is important for young children to have access to nursery education and to an educational environment and support, we should be careful about how early we start to force literacy and numeracy on them? An important part of the first stages of educational experience is developing social skills and a sense of ease at being in the educational environment. Evidence from Europe suggests that the literacy programme can start slightly later and the children will all be at the right level later on.

Mr. Wicks: Yes, that is why we have been very careful to develop a programme that prepares the child for the literacy and numeracy strategy at primary school. The Government recognise the need to get the balance right, but there can be no excuse at all for allowing some children to reach the age of 11 without basic reading, writing and arithmetic skills. None of us want that for our children and none of us should want it for any child.

The learning and skills councils for which we are currently legislating are another important part of our education strategy. They replace the training and enterprise councils and the funding councils and will have charge nationally and locally of all post-16 education and training, bringing into one funding scheme about £6 billion to benefit about 6 million learners and responding to the demands of the economy and the needs of companies and individuals. It is a revolution and it shows our commitment to the skills agenda.

University education was a focus of the opening speech of the right hon. Member for Ross, Skye and Inverness, West. Higher education has to be paid for. More and more of our children now have the opportunity to go to university. The proportion is now a third and rising, and my right hon. Friend the Prime Minister has set a target of 50 per cent.

As the Dearing report recognised, universities were seriously underfunded, with a drop of 36 per cent. in unit funding between 1989 and 1997, and a further cut planned for the next two years. We had to address those facts, and we did so through our policies on tuition fees and loans. However, we have always ensured that students from less-well-off families do not have to pay fees. Already more than 40 per cent. of students are exempt from making any contribution, and that proportion will go up to 50 per cent. from next year because we are raising the contribution threshold. I repeat that poor students do not pay fees. We believe that the loans system is fair, in terms of the balance between the student, his or her family and the taxpayer. We have recently introduced a package of measures to support mature students, who can have some especial difficulties in accessing education.

Recently, the Sutton Trust published a report that touches on some recent controversy. It included data on access to universities and showed that we must do more to ensure that all of our talented young people, whatever their background, get the chances they deserve in higher education. It surely is not satisfactory that only 13 per cent. of young people from lower socio-economic groups enter our top 13 universities, despite making up 50 per cent. of the school population. I heard nothing in the speech by the right hon. Member for Ross, Skye and Inverness, West that would rectify that problem. We are determined to rectify it.

[Mr. Wicks]

Nor can it be right that at the beginning of the 21st century, not the 20th, someone from a private school is nearly 30 times more likely to get into higher education than someone from a disadvantaged background.

Mr. Andrew Rowe (Faversham and Mid-Kent): Has the Minister anything to tell the House about the relationship between, for example, young people's willingness to live away from home and access to higher education? Precedents in a community also have a tremendous influence on that access.

Mr. Wicks: I certainly recognise that in order to understand the data that I have cited, a variety of causes will be significant, and they may vary from one community to another. A range of matters needs to be addressed, including the aspirations of our children from poor areas, particularly when no one in the family or local community has been to university, and the schools' aspirations for their most able children. Also, there are of course implications for the universities, as has been highlighted recently.

Mr. Bercow: Although the Minister is right to want to increase the proportion of state school pupils who go into higher education, does he agree with the Secretary of State for Health, who has made it clear that he intends to relax the access criteria to medical schools specifically in order to enable more state school products to go to them?

Mr. Wicks: Products are young men and women, and our position is that every young man and woman of high ability should have an equal and fair chance to enter our universities and medical schools. That is why the debate now needs to move on to the positive measures that can be taken. We have already provided £10 million for opportunity bursaries of up to £1,000 from the autumn of 2001, aimed at young students from disadvantaged backgrounds. That will operate initially as a pilot scheme in excellence in cities areas, building on the schemes already in place in higher education institutions. We are also funding summer schools, special provision for gifted and talented pupils in inner cities, and other measures to link state schools with colleges and universities.

Much can be done and many of our universities are doing much at the moment. We want to encourage that development. It is important that the row over the issue now moves on to a positive agenda for action for the benefit of the most able boys and girls, whether from the state or private sector, whether rich or poor. That should now be the agenda.

Mr. Willis: I am grateful to the Minister for giving way a second time. In light of his comment about the Government's wish to attract more students into higher education, I want to repeat the question that I put at Question Time a month ago. Will he make a categoric statement at the Dispatch Box now, ruling out any future use of differential fees, as requested by the Russell group and the Committee of Vice-Chancellors and Principals? Higher education would be out of the reach of many students if they had to pay real-terms costs.

Mr. Wicks: I am about to move on to that topic. The hon. Gentleman is prescient—the issue was raised by the right hon. Member for Ross, Skye and Inverness, West when he quoted from representatives of the Russell group.

Miss Kirkbride: Will the Minister give way?

Mr. Wicks: Not yet, as I want to answer the question. I have an old-fashioned sense of order; indeed, our policies are built on good old-fashioned values. I shall give way to the hon. Lady later.

Many students and their parents have been worried by recent press reports about top-up fees. I am happy to reassure them that the Government's policy has not changed. Indeed, we have legislated to prevent universities from levying differential fees. We are monitoring the charges that institutions make to ensure that differential fees are not being levied. My right hon. Friend the Secretary of State reiterated that policy recently when he said:

> Anything that discourages open access to all universities and their departments in this country is, in my view, wrong. Those who argue for substantial differentiation in fees have to answer where the resources would come from to pay for those on low incomes to enter university departments, given that the top-up fee that they were levying would have to pay for that and for any improvement in quality.—[*Official Report*, 23 March 2000; Vol. 346, c. 1106.]

That sets out our position absolutely clearly.

Miss Kirkbride: I am grateful to the Minister for giving way, and I am sure that the House would like more state school pupils to go to university, although it must be borne in mind that more used to go under the old grammar school system. However, the House would also be interested to know whether the Minister backs the Chancellor over the controversial case of Laura Spence. Interestingly, the Minister has not mentioned that case yet.

Laura Spence did not get into the medical school of Magdalen college, Oxford, where the Government have limited the number of places available to five. The Chancellor said that that was wrong, but the people who got the precious five places all had the same academic qualifications as Laura Spence. Some were women, some were from ethnic minorities and some came from comprehensive schools.

Will the Minister back the Chancellor and tell the House which of those students should have been deprived of a precious place at Magdalen college so that Laura Spence could go?

Mr. Wicks: The difficulty is that disproportionate numbers of students with very good A-levels come from private schools. I wish them good luck, but the reasons for that are easily understood. Although about two thirds of our high-achieving A-level students come from state schools, those percentage differences are not reflected in the intakes to our top universities. That is the issue that my right hon. Friend the Chancellor has done so much to highlight. If we are to build an equal society, we must tackle that problem for the sake of our young people.

Miss Kirkbride: It is class war.

Mr. Wicks: It is not a matter of class war but of the common-sense revolution that is taking place in the way we treat each and every young person in the country. We support that common-sense revolution.

I apologise for the fact that I have not addressed all the important issues. I would have had much to say on health care, for example, but I will say merely that I hope that the right hon. Member for Ross, Skye and Inverness, West and his colleagues will recognise that the recent expenditure on the NHS announced by the Government is a record investment in a major institution close to the heart of British men and women. We are finding the resources but, unlike the right hon. Gentleman, who, on health care, seemed to be among the forces for conservatism, to coin a phrase, we do not think that it is a question of pouring money into the health service without thinking through how the patient and the public will get as much as possible from every extra health pound that is spent. That is why, perfectly properly, my right hon. Friends the Secretary of State for Health and the Prime Minister are leading a review to find out how we can develop structures for the health service that enable that money to be spent properly.

At the outset of my address, I referred, rather generously, to the fact that the Liberals and Labour have shared a radical tradition over the past 100 years. We have been pushing that radical agenda in government, building on the values of the British people and their concerns about fairness, and trying to balance economic prosperity with social justice. However, although we are proud of our record of achievement, I repeat that no one can be complacent. Much has been done but so much more needs to be done. Those of us in the House who have the honour to serve our constituents and meet them regularly in our advice surgeries know that in all our communities, much pain and suffering needs to be addressed. The agenda is clear—there is much to be done.

Our vision is clear, as well as our agenda. Ultimately, it is a simple vision, which decent men and women have shared over the years. Each and every citizen has equal rights and duties. Each and every citizen, whatever their background, deserves decent opportunities. That is what this debate allows us to say, and that is what the Government are doing. This is an important debate—no debate could be more important.

4.36 pm

Mr. John Bercow (Buckingham): As the Minister said, the Liberal Democrats' motion is somewhat all-embracing. It refers, as observers of the debate should be aware, to education, taxation, pensions, health care and access to services in urban and rural communities. I feel sure that it was only an oversight on the part of the Liberal Democrat Chief Whip that there is no reference to kindness to animals, but no doubt that will make an appearance on a future Liberal Democrat Opposition day.

I always look forward with eager anticipation, beads of sweat upon my brow, to the contributions of the leader of the Liberal Democrats, the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy). He is an agreeable cove, and he has fine parliamentary jousting skills, so I say with the greatest respect that it is a pleasure to engage in debate with him today. However, the motion tabled by Liberal Democrat Members and the speech that the right hon. Gentleman devoted to it were notable more for their breadth than their depth. It was, if I may say so, the scattergun approach—the broad brush. The right hon. Gentleman could not be accused of an over-intense focus on any one issue.

It must be said, however, that the proposition of the Liberal Democrats, at least in terms of the meat of some of the issues that they quite properly raised in the motion and the right hon. Gentleman's opening speech, compare favourably with the stance of the Government. The House should be aware of just how risible is the Government's amendment to the motion. Specifically, the Government apparently think it necessary and desirable, in an amendment, to state—wait for it—that

> access to higher education should be based on merit not background . . .

That, of course, is true, but it is blindingly obvious that it is unnecessary to make any such statement in an amendment. It is an utterly banal observation. There is no dispute about it—of course we agree that merit should be the determinant of access to opportunity and to higher education. It does not require to be stated in a Government amendment.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): Will the hon. Gentleman give way?

Mr. Bercow: Not just yet, but I will happily give way to the hon. Lady in due course.

That is a banal observation. It is like saying that, when it is sunny, one ought to wear a hat to protect one's head, and when it is raining, it would be a good idea to carry an umbrella. It is blindingly obvious. What we on the Opposition Benches know, however, is that a political party should be in business unashamedly to support the pursuit of excellence, to underscore the important principle of academic freedom and to recognise that admissions tutors—not Ministers in Her Majesty's Government—are best placed to make judgments about the people whom they admit to their institutions.

I want to focus somewhat on the on-going row—believe me, it will be on-going—about elitism, admissions policies and the behaviour of the so-called privileged. This fight was picked by the Chancellor. It was outrageous for a senior Minister to pick that fight, but the battle has been well and truly joined.

The Under-Secretary of State for Education and Employment, the hon. Member for Croydon, North (Mr. Wicks), made no discernible reference to the conduct of Oxford or of Cambridge university. I have considerable respect and, in the light of recent events, great sympathy for the vice-chancellor of Oxford university, Dr. Colin Lucas. I have no vested interest in the matter; I do not know the distinguished vice-chancellor. To my knowledge, I have not met him. I did not go to Oxford university. As some people will be aware, I hail from the wing of the Conservative party that pays a mortgage and buys its own furniture. I went to a comprehensive school and to Essex university, but I have the greatest admiration for Oxford university and, as I said, great sympathy for the vice-chancellor of that institution, who has been assailed by a wholly improper propaganda campaign from the Government.

What did Dr. Lucas say in the run-up to the debate? Referring to his institution, he said:

> We cannot compromise on education, if we are to remain a world class university.

He is absolutely right to say that. No matter what the pressure, no matter how much cajolery, no matter the extent of the threats to that institution emanating from

[Mr. Bercow]

Ministers, he and his admissions tutors must continue to make judgments based on their assessment of who would most obviously benefit from an Oxford university education.

There was some chuntering among Government Back Benchers when my hon. Friend the Member for Bromsgrove (Miss Kirkbride) observed that more state school pupils went to Oxford and Cambridge universities when there were more grammar schools. Labour Members—presumably showing the same ignorance of the facts as that displayed by the Chancellor in the recent saga—dissented from that proposition. Let me offer the Minister some facts on the matter.

In 1970—Oh, I see that the Under-Secretary of State for Education and Employment, the hon. Member for Barking (Ms Hodge), who is herself the privileged product of a private education, regards the facts on grammar school access to Oxbridge as an appropriate occasion on which to yawn. She and other members of the Government will have to hear the facts. In 1970—*[Interruption.]* The hon. Lady says that she is not a product, but a person. If she wants to pick a semantic argument, I am happy to accept that amendment. The term "state school product", at which she cavilled when I used it in an intervention, is perfectly commonplace. If she is not familiar with it, that is her problem—not mine. If she wants to be referred to as a person, I am happy to oblige her.

In 1970, 60.4 per cent. of people going to Oxford university were from state schools, and a substantial proportion were from grammar schools. The figure for Cambridge university was 61.3 per cent. During the ensuing three decades, there was a marked deterioration. Nevertheless, over the past five years, there has been a substantial improvement in the proportion of state school pupils admitted both to Oxford and to Cambridge. It is genuinely a source of regret to me that the Minister failed to mention that in his remarks.

The hon. Gentleman—the product, I believe, of an independent education, although I do not hold that against him—is normally a very fair-minded fellow. It saddened me that he did not take the opportunity to say something about the improvement in the performance of Oxford and Cambridge in relation to state school access to those institutions. He should have done so—especially in the light of the monstrous remark of the Chancellor of the Exchequer on 26 May, that it was time that Oxford university opened its doors to people from all backgrounds and, indeed, opened its doors to women. What breathtaking ignorance. Does the Chancellor not know the facts? Is he not aware of the reality? Did he not pick up the phone and inquire? If he had done so, he would have discovered that 50 per cent. of the people going to Oxford university are women. That is pretty well a reflection of the composition of our population. However, the Minister said nothing in defence of the magnificent efforts of Oxford and Cambridge or to admit that the Chancellor's remarks were a disgrace.

I had hoped that the Minister would say more about those institutions' efforts in their summer schools to encourage more children from state schools to go into higher education, and specifically to go to Oxford. He certainly did not say anything about the target schools and Oxford access scheme. It is a worthwhile scheme that is being pursued with great vigour and commitment by professionals dedicated to the enhancement of opportunity for children from all types of background and from the length and breath of the United Kingdom. He did not say anything about the teachers in service scheme, which has been operating since 1998 in respect of Oxford university, or about the university's new website on chemistry. What a dismal performance.

The Minister seemed reluctant—just as the Prime Minister was—to endorse the inflammatory terminology deployed by the Chancellor of the Exchequer. He lacked the guts and forthrightness simply to say in unmistakable terms and on the record that the Chancellor had got it wrong and that he should have the decency to apologise. I am happy to admit that I have made mistakes from time to time. I have even admitted to them occasionally in the privacy of this Chamber on the basis that it would probably be a state secret if I did so.

Mr. Rowe: Does my hon. Friend agree that, if one feels that some of one's aspirations are not as easy to achieve as one thought, an alternative strategy is to create a totally artificial windmill and then to tilt at it?

Mr. Bercow: As usual, my hon. Friend is absolutely right. His observation carries particular weight because he known in the House for his fair-mindedness. He does not normally rush to score party political points, which is something that I rarely do, as you will be aware, Mr. Deputy Speaker. My hon. Friend is particularly fair minded and he is right. The Government are in a mess and they are now seeking to divert attention.

We should be clear about the record of Ministers on this subject. On 27 May, the Secretary of State for Education and Employment, whose job appeared temporarily to have been appropriated by the Chancellor, agreed with the Chancellor's remarks and endorsed what he had said. On 2 June—a week later, vindicating Harold Wilson's observation about a week being a long time in politics—the Secretary of State said something rather interesting. He remarked:

> "I'm simply very keen that having debated for a week we are able to broaden the agenda which is, unless you raise standards and expectations, then the issue of access becomes more difficult.

A certain interpretation facility is required in that context. I think that the gist of the point that he made in a slightly circumlocutory way was, "The Chancellor got it wrong; it is all very embarrassing; he has splattered himself, myself and other Ministers with egg and it would therefore be useful if we could hurry on to talk about something else." The Secretary of State is a subtle and sophisticated fellow and he certainly did not put it in such crude and bald terms. However, we can take it that that is what he meant.

Mr. Wicks: The hon. Gentleman referred earlier to a dismal performance, but he has clearly prepared his speech on the basis that the debate would be dominated by one education institution and one particular person. However, both the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) and I talked about matters more generally. Does the hon. Gentleman have anything to say about education for all our children or is he just obsessed with education for the few?

Mr. Bercow: I am obsessed with education for all our children, and the Minister need be in no doubt that I shall

come to that. *[Interruption.]* I am grateful to the Minister for his sedentary advice on how I should make my speech, but, on the whole, I am happy to follow my own counsel. I make no apology for devoting considerable attention to the Chancellor's remarks, as the Government have not been prepared to admit error, apologise or progress the debate. I hope that Members on both sides of the House recognise that people are turning away from politics and becoming cynical about it because they feel that we always insist on being right and are never prepared to acknowledge error. To be fair, Liberal Democrat Members have a relatively good record on that and, from time to time, take a much more reasonable approach. However, the Government never admit to error on anything which, frankly, is a mistake on their part.

Mr. Peter Bottomley: As the Chancellor wanted to raise these issues, would it not have been better if he had said that Oxford and Cambridge are two of many good universities and that people with good A-level grades should expect to get offers from several universities and pick the most appropriate one for them? He should then have said that many universities have access courses and all the things that my hon. Friend has talked about. Finally, he should have said that, at certain large schools, few pupils get A-levels in maths or science. We should all concentrate on those people as they have potential and need our help so that they can go on to make applications.

Mr. Bercow: My hon. Friend is correct. The biggest problem is encouraging people in the state sector to consider the possibility of going to Oxford or Cambridge. The Minister nodded at that important point but, unfortunately, has failed to recognise the weakness of the Government's position on the matter. He is a fair-minded man, so I ask him how the prospects of people in state schools applying to our finest universities will be enhanced if a senior member of the Government attacks and vilifies those institutions and claims that they are ridden with snobbery, are inherently biased and do not care about people from state school backgrounds? How will that encourage state school pupils to consider applying to our finest institutions?

Before the hon. Gentleman ruminates further on that point, he should be aware that many students at Oxford university reacted to the Chancellor's remarks with horror and fury because they could see how much damage they would do at grass roots. On 28 May, a Downing street spokesman—unnamed, of course, although the first name "Alastair" and the surname "Campbell" readily trip off the tongue—told *The Mail on Sunday*:

> Despite everything that has been said, Gordon did not tell Tony that he was going to make an issue of Laura Spence. The whole thing spun out of control. Tony feels it looks as though we are going back to the bad old days when Labour was in the trenches fighting the class war. We've left that sort of thing behind us but Gordon doesn't seem to have got the message and Tony has reminded him of it.

I am glad that, without any public demonstration or apology, the Prime Minister has, behind the scenes, spoken to the Chancellor sotto voce and informed him of the error of his ways. It is time that that was reflected in a change in the Government's public attitude and policy. The same might be said of Baroness Jay. Frankly, it was monstrous of her to claim that she went from a pretty standard grammar school to Oxford, when the school has made it clear that she did nothing of the kind.

We are concerned about standards, access and opportunity. However, access and opportunity have been damaged by the Government's determination to reignite the class war and by their blinkered and stupid policy of introducing tuition fees and abolishing the maintenance grant. On 14 April 1997, the then Leader of the Opposition said:

> Labour has no plans to introduce tuition fees in higher education.

That was followed up 10 days later by the then shadow Foreign Secretary who, on Leeds university student radio, said:

> We are quite clear that tuition costs must be picked up by the state.

However, 100 days after the statement by the then Leader of the Opposition and 90 days after the statement by the shadow Foreign Secretary, the Secretary of State for Education and Employment himself came to the House to announce the introduction of tuition fees.

Mr. Don Foster (Bath): Will the hon. Gentleman remind the House whether the Conservative party was, and remains, in favour of the introduction of tuition fees?

Mr. Bercow: The Conservative party did not go into the election supporting the introduction of tuition fees, as the hon. Gentleman is well aware. There was a bipartisan agreement to establish a review of the financing of higher education, to be undertaken by Ron Dearing. The difference between the position of the Conservative Opposition and that of the Government is that we respected the Dearing package as a whole. The hon. Gentleman, who is well informed, will know that the Dearing report recommended the continuation of the maintenance grant whereas the Government, to their eternal discredit, cherry picked. They opted for the introduction of tuition fees but, against Sir Ron Dearing's advice, they abolished the maintenance grant, greatly damaging the prospects and affordability of education for the poorest people in our community.

Mr. Foster: The hon. Gentleman has given a fair description of the situation that surrounded the Dearing report. However, will he remind the House whether the Conservative party, following that report, was in favour of the introduction of tuition fees—yes or no?

Mr. Bercow: I thought that I had made the position abundantly clear to the hon. Gentleman. I said that we accepted the Dearing package. That is a demonstrable fact. It is on the record. The shadow Secretary of State, my hon. Friend the Member for Maidenhead (Mrs. May), has repeated the commitment on a number of occasions. Why the issue is causing the hon. Gentleman's brow to furrow is a source of some mystery to me.

Mr. Peter Bottomley: As well as the introduction of the charge, does my hon. Friend agree that to call it a university fee that students have to pay when the moneys do not go to the university is one of the worst abuses of language of which the Government are guilty? Should it not be referred to as the university tax? If the charge is to continue, should not the moneys at least be given to the universities so that what students pay the universities and their departments have to spend?

Mr. Bercow: It certainly is a tax, and my hon. Friend is right to point that out. However, it is not unusual for

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the Government to distort and pervert language for their own purposes. I can assure my hon. Friend that the competition as to which is the worst example is a hot one.

The Government have failed on education spending, despite the gloss that the Minister put upon the subject. The reality is that, in the lifetime of this Parliament, the Government will spend 4.7 per cent. of national income on education, whereas the previous Government spent 5 per cent.

The Minister enjoined me to talk about other matters, and I am happy to do so. I make no apology for dwelling on education. The hon. Gentleman knows very well that the Prime Minister said that his key priority was education, education, education. The right hon. Gentleman probably thought that by saying it three times he could cover up for the fact that he had not one remotely interesting or novel idea to contribute to the debate.

Mr. Wicks: I disagree with the hon. Gentleman's figures on education spending as a percentage of gross domestic product. By the year 2001–02, it will be 4.9 per cent. of GDP. If training is added, it will be 5 per cent.

Given the hon. Gentleman's obvious purported concern about quality in education, why is it that unit funding between 1989 and 1997 fell by a massive 36 per cent?

Mr. Bercow: I am happy to respond to the hon. Gentleman. First, I think that he is wrong about the figures. By the end of this Parliament, the Government will spend a lower proportion of GDP on education than the Conservative Government. If he wishes to correspond with me about the detailed movement of the figures in relation to unit costs, I shall be happy to oblige him. I want to focus on the big picture, and he is right to encourage me to do so. I want to focus, for example, on the further betrayal of grammar schools. The hon. Gentleman knows—*[Interruption.]* I will deal with his point. He must exercise what degree of restraint he is able to muster as I develop my case. I hope that he will be as patient in listening to me as I was—I was extremely patient—in listening to his fascinating animadversions.

I want to focus on—

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Will the hon. Gentleman give way?

Mr. Bercow: No, not at the moment. I want to make some progress. Members are complaining and want me to talk about other issues. I shall be delighted to do so, but I must have the time to devote to that purpose.

On 7 February 1997, the then shadow Secretary of State for Education and Employment said that a Labour Government posed no threat to grammar schools,

to their continuance or to their ethos, or to their quality.

That statement was followed up by the then Leader of the Opposition, who is now the Prime Minister, in a letter to the electors of Wirral, South in the by-election campaign. He stated:

A Labour Government will not close your grammar schools. That is my personal guarantee.

Since then, they have put on to the statute book what is a one-way ratchet, allowing for the destruction of grammar schools, but not permitting their creation.

The Government's record is bad, but the really guilty men are sitting on the Liberal Democrat Benches. They are in a hopeless position from which to excoriate the Government for their record. Let us turn to the observations of the hon. Member for Harrogate and Knaresborough (Mr. Willis). What has he said on the future of grammar schools? I remind him, in case he is suffering from a convenient amnesia, that, in an Adjournment debate initiated by my hon. Friend the Member for Altrincham and Sale, West (Mr. Brady), the hon. Gentleman argued that the Government should

legislate to remove—

as he put it—

grammar schools.—*[Official Report*, 20 October 1999; Vol. 336, c. 376.]

The hon. Member for Bath (Mr. Foster), his sidekick, who I think is giving the House the pleasure of a winding-up speech tonight, observed on 1 September 1999:

Liberal Democrats nationally are opposed in principle to selection for secondary education.

The hon. Gentleman is cheering enthusiastically at that proposition. In that case, let me say that some clear points flow from his statement. He used the word "nationally". Does he understand that it is important for observers of the debate correctly to interpret Liberal Democrats' use of language? One does not have to be Sherlock Holmes to work out what that means. The get-out clause in the hon. Gentleman's observation is, "That is what we are pontificating about at national level, but what local Liberal Democrats say and do is an entirely different matter." Is that what he means?

What does the hon. Gentleman say to his Liberal Democrat colleagues, including the hon. Member for Carshalton and Wallington (Mr. Brake)—

Mr. Don Foster: Will the hon. Gentleman give way?

Mr. Bercow: I will in a moment, if the hon. Gentleman contains himself. The choice is his. If he behaves himself, I will give way and if he does not, I will not.

The hon. Gentleman should tell me what his attitude is to the hon. Members for Carshalton and Wallington, for Sutton and Cheam (Mr. Burstow), for Colchester (Mr. Russell), for Kingston and Surbiton (Mr. Davey), for Richmond Park (Dr. Tonge) and for Torbay (Mr. Sanders). Why do I mention those hon. Members? The answer is simple: they have grammar schools in their constituencies. Discovering from those hon. Members whether they support the retention of grammar schools in their areas is more difficult than someone who is not a dentist extracting a tooth from someone's mouth. Those people become Trappist monks in those circumstances. They are not prepared to tell us whether they support the retention or the abolition of those institutions. We all know that the Liberal Democrats specialise in chameleon politics. We all know that they say different things at different times in different places to different people for different purposes, but that is hitting a new low.

At least the Government's position is just about coherent. It is to say, "We will put on to the statute book regulations that allow for the destruction of grammar schools, but Ministers themselves will not soil their hands by getting involved in campaigns. What local Labour Members do is a matter for them." The Liberal

Democrats' position appears to be for the national party directly to contradict what the local party or Member of Parliament might do. That is extraordinary.

What do the Liberal Democrats say about the explosion of red tape in our schools? Do they think that it is objectionable that schools have faced a further 2,468 regulations over the past 12 months? If they do believe that it hampers the efforts of teachers and of governors to advance the cause of educational standards, why is it that that did not merit even a brief mention in the speech by the leader of the Liberal Democrats?

What do the Liberal Democrats believe about the Government's ridiculous politically correct policy of seeking artificially to reduce school exclusions by a fixed target of one third, irrespective of the seriousness of the bad behaviour that might necessitate, in the view of the professionals, the exclusion of pupils from schools? Upon that subject, there is an extraordinary and untypical reticence from the Liberal Democrats.

The Liberal Democrats aspire to be a party of government. It seems an improbable prospect but, if that is their aspiration, they ought to have something to say about a key policy of real concern to head teachers, teachers and governors.

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) has unveiled a common-sense Conservative policy to tackle the problem of rank indiscipline in large numbers of schools across the country, and he is receiving support from teachers and parents and, indeed, from teachers unions. I am not averse to receiving support from time to time from teachers trade unions, when we are pioneering sensible policies and they want to join forces with us.

Why did the Liberal Democrats not say a little more about the appalling failure of the Government's policies on the new deal for lone parents and the new deal for young people? What are those policies doing to advance the cause of opportunity in our society? I hope that the Under-Secretary, the hon. Member for Croydon, North, is aware that, of those who have gone to interview under the new deal for lone parents scheme promoted by the Government, only 4.5 per cent. have so far secured jobs—that is, 20,590 out of 454,920.

What do the Liberal Democrats think about that? What do they think about the failure of the new deal for young people? Of those who have gone through the scheme so far, 58 per cent. have ended up back on benefits. The scheme is also failing businesses, increasing numbers of which have withdrawn from it, complaining about its bureaucratic burden and administrative complexity.

What do the Liberal Democrats say about the way in which the scheme has failed other unemployed people—those who have been unemployed for long periods, who need help and deserve support, who could benefit from an active programme of public assistance but have been denied such help by the Government?

Mr. Charles Kennedy: I apologise for the fact that I had to slip out of the Chamber for a moment. I gather that the hon. Gentleman has been making characteristically pertinent remarks about my contribution. If I had gone through all the topics on which he wanted me to comment, in the detail that he demands, I would have made an even longer speech than his.

Mr. Bercow: I am happy to concede that the right hon. Gentleman must be the judge of his own speech. I said genuinely at the start that I have always had great respect and affection for him, so I will not quibble with him about that. He is entitled to make his own speech, but I thought that some of the points that I am making about Government policy and the weaknesses in it were worthy of a mention by someone occupying his high office. I accept that it is for the right hon. Gentleman to make a judgment about the points that he wants to develop.

The new deal for young people has failed the taxpayer, costing thousands upon thousands of pounds for every place. It is failing in the training and education option—

Mr. Wicks *indicated dissent.*

Mr. Bercow: The hon. Gentleman chunters from a sedentary position through most of my speech, and he now shakes his head in a bizarre fashion, ignoring the fact that, having gone through the training and education option of the new deal for young people, participants are twice as likely not to get a job at the end of it as they are to get a job. Only about 16 per cent. of the entrants to the scheme end up with qualifications.

The scheme is failing in the north, where it is most needed, and succeeding slightly better in the south, where it is less needed. The whole thing is a mess. The Government have got it wrong. The scheme is indiscriminate and badly judged, and it is not delivering.

Mr. Wicks: I was shaking my head because my head tends to do that when I listen to nonsense. We have heard much nonsense about the new deal. I can tell the hon. Gentleman that, at a human level, when, as I do, one speaks to the young men and women who have had an opportunity through the new deal—there is one in my office—one sees the benefits for young people, which will last throughout their lifetimes. The economic impact on the individual and on our economy is vast. The hon. Gentleman should be more generous about an extremely successful scheme.

Mr. Bercow: I do not know to which young people the Minister is referring. The number of letters that I receive from around the country from young people who have gone on the new deal and have found it miserably disappointing exceeds the number of letters that I receive about any other single subject. As my personal assistant can testify, like other Members of Parliament, I receive a very large mailbag indeed.

I politely suggest to the Minister that he ought at least to be aware that many people feel let down. The Government engaged in a great deal of hype about the scheme. People were led to believe that they would obtain sustained and unsubsidised jobs at the end of it. The Prime Minister, who repeatedly makes mistakes on the subject at Question Time, about which I have corresponded with him, does not seem to recognise that the great majority of people are not getting into sustained, unsubsidised jobs. Many people get jobs, which are usually subsidised, for approximately 13 weeks. They subsequently go through the revolving door of benefit dependency all over again. The Minister should know the facts. If he does not, it is a disgrace; if he does, he should be sufficiently candid to acknowledge them.

Mr. Ian Bruce (South Dorset): I am sure that my hon. Friend did not mean to be ungenerous to the Government.

[Mr. Ian Bruce]

In their first year, they had a commendable record of getting young people off the long-term unemployed register and back to work. Three times as many people per month went back to work before the new deal was introduced as afterwards. Surely the new deal is a busted flush. The Minister should consider why it fails young people.

Mr. Bercow: My hon. Friend is correct; the figures clearly demonstrate that long-term youth unemployment fell at a faster rate between April 1993 and May 1997, under the stewardship of my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) as Chancellor of the Exchequer, than under this Government. The Minister should know that.

To be fair to the Liberal Democrats, they made reasonable points about pension provision and the way in which the Government have let down many elderly people. The right hon. Member for Ross, Skye and Inverness, West spoke with great sincerity and I sympathised with much of what he said. However, he did not refer to some of the Government's more damaging actions. For example, their decision to abolish tax credits has been costly to many poor pensioners. The abolition of the widows bereavement allowance for 60 to 65-year-olds has been expensive and painful. The abolition of private medical insurance for those over 65 has been damaging. The Government who said that they wanted to scrap means-testing are increasing it.

The Chancellor, when in opposition, said as long ago as 1993 that it was his ambition to end means-testing for pensioners. However, as the right hon. Member for Birkenhead (Mr. Field) has regularly observed, means-testing is increasing and the Government now acknowledge that it will increase further in future. They expect the proportion of pensioners who depend on income support to increase from one in five to one in three in the next 50 years. That is a serious problem, which requires attention. It needs more than the Government's smug self-satisfaction about what, to date, constitutes a mixed record at best.

The savings ratio has dramatically declined. That has imposed real pressures, of which the Government seem unconscious. The policies on social exclusion are not nearly as well developed as the Minister would like us to believe. Two years ago, the right hon. Member for Hartlepool (Mr. Mandelson)—now Secretary of State for Northern Ireland—spoke about a proliferation of programmes that were insufficiently co-ordinated. Two years later, circumstances in health care have not markedly improved.

The Minister must know about the huge numbers of people, of all political persuasions, throughout the country who believe that they have to wait too long to get on a waiting list, that they have to struggle to see a consultant, and that they are not guaranteed maximum waiting times. He must know that the health service is creaking under the most unbearable strain from the Administration. Yet the Minister displays only insouciance and great satisfaction with the Government's achievements to date. The health service's predicament is serious. I receive letters all the time—as, I am sure, do Liberal Democrat Members—from people who do not care much about politics but care a great deal about the health service.

Some of the letters come from people who work in the health service. We meet health service staff all the time and they say that the pressures are worse than at any other time in their professional lives. I accept that pressures have always been great. That was true when my party was in power. I do not claim that we got it 100 per cent. right; it would be absurd and arrogant to make such an assertion. However, it is foolish for the Minister to behave as though Government policy does not have the fundamental weaknesses that people across the country pick up.

I shall deal with transport, which is relevant given that the Liberal Democrat motion, perfectly reasonably, refers to access to services in urban and rural communities. However, it does not refer to the breathtaking increases fuel duty that have been suffered during the past three years and the damage that those policies cause. I hope that the hon. Member for Bath will mention that in winding up for the Liberal Democrats. I found it worrying in preparing for the debate to observe that the hon. Member for Twickenham (Dr. Cable)—who, sadly, is not in his place—said:

> I fully intend to support the Government on the principle of the escalator.—[*Official Report*, 6 July 1999; Vol. 334, c. 844.]

He said that the fuel escalator was a market-minded method of improving behaviour.

The hon. Member for Kingston and Surbiton, who I discern is also not in his place, suggested on 27 April this year that our European competitors should raise their transport taxes to create a level playing field. He did not think that our taxes were too high; he complained—this is a rarity indeed—that the transport and fuel tax rates obtaining in European Union countries were too low. That is an extraordinary proposition, but the Liberal Democrats are all over the place on such matters.

In a welcome intervention on 9 June 1999, the hon. Member for Hazel Grove (Mr. Stunell) said that Liberal Democrat traffic tax policies were "unpopular with the public" and "unlikely to be effective" in combating climate change. That was a welcome outburst of frankness and candour from the hon. Gentleman, but it is intriguing that that was not even an example of Front Benchers disagreeing with Back Benchers. Those hon. Gentlemen are all Front-Bench spokesmen for the Liberal Democrats, but that is not a remarkable state of affairs because, so far as I can tell, virtually every Liberal Democrat Member is a member of the Front-Bench team. No particularly competitive test is involved in getting on to the Liberal Democrat Front Bench, but it would be helpful if there were a little joined-up thinking between right hon. and hon. Gentlemen on those Benches, given that they have the audacity to propose an all-embracing motion that criticises the Government, and implicitly criticises us, even though a lacuna has been revealed in their own thinking.

The Government's record is frankly abysmal, and the Liberal Democrats are not well placed to criticise it in the light of the fact that they want to tax, spend and borrow more, and the Government probably bow only to the representatives on the Liberal Democrat Benches in terms of political correctness. The right hon. Member for Ross, Skye and Inverness, West rightly said that it is wrong to criticise institutions on the basis of one case, but he did not say whether he thought that a general attack on the behaviour of those institutions was justified. I had hoped that he might be prepared to support the magnificent

efforts in which two of the finest universities in the country are engaged to improve state school access to them. Regrettably, he did nothing of the kind.

The fact is that on education, the treatment of pensioners and the conduct of transport policy—not to mention the attitude to this country's future in Europe and the fact that we can best maximise opportunity through free trade, not federalism; co-operation, not coercion; and a Europe of nation states, not a single European state—neither the Government nor the Liberal Democrats are well placed.

The Government are getting it wrong, but I regret that the Liberal Democrats are fulfilling the Home Secretary's description of them. Although they may be perfectly agreeable individuals in private company, those characters are the scavengers of British politics. They do not adhere to a fixed position. They do not know the meaning of the word "principle". They are prepared to say wholly different things at different times in different places to different people for different purposes. They are not credible challengers to the Government.

The Conservative Opposition—committed to common-sense policies in education, health, social security, transport and in the conduct of international relationships—are the proper challengers to the Government. I look forward to the day when we remove the Minister from the Treasury Bench and my right hon. and hon. Friends readily take his place.

5.19 pm

Mr. Phil Hope (Corby): The debate about elitism and access to higher education that has taken place in the press is really about fundamental values. It is about how we can raise standards throughout the country, and about ensuring that there is equality of opportunity.

Too many young people in my constituency leave school at 16 without adequate qualifications—without achieving the potential of which we all know they are capable—and not enough go on to further or higher education. In the 42-minute speech of the hon. Member for Buckingham (Mr. Bercow), we heard not a word about the divisiveness that featured in 18 years of Tory Government. We heard nothing about the underfunding in those 18 Tory years, nothing about the under-achievement of those 18 Tory years, and not a word to defend a track record that—in view of what my constituency has inherited—I can only describe as appalling. Young people have simply not achieved what they are capable of achieving.

I believe that we must tackle the problem of elitism by raising standards, and raising the expectations of young people in a comprehensive education. We must widen access to further education through colleges, and by ensuring that universities do more to reach out to under-represented groups.

I want to focus on the issue of standards. Unless there is a massive increase in the opportunities presented to young people from a range of backgrounds and neighbourhoods, we cannot offer lifelong learning and access to higher skills—services that are needed for individuals, and for the success of local economies.

I have an image of a pyramid. If we want to raise the top of the pyramid to achieve greater success, we must increase the base: more young people must be drawn into the learning economy, into skills and development and into gaining qualifications. Having begun, young people can move higher and higher up the pyramid, and can eventually achieve the best result.

The Liberal Democrat motion starts by being ambitious about equal opportunities in Britain and raising standards, but then peters out into a shopping list of things that the Liberal Democrats would like to happen. That misses the point. The point is that we need a fundamental root-and-branch change, at local level. Our education institutions, our local councils and our communities must play an active role in raising expectations and delivering what people want in their communities.

I want to demonstrate that, when people are brought together and the circumstances are viewed holistically and comprehensively, change can be achieved. I shall describe what we are achieving in Corby, with a Labour Government, a Labour county council and a Labour borough council.

Let us consider a person's life. A person is born and then becomes a child, and subsequently, perhaps, a student. That person then goes into the workplace. At every step along the way, the Government are endeavouring to inject resources, ideas and innovation into the system, in order to raise standards and give people a better chance.

For under-eights we have the sure start programme in Corby. It is delivering opportunities and help to parents with very young children: it is helping them with parenting skills, education and child care generally. Children aged two and three—children who are virtually babies—are being given the best start that we can give them. Support is being given not only to children but to parents. Parents are being helped to improve their parenting skills, and are also being given the child care that they need if they are going to work.

In Corby we have the Pen Green centre, a centre of excellence recognised by the Government as a beacon. It shows how it is possible to work with parents with young children in a way that gives the children the best possible start in life.

As for primary education, we have seen astonishing results from the numeracy and literacy hours. Those changes to the school curriculum in primary schools in my constituency have raised standards to a remarkable extent. The statistics are really exciting. Teachers and governors are recognising that they are achieving more than they ever achieved before because of the new way of working in primary schools.

Moreover, we have introduced an education action zone in Corby. It is supported by the Government, who are providing £1 million per year for the next three years, with the support of local businesses, local councils, local police and the health authority, with the aim of bringing about a co-ordinated approach to raising standards in Corby. Instead of the divisiveness and competition that were so destructive during the Tory years, Corby's schools are working together. Teachers are sharing resources, ideas, training and support. Pupils are being offered a wider range of courses. Our action zone embraces every school, secondary and primary, in its endeavour to build the pyramid of success and achievement.

We can focus on information technology and giving young people computing skills. People as young as seven or eight can do things on computers that many hon.

[Mr. Phil Hope]

Members could not achieve. We are working in partnership with parents, because not everything can be done in the classroom. Anyone who has taught, like any parent, knows that raising standards relies on help with homework, on out-of-school-hours activities, on Saturday clubs and so on. All that enhances and enriches a child's education, building the pyramid one step higher.

The Corby education action zone, like many others, is working in some of the most disadvantaged areas with some of the most challenging targets for change and educational attainment. Those will be achieved only if there is real co-operation. We need teachers who are enthusiastic about teaching, giving all they can in the long hours that they work, in partnership with parents and governors, to ensure that every child—not the few, not just one school—receives the best opportunities.

In Corby, we have taken the opportunity to create a fresh start school. We have dealt with the problem of over-provision of places by merging two schools to create a new Corby community college. I can give the Government notice now that we will apply for a specialism in arts and media at that school. With a specialism, parents can see what they want. They can say, "My child is going to a school that is special." Every school will be special. We have technology colleges and language colleges: now we look forward to having an arts and media college. Corby is famous throughout the United Kingdom for dance, and children will know that that can be enhanced and supported through the new fresh start school.

Even that is not enough. The Government's new Connexions service—for which the Minister is directly responsible—is an ambitious programme, combining careers and youth services for people aged 14 to 21. Young people with the greatest need will receive the most resources, giving them the best possible start. If they are struggling, not doing so well or having problems at home, they can have a personal adviser, a mentor to whom they can turn for help in making the transition from being young into the world of work. In that way, they can make the most of the opportunities given to them.

I hold a parliamentary youth forum in my constituency. Young people in Corby want to go places, and they are held back only by institutions that will not give them opportunities. We have to ensure that we provide them with those opportunities.

I draw to the Minister's attention the kick start programme in my constituency, a particularly innovative scheme. It involves 15-year-olds who have basically given up on school, and perhaps school has given up on them. What should we do with those young people? Kick start is a programme of social education combining the best of youth work with the best of careers guidance and support. It works with young people outside school, helping them to re-engage with what education is all about and to realise what is possible. I have presented awards to young people who had been written off by the system. After a year of intensive support and help, they are moving into Tresham institute of further education and gaining NVQ and GNVQ qualifications that they would not previously have dreamed of, far less aspired to achieving.

Connexions and kick start exemplify the kind of programme that we are putting in place to raise standards and build the pyramid of success. We have not heard enough about further education—the Cinderella service in too many people's eyes. FE is critical. I am talking not about the universities, but about people who want to take vocational training. They do not seek university degrees, but training that will help them into work, or even to a university. FE colleges give opportunities for part-time work or courses and evening courses, offering access to education that simply did not exist before. If we are to achieve equal opportunities, the Government's expansion of further education, targeting people in areas of under-participation and channelling resources towards disadvantaged areas, is the best way in which to motivate—incentivise is the awful word that people use—colleges into grabbing people and getting courses going. Perhaps we will not get them into the college—which might be an institution that they would never go to—so why do we not run courses in the community? Community centres are available, enabling us to take education and learning out to those people. That, too, will enable us to build the pyramid, to bring more people into learning, success and achievement.

I am particularly pleased about the European directive that provides for time off for study or training for every 16, 17 or 18-year-old. Therefore, even those young people who decide that they want to go straight into work on leaving school at 16 have a mandatory right to one day off per week to leave the workplace and to get further education and qualifications. It is another example of the Government's action on raising standards.

At every step in a young person's life as he or she grows up—whether a three-year-old, on the sure start programme; an eight-year-old, in a numeracy hour; a 12-year-old who—thanks to an education action zone—has a new information technology programme and a new computer suite at school; or someone finding new opportunities through the Connexions service or further education—the Government are intervening to increase standards, raise qualifications and create opportunities.

Even in the rural part of my constituency, in east Northamptonshire, we are not closing small village schools. When the Tory Government were in office, 450 village schools were closed. In the past three years, under this Government, only six schools have closed. In rural areas, we are supporting what we believe in—the value of small village schools.

I should like briefly to touch on one other aspect of equal opportunities: raising the skill levels of people at work. In my constituency, there is a particular issue—which I have raised on the Floor of the House before—about inequality in the workplace, especially as it affects temporary workers. Many people, too many of whom are young people, gain access to work through employment agencies offering, for example, a two or three-day contract to make sandwiches. Those temporary workers receive a couple of days' pay, which they may well spend over the weekend, and then go back for another couple of days' work. It is temporary work, without a career structure, development, training or opportunities.

I have been pressing the Government hard to start cleaning up the cowboy agencies, whose behaviour encourages young people to leave work without qualifications and to begin temporary work. Those young people know only that type of work. They know that they work for a couple of days, earn some cash, spend it all

over the weekend and then start again. Round and round they go in that cycle, without development, simply chundering round on the bottom.

I am pleased that the Government have managed to change all that. Temporary workers now have rights that they never had before. Now, under this Government, temporary workers are entitled to the same training, pension provision and pay that full-time workers in that workplace receive. We have started to create standards in the workplace that will raise people's income. It is not, however, simply about income, but about creating stability and providing a ladder of opportunity that was never there before.

When we examine the issue of equal opportunities, and the specific issue of educational opportunities, we should realise that it is not a matter of simply chucking more money at the problem. It is about determining how we can intervene at each stage in a young person's development, from birth to adulthood, to ensure that they are supported, receiving the very best and achieving their maximum potential. We also need to determine how we can help back into the system those whom it is failing, so that they get the most out of it.

I want to build on the success in my constituency of primary schools, nurseries, play groups, the secondary system and further education colleges, to ensure that every single young person in Corby and east Northamptonshire gets the best start in life. We must have an openness and transparency at every level in education. We do not want to see elitism or discrimination operating at any level. There must be open and equal access throughout the system. By offering to the many what was—under the Tory Government—available only to the few, by removing the barriers and by making opportunities, we can build the expectation that everyone, regardless of his or her background, can aspire to the very best.

5.34 pm

Mr. Phil Willis (Harrogate and Knaresborough): It is a pleasure to follow the hon. Member for Corby (Mr. Hope). His speech was full of enthusiasm and commitment to his constituency, and whether or not I agree wholeheartedly with his remarks is irrelevant. His speech stands in stark contrast to the one that preceded it, that of the hon. Member for Buckingham (Mr. Bercow). I hope he feels better now: his speech reminded me of banging your head against a brick wall and how good it is when you stop; the hon. Gentleman was banging his head for a long time.

I was slow to rise to speak because I had been pondering whether I represent the forces of conservatism, because my professional background is that of a teacher and I remain a staunch supporter and defender of the teaching profession, or whether I am one of the liberal elite, because I continue to support somewhat unfashionable beliefs regarding local democracy, local government and local education authorities. However, I need not have pondered my dilemma for so long, as it appears that the definition of the forces of conservatism is anyone who does not agree with the Prime Minister and the definition of the liberal elite is anyone who does not agree with the right hon. Member for Richmond, Yorks (Mr. Hague). I can, therefore, proudly tell the House that I fall into both categories.

The saddest aspect of the current battle between the opposing forces of darkness is that both sides use their slogans, insults and misguided attacks to disguise the fact that, despite Britain's undoubted economic success, ours is a nation that is deeply divided, one in which access to opportunity still depends to a significant extent on social background. It is not the forces of conservatism or the liberal elite that we should attack; it is the failure of successive Governments to attack social injustice and inequality.

It is no good the Leader of the Opposition stamping around the country like a skinheaded Rottweiler, baring his prejudicial teeth. He knows full well that he and his party revelled in injustice during the Tories' 18 years in office. Between 1979 and 1997, the number of people living in poverty in this country increased by 300 per cent. When the Conservatives left office, 10.7 million people lived in households receiving less than half the national average income; 3.4 million of those people were children. That is not a record of which any party leader should be proud.

One in five adults have literacy problems. Nine per cent. of children leave school without qualifications, often entering an underclass, as they have no job to go to. The speech of the hon. Member for Buckingham took 42 minutes, and the vast majority of it dealt with the elitism of the Tory party—its obsession with the few and with grammar schools, which are mentioned at every opportunity. I have to tell him that I have not wavered an inch from my fundamental belief that selection is not right. I will never demur from that position.

Had the hon. Gentleman given my hon. Friend the Member for Bath (Mr. Foster) the opportunity to speak, instead of casting him down in an appalling manner, my hon. Friend would have made it clear that Liberal Democrats as a party believe that local democracy and devolution are incredibly important. They lie at the heart of our beliefs, which is why we believed so strongly in different solutions for Scotland and Wales. It is why we are proud of our Executive in Scotland and of our colleagues in the devolved Welsh Assembly.

Mr. Christopher Leslie (Shipley): While we are talking about selection based on academic ability, did the hon. Gentleman see the BBC "On the Record" programme at the weekend, on which the Conservative education spokesman, the hon. Member for Maidenhead (Mrs. May), said that she wanted all schools to have the opportunity to select pupils on the basis of academic ability? Yesterday, however, on a programme called "Powerhouse", the hon. Member for Buckingham (Mr. Bercow) said that he was a great supporter of comprehensive schools. Does the hon. Member for Harrogate and Knaresborough (Mr. Willis) perceive any consistency in the Conservatives' policy?

Mr. Willis: I have long since found the answer to that difficult question. It is clear that the common-sense revolution wants to create 24,000 free schools. Every free school would have its own admissions authority and arrangements for intake and be a wonderful Utopia. Indeed, if they wanted to select the whole caboodle, I suppose that they would be able to get away with it. The hon. Member for Buckingham talks about the Liberals being all things to all men, but if such a policy is not all things to all men, children and, I should add, women, frankly I do not know what is.

Mr. Bercow: The hon. Gentleman is certainly entitled to celebrate diversity and to say that he favours the

[Mr. Bercow]

application of local solutions, but how does he square that belief in diversity with his remark that the Government should have legislated for the removal of grammar schools? How can he say on one hand that he is in favour of different solutions all over the country, and on the other that his only criticism of the Government on grammar schools is that they did not go far enough and should have abolished the lot by decree? He must make up his mind.

Mr. Willis: Such obsession with grammar schools is always interesting. I shall respond to the hon. Gentleman straightforwardly. Given that the Secretary of State for Education and Employment and, indeed, the Prime Minister made a clear commitment in opposition that there would be no more selection, the vast majority of people voted in the election in the belief that a Labour Government would abolish selection in all schools. Labour's position was honourable, but the one that it ultimately took was a cop-out. I agree with the hon. Member for Buckingham on that.

However, in the Committees considering the School Standards and Framework Bill and the Learning and Skills Bill, my hon. Friend the Member for Bath and I spoke very strongly against the flawed ballot arrangements. If one looks at the first ballot in Ripon, one sees just how flawed: 25 per cent. of parents who voted did not even send their kids to state-sector schools, yet they had a say on whether grammar school status should end. We cannot allow that to happen.

The policies espoused by the hon. Member for Buckingham very much reminded me of the previous Tory Government's—targeted at creating yet more division, inequality and inequity in education. Assisted places, grant-maintained schools and nursery vouchers may have helped a few poor families, but let us face reality: every one of those initiatives was targeted at potential middle-class Tory voters. They were for that purpose and that purpose only. Little attention was given to the mass of children in our state schools or to the lack of opportunity that many were afforded in an education system that was grossly underfunded, undervalued and constantly under attack from Tory Ministers.

The Tory Leader yesterday spoke about Labour's education policy as a

> smack in the teeth for every teacher and parent.

His violent and intemperate language might please his core right-wing voters—in contrast to the baseball cap and denims at Notting Hill carnival—but it disguises the fact that the largest growth in permanently excluded pupils occurred between 1992 and 1997 when he was in the Cabinet. There were 2,910 such pupils in 1992 and 12,000 by 1997. That is what happened in our schools during Tory years.

Even now, the Leader of the Opposition has no solution to the hard-core problem of challenging behaviour, social exclusion and inequality of opportunity. Why—because it is a deep-rooted and complex problem. Rather like his recent deep-sea diving exploits, he is never prepared to look far below the surface. Simply locking those children out of our schools—out of mind, out of society—is not a solution.

Of total excluded students, 60 per cent. never return to school; 20 per cent. are already in the care of social services—already damaged, with poor self-image. Children from lone parent families constitute 34 per cent. of those excluded. Ethnic minority students from an Afro-Caribbean background are four times more likely to be excluded than their white counterparts, and heaven help children with a special educational needs statement, who are seven times more likely to be excluded.

Does the Leader of the Opposition have anything to say about why those groups are being excluded in such great numbers? The answer is no, because in all the years of Tory rule there was no attempt to get to the root of the problem and find out what was happening. There was no research into why certain groups of youngsters are turned off by school and act in an antisocial way. We need that research. I hope that the Minister will commit the Government to avoiding abandoning children in sin bins in either schools or pupil referral units and to taking a more deep-seated approach.

Mr. Bercow: The hon. Gentleman is making an important point about exclusions policy. He talked about the figures for excluded children not returning to school. Is he aware of the experience of the Zaccheus centre in Birmingham, from where the large majority of pupils return to school after some months? Does he accept—this is a matter of real concern to professionals—that a teacher who has a knife wielded at him or her by a persistently violent pupil has a right to be protected from that pupil, even if that means exclusion?

Mr. Willis: The hon. Gentleman accused the Minister of tabling a banal amendment to our motion, and that was a banal question. No right-thinking individual believes that teachers should not be protected from violent students. Unlike him and his privileged friends, I spent my whole life in state education, not in the leafy lanes of Buckingham but working in downtown schools in Leeds and Middlesbrough with very difficult and challenging youngsters, and in 34 years I never came across a student wielding a knife—not once.

That is not to say that there are no students who wield knives, but let me tell the hon. Gentleman, before he goes apoplectic again, that the vast majority of Britain's schools are safe places in which to work. The vast majority of teachers do not encounter the horrors that he and his colleagues peddle stories about around the country and portray as the norm, frightening kids and parents into choosing private education.

Mr. Hope: The hon. Gentleman has hit on an important point about the deliberate attempt by the Conservatives to raise fears. They create unnecessary worry and, more importantly, undermine the real efforts of teachers to deal with and help challenging and difficult pupils. The scaremongering undermines our efforts to give teachers the support and help that they need to do a good job.

Mr. Willis: That is right. The Conservatives are using scare tactics. They have absolutely no other policy. Yes, violent and disruptive pupils must be removed from the classroom, and even the Minister would accept that the ludicrous targets for cutting exclusions must be abandoned by the Department for Education and Employment, but unless we address behaviour problems in a comprehensive and imaginative way, all we will succeed in doing is to create an even greater problem for society further down the road.

When one considers the social exclusion unit's report, "Bridging the Gap" and sees how many of those 170,000 youngsters leave school and spend the next two years out of work, with no hope and moving into crime, one realises that this is a real issue that must be grasped. I would have hoped that we would have a consensus across the House on how to tackle challenging behaviour. Instead, the opportunity has been used to score cheap political points.

It is not fashionable to link social disadvantage with educational underachievement. There is always evidence to demonstrate that some outstanding individuals and institutions buck the trend. However, there remains a strong negative correlation between social disadvantage and educational achievement, just as there is a strong positive correlation between educational achievement and economic and social upward mobility. Given those facts, I do not see why it should surprise the Chancellor of the Exchequer that while a mere 7 per cent. of our children attend private schools, they make up 35 per cent. of the straight-A students and take up some 50 per cent. of Oxbridge places. Inequities are as deep-rooted in our culture as they are in our Government, in the civil service and in our major universities. Inequity will be found anywhere where wealth is still able to purchase social advantage.

The answer from the Liberal Democrats is not the politics of envy. It is not a re-run of a former class war, but the real politics of fighting the seeds of injustice that create barriers for so many of our young people. The Chancellor's attack on Oxbridge was misguided. His attack should have been on his own Government for introducing tuition fees, for ending grants for students and for pricing poor students out of the marketplace, because that is what has happened, according to the figures from the Universities and Colleges Admissions Service and the Mosaics survey.

The Chancellor's attack should have been on the Prime Minister for encouraging the Russell group and the Committee of Vice-Chancellors and Principals to believe that a Labour Government would allow them to charge differential tuition fees in a USA-style revamping of higher education finance. I listened carefully to the Minister's speech today, but the Teaching and Higher Education Act 1998 would allow universities to charge differential fees. I accept that the Government would then take grant from the universities in equal amounts, but nothing in the legislation would stop differential charging.

The Chancellor's attack should have been on his own Government for continuing systematically to reduce the unit funding level for higher education students from £4,980 in 1997 to £4,750 this year. The hon. Member for Buckingham did not answer the Minister's intervention about the 35 per cent. decrease since 1989, but in that year the unit funding per student in higher education was £7,385. It was reduced by 35 per cent. and fell to an unacceptable level by the time this Government took over. We do need a systematic overhaul of an outdated and biased admission system, but the real challenge is ensuring that a greater number of our young people aspire to go to Oxbridge and have the qualifications they need to do so. That means tackling the inherent injustices in our state education system.

I saw as one of my most important challenges as a head as being to help young people from underprivileged backgrounds fight social injustice through their education. To deny that our education system has that prime purpose is to deny the need for universal education at all and to return to the pre-1870 Britain, where the working classes were educated simply according to economic need. We hear fine words from the Government about education for the many, not the few, but so much of their approach has been disjointed and lacked research, co-ordination and vision, as well as resources.

The social exclusion unit was set up in 1997 after the Prime Minister's call for a

> Britain in which no one is excluded from opportunity and the chance to develop their potential.

How right he was. He also said that we should make it

> our national purpose to tackle social division and inequality.

I make no bones about saying to the Minister that the establishment of health action zones, education action zones and employment action zones has been useful, provided that they are co-ordinated, as they appear to be at the moment. Tackling social exclusion and poverty, wherever it occurs, should be something in which we all participate.

Bernstein wrote in 1970 that

> Education cannot compensate for society.

If we accept that social disadvantage is a key factor, if not an excuse, for educational failure at whatever level, including Oxbridge, we must also recognise that tackling poverty in all its facets is the most effective way to encourage educational achievement for all. That is the challenge for the Chancellor and his colleagues in the forthcoming comprehensive spending review. The right hon. Gentleman will be judged by the Liberal Democrats on whether he addresses social injustice and poverty or the voting intentions of more affluent groups.

5.56 pm

Mr. Andrew Rowe (Faversham and Mid-Kent): Several slogans could be brought into this debate. I would like to see, for example, parents involved; residents trusted; professionals valued; and young people seriously consulted. That little menu could make an enormous contribution to achieving a society that we could really value.

We could begin by involving parents. One of the saddest features of underperforming schools is that when heads, governors and staff turn out for an open night, nobody comes. That is a real tragedy and it happens again and again. Even when certificates are handed out, few parents take the trouble to turn up in far too many of our schools. That is partly a function of the hours that those parents work, and it may be that certificate-awarding ceremonies and parents' evenings should be staggered, so that people who work late at night in underpaid jobs can attend. We may need to be more imaginative. However, in many schools our young professional teachers have an uphill struggle against parental indifference, which is broken only when the parents believe that their child has been discriminated against and, in many cases, make a thoroughly inappropriate response.

A young woman I know of was in her first job and keen as mustard. She worked in an inner-London school and found that, in a class of 35, 16 languages were spoken and one child was so disturbed that he sat at the back nodding his head until he made himself sick. What happens to the other 34 children while the unaccompanied teacher tries to clear up the mess? After two terms in the

[Mr. Andrew Rowe]

school, that young woman, in her first year of teaching, was offered the deputy headship because none of the other staff had stayed. That is the reality of some areas of our education system. We must do much more to support teachers. Instead, they are denigrated and verbally assaulted for being incompetent or inefficient. There are inefficient teachers, and they should be eased out of the system, but the majority struggle against tremendous odds.

Governments are full of good intentions, but as we all know, good intentions lead straight to hell. All education Ministers want to change things, so they issue a raft of circulars on taking office. By the time the last school in the country has implemented those changes, the first school to do so is probably three education Ministers' changes down the track. It is impossible for schools to make sense of what they are being asked to do, if they are asked far too often to change what they do.

I believe that we make far too little use of volunteers to support professionals. I am a trustee of the charity Community Service Volunteers, which for many years has been trying to get employers interested in sending employees into schools at lunchtime. People who do that enrich their own lives and improve their performance at work, but also enrich enormously the lives of the pupils whom they help.

I think that the country should have a national youth service. Young people should be able to volunteer for a proper length of time so that they can find themselves. The Nuffield study and other studies have found considerable evidence that young people who volunteer change their attitudes to minorities and to each other.

There is a danger that the debate belongs in the land of the Wizard of Oz. Hon. Members have talked about getting to university and the surge of people going into higher education. I am delighted that that is happening, but we must ensure that higher education is as it should be. I am deeply worried by the changes that have taken place in some parts of higher education in recent years. It is now common for senior academics to be promoted on the basis of the money that they have attracted through their research, rather than on the basis of their teaching.

Teaching is becoming very much disregarded, at least in many of our more successful universities. Most students have no interest in research. They are left short changed when they are lured into higher education, only to find that teaching in universities is undervalued. University teachers have no support staff to speak of, and have to do everything themselves. That is a shame.

We should place much more trust in people who live in difficult areas. Far too many people live in intolerable conditions, and the vast majority of badly run estates are represented by members of the Labour party. Many of those councillors have almost given up hope. They do not have any serious intention of giving self-determination to residents. If residents were given only a relatively small amount of money to spend, they would transform the quality of their lives—the syringes would be taken off the grass, the dog mess would be removed, and lights would be repaired the day after they were broken.

Such things are essential, but the idea of trusting the poor with any money at all is discounted in local authorities up and down the land. That is a shame and a huge mistake.

We do not consult young people seriously enough. The Government came into office claiming that they would consult more widely than ever before. They set up focus groups, and I am sure that they have been very useful. They have also introduced a raft of legislation that directly impacts on young people, but they have never seriously set out to determine the opinions of young people.

Young people have an enormous amount to offer. Very often, they know what they want—if not in detail, at least in outline. I am chairman of the steering group for the United Kingdom youth parliament. When that organisation takes shape, it will provide a representative group of young people against which policies can be tested, and from which the ideas for new policies can be derived.

Mr. Hope: I could not agree more genuinely about the need to consult young people. I can reassure the hon. Gentleman that the Government have consulted young people, through a variety of mechanisms. Young people have visited No. 10 Downing street as part of the social exclusion unit's strategy for including consultation with young people in its decision-making process. Does the hon. Gentleman agree that every hon. Member could do far more to consult young people? For example, I hold parliamentary youth forums in my constituency to ensure that I hear young people's views. Could not other hon. Members do the same?

Mr. Rowe: The tide is beginning to come in. The enthusiasm of young people for the United Kingdom youth parliament has outrun the available resources. I am grateful to the Under–Secretary of State for Education and Employment, who is no longer in his place, for what little in the way of resources has been given to those of us who want to establish the parliament. However, the body will be established: it will change the face of the country and do a great deal to engage people not with party politics but with the stuff of politics. In that way, we can try to make society work better.

Access to the health service also needs to be looked at carefully. The move to consulting the consumer is in some ways welcome, but we are in danger of allowing the consumer's preference to outrun common sense. For example, many beds in the national health service are blocked because families are given a choice about which home their elderly relatives can be sent to. Although the choice is often severely limited, no placement in a particular home has to be accepted. Families pay nothing while their elderly or sick relative is in hospital, but they may have to pay top-up fees when that relative moves into a home. There is therefore a perverse incentive that leads to beds being blocked. We need to look at that and similar problems very carefully.

Finally, I turn to the question of consultants. We should honour the dedication, hard work and expertise that many consultants display, but we should also be extremely tough when consultants say that they will not work with a colleague but refuse to help health trusts by putting their reasons in writing. As a result of such behaviour, a health trust may have to spend as much as £1.25 million of patients' money which it can ill afford to get rid of a person with whom consultants will not work. Defensive practices such as that are out of date and improper.

6.7 pm

Mr. Bill Rammell (Harlow): I shall be brief, as I am aware that other hon. Members wish to contribute to the debate.

My first comments are addressed to the hon. Member for Buckingham (Mr. Bercow), who, in his typically robust contribution, made some of the repetitive errors for which he is known. He spoke about exclusions from school. I do not propose that violent and disruptive pupils should not be removed from school, under certain circumstances. However, the hon. Member for Harrogate and Knaresborough (Mr. Willis) was right to point out that there is a danger that the difficulty may be exaggerated.

That exaggeration is a persistent problem among Conservative Members and their spokespeople. During the 18 years of the Conservative Government, there was a deliberate attempt to denigrate state education and to encourage people to move to the private sector. The constant harping on the problem of violence in state schools is part of a pattern.

Although care must be taken with the targets set for the reduction in exclusions from schools, anyone who talks to head teachers knows that league tables make schools conscious of their exclusion rates, and that schools can use those rates to manage their position in the league table. Any Government who did not take that into account and did not try to reduce exclusions would be irresponsible. Excluding pupils without offering them any alternative forms of education merely stores up social problems for the future.

Mr. David Taylor (North-West Leicestershire): The private school nearest to the House is Westminster school. Its head teacher has excluded many final-year students as a result of behaviour that was reported in both the national and the international press. Is it not clear that the problem of exclusion is therefore not confined to state schools in difficult areas?

Mr. Rammell: It certainly is not, and that is in line with my critique of the contribution from the hon. Member for Buckingham. The hon. Gentleman displayed breathtaking nerve when he criticised the Government for increasing the amount of regulation. Anyone visiting a school during the 18 years of Conservative Government was regaled by teachers with stories of the never-ending regulation and coercion to which they were subjected by that Government. We have rightly focused on standards and on the necessary regulations. However, I welcome the fact that the Government are listening to what schools and teachers are saying, and are seeking to remove some of that regulation.

I was also interested in the hon. Gentleman's comments about the percentage of national wealth invested in education under this Government. Who was it who talked about lies, damned lies and statistics? First, the percentage of national wealth that is invested in education depends greatly on the performance of the economy. In a booming economy, as we have at the moment, a percentage of national wealth invested in education means vastly more money being invested in schools than happened under a Government who went through the two worst recessions since the second world war.

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Rammell: In a while.

Secondly, anybody can play with the figures. The key judgment for electors is what a Government inherit and what they have done by the end of their period in office. It is incontestable that, by the end of this Government's period of office, we will be investing a higher proportion of national income in education than the proportion that we inherited when the Conservatives left office on 1 May 1997.

We then heard from the hon. Gentleman a sustained diatribe against the new deal. I take exception to that, because I passionately believe, from talking to young people, that the new deal is the first sustained, properly funded scheme for the long-term unemployed that we have seen in this country in a generation. The hon. Gentleman pointed out that the rate of decrease in terms of long-term youth unemployment was less now than it was between 1993 and 1997. I do not have the statistics in front of me, but I do not doubt that, because we are moving towards full employment. We have dramatically reduced unemployment. As we move towards full employment, of course the rate of decrease will reduce. This way of playing with statistics to present a false impression leads to great concern.

I recently held an event at the House of Commons for employers in my constituency to focus on the opportunities to be obtained by the new deal. Unbeknown to me, a young woman from British Airports Authority, who works at Stansted airport, was there. She had been unemployed for six months; she felt that she had no hope, no opportunity. She went on the new deal, and is now the personal assistant to one of the directors at BAA at Stansted. That example demonstrates that the new deal is working.

We also heard about the national health service. Lectures from the Conservative party about our stewardship of the national health service are very difficult to take. If we consider in detail what happened under the previous Government for 18 years, we see that there were erratic increases in funding. There were a couple of good years here and there in terms of increased investment, normally as we were coming up to a general election, but in some years, the real-terms increase in funding was as little as 0.4 per cent.

The difference that people are seeing under this Government is sustained, continuing investment so that we can begin to tackle problems such as the bed blocking to which the hon. Member for Faversham and Mid-Kent (Mr. Rowe) referred and some of the problems involving consultants. Sustained investment, over the longer term, needs to take place so that we can provide the kind of health service that people want.

Mr. Bercow: I am glad that the hon. Gentleman did not dispute the fact that the Government are responsible for a shortfall of about £13 billion in terms of their manifesto commitment to increasing expenditure on education. He did not cavil at that charge against the Government.

Will the hon. Gentleman confirm that he is aware that, in the majority of cases, the new deal is not producing sustained, unsubsidised jobs, and that the majority of people going on the scheme are finding jobs for a short period but are then coming out of work again?

Mr. Rammell: When we launched the new deal, nobody ever said that we would guarantee a job to

[Mr. Rammell]

everybody when they came out of the scheme. The new deal is, however, providing opportunities where previously none existed.

Liberal Democrat Members focused on the Chancellor of the Exchequer's comments. I think that my right hon. Friend was absolutely right to make those comments about the Laura Spence case. He was rightly identifying an example of a superbly qualified young woman, who was adequately qualified for entrance to Oxford university, but did not get in. That case highlighted a problem. If it was an isolated example, we could ignore it, but I do not believe that it is. I remember the example, which gained national newspaper coverage, of a young woman in my constituency who applied to Oxbridge, and was ridiculed at the interview not because of her qualifications, her intelligence or her ambition, but because of her accent.

In addition to those specific examples, an independent report this week shows that children and young people from state schools are significantly under-represented compared with what we would expect, given their qualifications. We have a real problem. There are young people who have ambition and talent and are adequately qualified, but because of historical reasons and prejudices, they are not getting access to our best universities.

Mr. David Taylor: I thank my hon. Friend for giving way so generously again. Is not one way of tackling some of those difficulties, as suggested by a former deputy leader of this party, to remove some of the huge tax concessions given to private schools which make their performance so attractive to the better-off section of society.

Mr. Bercow: The old left returns.

Mr. Rammell: Whether it is old left or new left, that issue needs consideration. We want to ensure that there is fairness and equality in the system.

There are further concerns regarding higher and further education, and a lot of it comes down to funding. I welcome the fact that we are introducing educational maintenance allowances at the age of 16. All my discussions with young people from poorer backgrounds indicate that the real determinant of whether someone goes on to further and higher education comes at 16. That is the point at which the young person has to be supported, out of work, through the family. It is absolutely right to bring in those allowances and I want to see them expanded as quickly as possible.

We must also face up to the threat of top-up fees that is being pressed rigorously by the Russell group of top universities. If they had their way, we would have the prospect of fees of £7,000 or £8,000 a year. This has already been tried out in Australia, where it has had a catastrophic effect on access.

It is particularly instructive to see the Conservative amendment criticising tuition fees. The Conservatives supported the Dearing inquiry, which imposed tuition fees. In addition, those of us who served in Committee on the Teaching and Higher Education Act 1998 remember the right hon. Member for Charnwood (Mr. Dorrell) explicitly arguing for the opportunity for top-up fees to be available to institutions. Given that, the Conservative amendment is duplicitous in the extreme.

Mr. Bercow: Will the hon. Gentleman give way?

Mr. Rammell: No, I need to make some progress.

The hon. Member for Harrogate and Knaresborough did not allow me to intervene on him earlier, so I must make this point now. I listened carefully to his impassioned attack on tuition fees, not only top-up fees, introduced by the Government. Logically, that would mean that the Liberal Democrats were in favour of abolishing tuition fees. However, we should not judge people only by what they say but by their alternative Budget statements. The Liberal Democrats' alternative Budget statement contains no reference to doing away with tuition fees.

It is just like the restoration of the link between pensions and earnings. Liberal Democrats go round the country making claims and statements, yet when they have the opportunity, in their detailed alternative Budget, to say where the money would come from and how it would be raised, they are completely silent. Not only is that a problem for the Liberal Democrats as a political party: it does a disservice to those of us who believe in progressive taxation and believe that we have to be honest with people about how we intend to raise the money.

The Chancellor's comments rightly highlighted a real concern in Britain. There are still significant parts of British society that are not accessible to children and young people who come from ordinary backgrounds in state schools. Look at the judiciary, the BBC, our best universities, the civil service, and then look at the number of people working in those institutions who have gone to public school. We have a real problem: the Chancellor was right to highlight it, and we ignore that problem for our young people and our community at our peril.

6.19 pm

Mr. Paul Burstow (Sutton and Cheam): I thank my hon. Friend the Member for Northavon (Mr. Webb) for giving up his opportunity to speak so that I might do so. I realise that several Members wanted to speak in the debate, but were somewhat squeezed out by earlier contributions.

I shall focus on a slightly different aspect of the debate: equal opportunities for older people—or rather, issues of age discrimination and the lack of opportunity for those people. Those issues are undoubtedly real and significant—whether a manager is denied promotion because she is labelled too old; or carers are denied about £14 extra a week merely because they are over 65; or a frail elderly patient is starved to death for want of proper care and attention in a hospital.

When it comes to age discrimination—the denial of opportunity to older people—the Government are still clinging, wrongly, to the idea that a voluntary approach is the way to fix it. I shall explore why that approach has not worked and why we need serious legislation on the matter.

In the past, the House has taken steps to outlaw discrimination on grounds of gender, race or disability. Those laws played a crucial role in changing attitudes in

our society. They drew a line and set a benchmark against which behaviour could be judged. As a result, they changed our society. Age discrimination clearly exists in almost all aspects of our life. I shall dwell on two: the workplace and health care.

On the first, a survey of secretaries, published earlier this year by the Employers Forum on Age, found that nine in 10 secretaries believed that ageism exists in the workplace. One in three felt that they had been rejected for a job because of age. Nine in 10 believed that they stood little chance of finding a new job when they reached the age of 45.

When the Institute of Management surveyed its members, it found that half of those surveyed used age as a criteria for making employment decisions. Those businesses are operating foolish and short-sighted policies. They are throwing people on to the scrap heap; they are throwing away human capital and the corporate memory of their organisation.

During the first half of this Parliament, the Government set their face against legislation to combat age discrimination. They preferred to tread the path of a voluntary code, but that code is not working. Is it delivering change? Even the Government's own research, conducted by NOW for the Department for Education and Employment, cast doubt on whether the voluntary approach was working. The survey found that there had been no change whatever in the employment policies of the employers surveyed. Nine in 10 employers were not even aware of the existence of the code of practice that the Government had introduced to encourage age diversity in employment practice.

The Government often say that they do not want to introduce legislation on this matter because they do not want to impose extra burdens on employers. There is concern that employers do not want legislation. However, research shows conclusively that employers believe that there is a case for legislation. Last year, a survey of members of the Institute of Directors found that six in 10 were in favour of legislation on age discrimination. Earlier research by the Institute of Management found that eight in 10 of their members favoured legislation. Even the Federation of Small Businesses would support legislation as long as it was clear and simple.

The voluntary approach is not enough in the workplace. It is certainly not enough in health care. An overwhelming body of evidence shows that there is ageism in the national health service. A Gallup poll, commissioned by Age Concern and published last March, found that one in 20 of over-65s had been refused treatment. Two in 20 felt that their NHS treatment was different after they turned 50. Even the Department of Health found evidence of age discrimination and ageist assumptions in the provision of health care. A review of renal services found that two thirds of kidney patients aged over 70 were refused dialysis or transplants. An audit of cardiac services found that four in 10 post-heart attack rehab programmes imposed arbitrary age limits.

A survey of general practitioners conducted by Age Concern found that one in three GPs believed that age-based rationing occurred in our health service. One GP said:

> In hospital, you have to be able to feed yourself as the nurses don't do it. If you are frail, you've had it.

That is hardly a surprise. More and more older people are admitted to fewer and fewer beds for shorter and shorter stays. That is not the decision of the Labour Government, but an inheritance from the previous Conservative Government—a health service that is so determined to get people in and out of beds quickly that there is no time to focus on quality of care and attention to detail.

Recently, my attention, and that of many people—Members and those outside this place—has been drawn to the inappropriate use of not-for-resuscitation orders. There is a massive gap between the guidelines for the use of such orders and actual practice. The case of Jill Barker, a 67-year-old cancer patient, drew that to our notice. It highlighted the fact that her medical records had been marked with an NFR order—those initials are used. That was in breach of the guidelines produced by the British Medical Association and reconfirmed by the Department of Health. There had been a serious breach of faith—one that many people feel needs to be tackled. Indeed, that case produced many more examples of the inappropriate use of NFR orders on people's medical records.

Research reported in the *British Medical Journal* found that two in three patients are not even consulted when NFR orders are placed on their medical records. An even more alarming statistic is that patients who have NFR on their records are 30 times more likely to die than those who do not. When they are not even consulted about that decision, it begs questions about the way in which our health service is working.

I have raised NFR orders in the House on several occasions—through debates, questions and early-day motions. I have been appalled by the complacency of the Government's response. They rely on guidance that was issued more than a year ago and are not prepared to address the problems being raised by Age Concern and others.

Because of ageist assumptions in employment practices, in our health service and in many other aspects of life, it is time that comprehensive legislation to tackle age discrimination was on our statute book. Such measures would have a positive impact. They would address the growing concern about the way that we treat our elderly people. The absence of such legislation—when it exists on gender, race and disability—downgrades for many people the importance we should be attaching to dealing with age discrimination. It sends the wrong signals.

For that reason, I hope that the Government will give up the voluntary approach and seriously address the need to establish a proper legislative framework that will confirm that we recognise that there is no place whatever for ageism in this country.

6.28 pm

Mr. Don Foster (Bath): As the Under-Secretary of State for Education and Employment, the hon. Member for Croydon, North (Mr. Wicks), said in his opening remarks, the debate is important. It has certainly been wide ranging. After the introduction by my right hon. Friend the Member for Ross, Skye and Inverness, West (Mr. Kennedy), we heard a thoughtful speech from the Minister, to which I shall return in a moment. We then heard a rather lengthy speech from the hon. Member for Buckingham (Mr. Bercow). I shall not be able to answer all the questions he put, because he asked for our views on a range of matters—from the new deal to red tape and bureaucracy in schools. We are in favour of one and against the other, but I can provide him with more details later if he wants them.

[Mr. Don Foster]

The hon. Member for Corby (Mr. Hope) and my hon. Friend the Member for Harrogate and Knaresborough (Mr. Willis) made impassioned speeches. Although they are on opposite sides of the House, I felt a great deal of sympathy for both of them. The hon. Member for Corby was especially concerned to achieve the best possible start for all his constituents. He wanted open and equal access, and I am sure that we would all agree with him on that.

The speech with which I was most in agreement was made by the hon. Member for Faversham and Mid-Kent (Mr. Rowe). He did not utter a word for which I would not offer wholehearted support. We should all support and be grateful for his long campaigns for Community Service Volunteers and for the right of young people to be heard.

The hon. Member for Harlow (Mr. Rammell) made an interesting speech. I agreed with some of his points and disagreed with others. However, may I point out in the gentlest possible way that it is important to carry out research before one makes a speech? He said that Liberal Democrats had not referred to the abolition of tuition fees in our recent statement on the Budget, and he said that we had not costed our proposal. Unfortunately for him, I have a copy of the statement, which categorically states that our programme includes:

> Abolishing university tuition fees up to and including undergraduate level and introducing "hardship benefit" payments in order to increase access.

The costing for that proposal appears at the end of the document. The hon. Gentleman shakes his head, so I hope he does not think that I have mysteriously created from scratch, and in such a short space of time, a whole document just to prove him wrong. I shall send him a copy.

My hon. Friend the Member for Sutton and Cheam (Mr. Burstow) raised the important issue of age discrimination. I have also raised it from time to time, not least in relation to job advertisements. I am delighted that my hon. Friend is pursuing the issue with such vigour.

It has to be admitted that the Government were elected on a tide of good will and high expectations from many people in this country. They thought that they had elected a Government who would help the poor, the pensioners, the lone parents, the socially excluded, those stuck on run-down, crime-ridden housing estates, and those marooned in rural villages with no buses. They thought that they had elected a Government who would come to the rescue of all of those who had been sidelined in the Tory years.

As my right hon. Friend the Member for Ross, Skye and Inverness, West rightly said in his speech, the Government have taken action on some of those issues. Our concern—the principal concern of the debate—is that the Government's actions have been limited; they have not gone far enough. The Government have been too timid in their thinking and they have failed to grasp some of the real problems that exist. They have been too timid on the social justice agenda.

There appears to be almost a sense of partial denial by the Government. From time to time, they spot an issue and pick it up. The Minister, in his thoughtful speech, was willing to accept the genuine concern about the many elderly people who die from the cold. He said that that was a national disgrace. He also acknowledged that there needs to be more joined-up Government thinking to address some of the issues. He added that unemployment was still too high, despite the work that has been done and he acknowledged that no one should be complacent and that much needed to be done. I welcome that.

The problem is that the Government take a semi-myopic approach. They notice and recognise issues when that suits them, but they pretend that they do not exist at other times. As we know, the Prime Minister has tried to deny the existence of a north-south divide and he seems to think that everything that the Government are doing for pensioners is wonderful. He seems to suggest that those living in rural areas should be glad that they have such pleasant surroundings in which to live and that there is no crisis on our farms. The Government tell us that they are doing wonderful things in the health service, but why do we still have a postcode lottery three years into a Labour Government? Why can one receive certain drugs and treatments in some parts of the country, but not in others?

There are areas of selective myopia. However, when it suits the Government they invent a crisis for their own benefit. That is exactly what we had with the case of Laura Spence, when she could not get into Magdalen college, Oxford. Suddenly, the Chancellor of the Exchequer magically became an expert on how to choose the cleverest five applicants out of 23, all of them with top grades. The best reporting of that incident that I have come across was by my noble Friend Earl Russell in another place. He recently wrote an article which I thought I had here, but which seems to have disappeared. However, his point was simply that the Chancellor of the Exchequer appears to believe that there is a system that can perfectly select students merely on the basis of examination results, or even predicted examination results. Reality is not like that. We all know that, in a highly competitive system, we cannot guarantee that those with the best predicted grades will get the top jobs. If that were the case, the Chancellor of the Exchequer might be the Prime Minister, not the present incumbent.

The key point is that this issue should be left to the professionals to decide using their expertise. I am delighted that, in the two weeks that the Prime Minister has had off, he has had the opportunity to reflect. Although it was much derided by his audience, he made some very good points in his speech to the Women's Institute. He said:

> I think we in government—and that means me—have to trust people more.

At long last, he is perhaps beginning to understand that it should be the job of the Government to set the framework and to provide the resources. They should then let the professionals—be they in health care, education and even in the selection of students for universities—get on and do their job.

Mr. Rammell: Let us put to one side the Laura Spence case. Does the hon. Gentleman accept that there is a real problem with the under-representation of children from state schools at Oxford and Cambridge, given what one would expect from their qualifications?

Mr. Foster: I do not disagree that an issue needs to be addressed. However, the problem is how the issue was addressed by the Chancellor of the Exchequer. That is our concern.

The Prime Minister seems to have seen the light in his speech to the Women's Institute today—two weeks on paternity leave has had a great effect on him. He said:

> We don't have to fight over every headline.

Perhaps that will mean that the Chancellor of Exchequer will not seek to get headlines, but that we shall have a sensible approach to the problem that the hon. Member for Harlow rightly highlighted.

It is clear to Liberal Democrats that the solution to that problem is to raise standards in the state education system. One reason why it is difficult to do that and create a level playing field is that the independent sector spends twice as much per pupil as the Government spend per pupil in the state school sector. They are partly tackling the problem with some additional money, but their announcement that they will spend £19 billion would make any double-entry bookkeeper blush.

The Government are making some progress but, despite that, class sizes in secondary schools are at their biggest for 20 years, and class sizes are rising in nursery and junior schools. As my hon. Friend the Member for Harrogate and Knaresborough rightly pointed out, and despite what the Minister said, the amount of money that is spent per university or further education student is falling under this Government.

There is the issue of how we solve the problem of entry into Oxford and Cambridge. The solution is increased investment in our education service and trusting the professionals in that service to get on and do their job. However, the problem also relates to how we can make more people interested in entering higher education institutions. It is a little odd for the Chancellor of the Exchequer to be so concerned about the issue when he is a member of a Government who introduced the very tuition fees that discourage some people from entering higher education.

I have referred to selective myopia, and it affects many different issues. My right hon. Friend the Member for Ross, Skye and Inverness, West rightly expressed his concern about the plight of pensioners and the elderly. They—and many people who speak on their behalf—are angry at the pitiful 75p increase in the state pension. There is an urgent need to do more about that.

Mr. David Taylor: The hon. Gentleman is building an impressive charge on selective myopia. However, is he not also revealing amnesia on a grand scale in relation to the proposals on pensions in the manifesto on which his party fought the election? The Liberal Democrats' commitment to pensions was significantly less than ours. Indeed, we have already exceeded our aims in three years of government.

Mr. Foster: The hon. Gentleman is wrong and has selective myopia. He clearly did not read in its entirety our documentation on the additional increases that we would be prepared to make to pensioners over 75 and, indeed, over 80. I urge him to watch this space for further developments.

At least we are developing thinking on giving pensioners even better support. The Conservative party's offer is disappointing. Expert analysis of its recent announcement on pensions shows it to be nothing like the exciting bonanza that Conservative Members would have us believe. In reality, that bonanza amounts to a magical increase of 43p a week for pensioners, once their free television licences and winter fuel payments have been removed, and reductions have been made in many areas of the budget, with money being taken from the new deal for lone parents and the social fund budget being slashed.

The Government's myopia on the north-south divide is even more staggering. The Prime Minister recently sought to persuade us that there is no such divide, despite all the statistics. Disposable income per head in the north-east is almost a third lower than that in the south-east. Seventy-five per cent. of households in the north-east receive some form of welfare benefit, compared with only 63 per cent. in the south. Jobs in the north-east are growing at a rate of 1 per cent., compared with 12 per cent. growth in the south-east, and so on. Today, the Office for National Statistics demonstrated that, whether rich or poor, people in the north of England are more likely to die early than those in the south. Even so, the Prime Minister still wishes to deny the existence of the gap.

Ms Julia Drown (South Swindon) *rose—*

Mr. Foster: I shall not give way, as I have little time in which to finish my speech.

The Minister referred to housing and expressed concern about keeping elderly people warm. However, what have the Government done about the 5.4 million people living in fuel poverty? They appear to have solved the problem for 1.1 million by doing nothing other than changing a definition. Since their time in opposition, the Government have changed their position and magically removed 1.1 million people from the total of those in fuel poverty. However, millions are still in such poverty and we are not doing enough about that. We could do simple things, such as setting a lower rate of value added tax on house renovation and new build, so that people do not pay the full VAT rate when they try to repair their crumbling buildings.

Finally, on transport, people in rural areas are suffering from many problems, such as closures of shops, post offices and village pubs. The poorest in those areas do not have access to a car and depend on rural transport, but the Government are spending £270 million less on public transport than the Tories were when they left office.

Thinking must be far more imaginative if we are to bridge the gap between the rich and the poor and tackle the poverty of those living in rural and urban areas. The Government promised us that 1999 would be a year of delivery. However, it appears that their cheque is still in the post and, sadly, we must still mind the gap.

6.45 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): Whatever the Liberal Democrats' intentions in choosing this subject, I can tell them that Labour Members very much welcome the chance to debate equal opportunities and inequalities in our country because nothing exposes the dividing lines between the political parties more than inequality. It is one of the key lines along which party policy divides, thereby enabling people to see clearly the different values, principles, approaches and prescriptions on which Labour, Tory and Liberal Democrat politics are based. Inequality takes us

[Ms Beverley Hughes]

back to the basic politics that each party stands for. Today we have certainly seen those basic political positions set out in stark contrast, and that is helpful.

The Tories, in so far as they even recognise inequality, clearly see it as the natural order and something that they do not have to do very much about—except of course to make it worse, as they did when they were in government. The Liberal Democrats still have the old-style handout mentality. They would give people a crutch but would not tackle the fundamental processes in society that lead to inequality. That is the first-aid approach of sticking on a plaster in the form of extra cash but failing to face the hard choices necessary to remedy some of the causes of inequality.

The Liberal Democrats do not understand that opportunity and responsibility go hand in hand—not because we say that they do, but because that is what people want. That is what we want, and people who experience inequality are no different. Cash on its own will not lead to long-term change. People want opportunities that enable them to take responsibility for their own lives, rather than being beholden to a benefits system.

Labour, by contrast, understands the deep-rooted causes of inequality and the fact that it is not one-dimensional because inequality in unemployment and income connects with inequality in health, educational underachievement and housing, and even in the length of one's life. Some Liberal Democrat Members recognise that. Opportunity is not distributed equally in our society, and while some groups have a wealth of opportunity, others have opportunity poverty. For too many people, where they are born, their family and their circumstances at birth are still powerful determinants of where they end up in adult life.

The way to tackle the fundamental change that is needed is therefore the hand-up, not the handout. We must ensure that the systems that we can influence—education, the economy, health and housing—enable all people to grow, to develop and to grasp the opportunities that exist.

The hon. Member for Harrogate and Knaresborough (Mr. Willis) was the only Opposition Member to acknowledge the extent of inequality that we inherited after 20 years of Tory Government. Inequality widened and deepened substantially under the Tories. In 1997, the mortality of infants born to unskilled parents was still almost twice that of those born to professional parents. Those in the lower half of the income distribution received a quarter of all total income—which is also the amount that the top 10 per cent. received.

More than three in five children were living in a household where neither parent was in full-time work and where the income was below 60 per cent. of the median. Fewer than one in 10 individuals living in a household headed by people with black, Indian, Pakistani or Bangladeshi origins were in the top fifth of the income distribution. Local education authorities with high proportions of children eligible for school meals had significantly lower GCSE attainment levels than those with low free-school-meal eligibility. Perhaps the most chilling statistic of all is that an unskilled man had a 20 per cent. chance of surviving past retirement age and seeing something of his old age, while a professional man's chance of doing so was 80 per cent.

Those are not Government statistics; they come from the Office for National Statistics report on social inequalities, which was published last month. Their importance lies in the extent of inequality that they reveal over the period to which they relate and in what inequality means both for people and society. My hon. Friends the Members for Harlow (Mr. Rammell) and for Corby (Mr. Hope) gave some graphic and human detail of what inequalities mean for peoples' lives and how the Government are trying to address them.

The quality of life for each of the individuals and families affected by such circumstances is poorer than it should be or need be. There is a lost opportunity to make a better life for those individuals and their families. The children concerned face an uphill struggle to realise their potential, and many never do so. There is also a lost opportunity for society as a result of the failure to capitalise on the wealth of talent and human resources that is available to us. There is therefore a failure to maximise the growth potential and strength of our economy.

The policy of the Liberal Democrats on inequality has become clearer today, both in the Chamber and from the contributions of the right hon. Member for Ross, Skye and Inverness, West (Mr. Kennedy) on the "Today" programme this morning. He said that their approach to inequality is, first, that we should be putting more money into state education, welfare, the health service and pensions, for example. Secondly, he said that we should be promoting the liberty and freedom of the individual and liberating the community at the expense of the state. The only sense I can make from that is that Liberal Democrat policy is merely to throw money at problems and then leave matters to sort themselves out.

The right hon. Gentleman's comments this morning on his own experiences were perhaps more revealing. He said:

> I will take you to my own personal circumstances. I went to a local state primary school, a local comprehensive secondary school, the University of Glasgow and then on a Fulbright scholarship in the United States. I did all that on the basis of competing on a fair and equal basis with other candidates.

I do not know whether he believes this, but it sounds as if he is saying that it does not make any difference to anyone's chances if he or she is brought up in a poor area of Glasgow, for example, instead of Fort William. We fundamentally disagree with that. It is not enough to provide fair and open competition. If we are to address inequality, we must help people to become more able to take the opportunities that arise.

Mr. Charles Kennedy: I hesitate to interrupt a fascinating life story. However, I bring to the Minister's attention the consideration that were it not for the state sector and comprehensive education, I would not have had the chance of tertiary education. When I took up the chance of a scholarship in the United States, it was a valuable experience. At that stage, the best part of 20 years ago, the US was implementing precisely the student-funding approach that is now the Government's policy. In the mid-west, the one group of people who were not my contemporaries were those who were well heeled, from New York and California. There were very few of the poorer kids from the mid-west because the system

deterred them. That experience taught me a great deal. I wish it were an experience from which the Government would learn.

Ms Hughes: It seems not to have taught the right hon. Gentleman very much. He said that he got his scholarship competing

on a fair and equal basis with other candidates.

I am saying that fair and equal competition is not sufficient. It might be necessary, but if we are to help kids from disadvantaged backgrounds, it is not a sufficient condition to enable them to make the progress that clearly the right hon. Gentleman was able to make.

Mr. Bercow: Will the Minister give way?

Ms Hughes: No, I will not give way at this stage. I want to make more progress.

I am glad that we have achieved clarity, because so far the Liberal Democrats' stance on inequality has been confusing. They opposed the windfall tax to fund the new deal. They supported opportunity for the few but not for the vast majority. Their manifesto stated that they would increase pensions in line with prices, but now they are to be linked with wages. Perhaps if it had been a Lib Dem 75p increase, it would not have mattered so much. They said that they would put £200 million into health and education from their elastic 1p increase in income tax. So far, they have not matched our £40 billion.

Liberal Democrats accuse us of poverty of ambition and of timidity. However, when it comes to difficult choices, they run scared. The hon. Member for Bath (Mr. Foster) gave us no more of the Lib Dem analysis of what is required than more cash, more cash and more cash. That is because they only have to make promises; they do not have to deliver.

We share with the hon. Member for Harrogate and Knaresborough the belief that education is a key source of inequality as a result of underachievement, and that education is a key way out of deprivation. I do not share his party's views about how we will achieve real opportunity in education for everybody, but I acknowledge his commitment to education and to young people.

I cannot say the same of the hon. Member for Buckingham (Mr. Bercow). It is amazing how often the quality of speeches is in inverse proportion to their length, and so it was this afternoon. The hon. Gentleman's speech was as bankrupt in substance as it was full of bluster. What he chose to speak about was interesting. In an extraordinarily long speech, he spent almost half an hour defending Oxford, Cambridge and grammar schools. He spent the rest of it—a relatively short time—rubbishing the national health service, public transport and the new deal.

Mr. David Taylor: Does my hon. Friend agree that at least one saving grace was that the speech of the hon. Member for Buckingham (Mr. Bercow) cleared the official Opposition's Benches, where three Members now reside? They are to be set against the scores of people who are interested in equality.

Ms Hughes: I certainly agree with my hon. Friend about that.

I must take the hon. Member for Buckingham to task, because he accused every other Member in the Chamber of ignorance. He said that the new deal was a failure and a waste of money. He added that it was not worth the effort and that it was not having any impact. However, by the end of March, 210,000 young people had moved into jobs through the new deal. To take up one of the hon. Gentleman's points, 73 per cent. of those jobs are sustainable, and 86 per cent. of them do not, contrary to the hon. Gentleman's claim, require subsidy.

It is obvious that the hon. Gentleman does not know that in December two reports were published on the macro-economic evaluation of the new deal for young people. The evaluation was undertaken by a conglomerate of five independent research organisations. One of the findings was that unemployment is much lower as a result of the new deal. The independently conducted research confirms that half of those leaving unemployment since the new deal began would not have done so without it. The evaluation of the new deal is the most robust of any labour market programme. The report is free, and I advise the hon. Gentleman to read it. He may learn something, but it will not be humility.

The Government's approach is in stark contrast to those of the Conservative party and the Lib Dems. We have set ourselves the goal of ensuring that there is opportunity for all, and unreservedly attacking social exclusion. There should be opportunity for all alongside responsibility from all.

The Labour party was born out of the conviction and from the experience of many of its members that inequality and lack of opportunity are unjust, divisive and a waste of human potential. Many Labour Members and some Opposition Members come from backgrounds where only a few have the opportunities that enabled us to achieve something like our potential and enjoy a wider range of opportunities in life. We are too well aware of many friends from childhood and members of our own families—sisters and brothers, who are no less able than ourselves—who did not have the key chances. The hon. Member for Buckingham finds that funny, but we would expect that from him, wouldn't we?

We see in our constituencies that things have not changed much for many of today's children. My hon. Friend the Member for Corby spoke graphically about that. The hard-working, decent people of this country want that to change. They want a society that is fair and just in which everyone has a chance to get on and make the best of themselves. They want the chance to use opportunities and then to go on and take responsibility for their own future, as we do and as the hon. Member for Buckingham does. However, that is a chance that he would like to deny to others.

Opportunity for all does not exist in Britain at the moment. Some people and some groups—people from poor backgrounds, women, people from minority ethnic communities, disabled people—face barriers that others do not. They all face barriers and old-fashioned attitudes that should have no place in a modern society—the sort of attitudes we have seen today from the one Member of the Tory party who spoke from the Front Bench.

We are determined to lift those barriers, and we make no apology for that. That is the proper job of a proper Government. It is what sets the Labour Government apart from the Conservative party and the Liberal Democrats.

[Ms Hughes]

We are not leaving barriers in place like the Tories, or preferring to look the other way, or giving a quick fix that fizzles out, like the Liberal Democrats, but enabling people, through opportunities, to exercise the same choices and to take the same personal responsibilities that we all expect.

The Government are working hard in a systematic and sustained way to change Britain, to lift the barriers for all and to enable individuals and families whom we are concerned about—unlike Opposition Members—to reach their full potential, enabling them to take responsibility for their futures and, in so doing, to contribute as much as they can to this country's future. I urge Members to oppose the motion and to support the amendment in the name of the Prime Minister.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 41, Noes 249.

Division No. 219] **[7.1 pm**

AYES

Allan, Richard
Ashdown, Rt Hon Paddy
Baker, Norman
Ballard, Jackie
Bell, Martin *(Tatton)*
Brand, Dr Peter
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gidley, Sandra
Hancock, Mike
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkwood, Archy
Livsey, Richard
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Opik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Welsh, Andrew
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and
Mr. Tom Brake.

NOES

Ainger, Nick
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Ashton, Joe
Atherton, Ms Candy
Barron, Kevin
Bayley, Hugh
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berry, Roger
Best, Harold
Blears, Ms Hazel
Boateng, Rt Hon Paul
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burgon, Colin
Byers, Rt Hon Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobson, Rt Hon Frank
Donohoe, Brian H
Dowd, Jim
Drown, Ms Julia
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hutton, John
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Lewis, Ivan *(Bury S)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lock, David
McAvoy, Thomas
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Mitchell, Austin
Moonie, Dr Lewis
Morgan, Ms Julie *(Cardiff N)*
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Organ, Mrs Diana
Pendry, Tom
Pike, Peter L
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie

Rammell, Bill
Reed, Andrew *(Loughborough)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruane, Chris
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Shaw, Jonathan
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Straw, Rt Hon Jack
Stuart, Ms Gisela
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Touhig, Don
Turner, Dennis *(Wolverhton SE)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Clive Betts and
Mr. Robert Ainsworth.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments) and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House believes that true opportunity for all requires that access to higher education should be based on merit not background; welcomes the measures the Government has implemented to widen access as part of the record increase in education spending of 8 per cent. in real terms in this year alone; and welcomes the many initiatives taken to help those in society whose needs are greatest, including an extra £950 a year for older pensioners on low incomes and a record increase in NHS spending of an extra £2 billion this year, plus 6.1 per cent. average growth year on year until 2004.

Britain's Strategic Interests

Mr. Deputy Speaker (Sir Alan Haselhurst): I must inform the House that Madam Speaker has selected the amendment in the name of the Prime Minister.

7.13 pm

Mr. Menzies Campbell (North-East Fife): I beg to move,

That this House believes that the strategic interests of the United Kingdom will best be served by collective action through the United Nations, NATO, the Commonwealth, the European Security and Defence Identity and similar political, economic and military institutions and initiatives; is concerned that the opportunities for a reduction in nuclear weapons have been prejudiced by the refusal of the United States Senate to ratify the Comprehensive Test Ban Treaty and by the proposal that the United States should deploy a system of National Missile Defence, if necessary in breach of the Anti-Ballistic Missile Treaty; welcomes the 'unequivocal' declaration of the five permanent members of the Security Council that they will seek to eliminate all nuclear weapons in fulfilment of their obligations under the Nuclear Non-Proliferation Treaty; calls upon Her Majesty's Government to state, first, what its policy is towards the United States proposal for National Missile Defence and, secondly, what steps it proposes to take to fulfil its pledge to seek to eliminate nuclear weapons; congratulates the armed forces of the Crown on their successful military campaigns in Kosovo and Sierra Leone but expresses disappointment that in the latter case Her Majesty's Government has chosen to deploy UK forces independently of the United Nations peacekeeping force and not as part of it and thereby failed to strengthen the UN effort and to enhance its credibility; and calls upon Her Majesty's Government to publish the policy criteria by which it determines that there is a need for intervention.

One of the more trite judgments of contemporary security analysis is that, after the chilling certainty of mutually assured destruction, which was removed by the end of the cold war, the world has become a more unpredictable and equally dangerous place. It is said with some justification that inertia has been replaced by volatility.

If we look back to the cold war, we will remember that the strategy was simple, and even simplistic. It was essentially that of mutually assured destruction. However, in the new security environment, which we accept as being much more volatile and much more unpredictable, what is the strategy that a medium-ranking economic power such as the United Kingdom should pursue?

One of the lessons that we learned from the cold war was that collective action through NATO was essential to success and even to survival. I believe that it is equally true in the new environment that collective action through NATO, the United Nations, the Commonwealth and in particular the European security and defence identity is the best way by which to ensure our security. Just as unilateralism was rejected in the cold war, so it should be rejected now.

I observe that the Minister of State, Foreign and Commonwealth Office, the hon. Member for Neath (Mr. Hain), is to respond to the debate. I remember the days when he had something of a flirtation with unilateral action. I remember when battle was joined in the seaside towns of England between the unilateralists and the multilateralists, but the hon. Gentleman has come, by a somewhat circuitous route, to the position that I and others occupied at that time. I am only sorry my right hon.

[Mr. Menzies Campbell]

Friend Lord Steel, with whom he had many jousts in the seaside towns of England, is not present this evening to observe at first hand this most remarkable of conversions.

Mr. Mike Gapes (Ilford, South): Will the right hon. and learned Gentleman give way?

Mr. Campbell: I should like to make some progress. I am sure that the hon. Gentleman will try to catch your eye, Mr. Deputy Speaker.

There is an alarming drift towards unilateral action in international affairs. The failure of the United States Senate to ratify the comprehensive test ban treaty—the CTBT—and the determination of the United States to press ahead with a system of ballistic missile defence in apparent breach of the anti-ballistic missile treaty are both disturbing and destabilising features of a determination on the part of the Americans to go it alone, compounded by American unwillingness to endorse the International Criminal Court and the procrastination in the United States in accepting the need to ban the deployment of land mines.

That seems a paradox at a time when the United States is the only military superpower left, and the threat to the interests of the United States has never been less.

Our own Government are not immune from this apparent trend. British forces have done well in Sierra Leone, but they deployed independently of the United Nations, and although they appear to be directing the activities of the UN force, they are not yet part of that force. Of course, they have secured the temporary credibility of the UN in Sierra Leone by their intervention, but they would have assured its permanent effectiveness had they been part of it from the beginning.

After the disasters of Rwanda and Srebrenica, after Somalia, the inadequacies of the United Nations have been freely admitted by the Secretary-General himself. In those circumstances, the credibility and the reputation of UN peacekeeping in Sierra Leone are at stake—if the House will forgive the colloquialism, they are on the line. Another failure could destroy both credibility and reputation for a long time to come.

As a permanent member of the Security Council and as the former colonial power, with our long history of involvement in Sierra Leone, and indeed with the present Prime Minister's personal invitation to President Kabbah to attend the Commonwealth Heads of Government meeting in Edinburgh some two years ago at a time when President Kabbah had been ousted—all these factors, which have been used to justify intervention in the way in the past few weeks, were equally powerful, and I would argue more powerful, reasons not just for intervention, but for our participation in the United Nations force.

It is disingenuous of the Government to deflect questions on the issue of national missile defence by saying that no request has yet been made for the use of Fylingdales, and that no decision will be taken until such a request is made. One does not have to go very far in the defence and security community in Washington to hear people say that there is rather more of an understanding about these matters than has ever been revealed to the House of Commons.

As the noble Lord Robertson, recently the Secretary of State for Defence, has acknowledged, national missile defence at the instigation of the Americans has the capacity to cause severe damage to NATO. More than that, it has the capacity to refuel a nuclear arms race, particularly in Asia.

Deployment of national missile defence could result in the Chinese deciding to increase their nuclear arsenal, with the risk of a corresponding and chilling escalation by India and Pakistan: the domino theory in reverse. The statement that the United Kingdom has no view on national missile defence leads me to the inevitable conclusion that reports of a material difference of opinion between the Foreign Office and the Ministry of Defence are unquestionably true. The amendment confirms that disingenuousness. It states that the Government

> wishes to see the Anti-Ballistic Missile Treaty, and strategic stability, preserved.

A definition of motherhood and apple pie could be found in that pious assertion.

The House is entitled to ask the Government to outline their proposals for achieving those objectives of ensuring the preservation of the anti-ballistic missile treaty and of strategic stability. What advice are the British Government giving their United States counterparts? So far, the House has not been favoured with a sufficiently frank statement of Government policy.

In my judgment, the determination to proceed with national missile defence rests on a flawed assessment of threat. Of course rogue states and deeply unpleasant regimes exist. However, we must ask ourselves whether they are so lacking in comprehension that they would threaten to use, or actually use, weapons of mass destruction against the overwhelming nuclear superiority of the United States. The classic definition of threat is capability plus intention. Rogue states may acquire the capability, but it is difficult to envisage circumstances in which they would have the intention.

If national missile defence is necessary to defend the United States, that means that deterrence is considered inadequate. Yet deterrence sustained us through the long watches of the cold war and prevented Saddam Hussein, who undoubtedly had the means of launching weapons of mass destruction, from doing that in the Gulf war. During the famous exchange between James Baker, who was then Secretary of State in the United States Government, and that extraordinary survivor, Mr. Tariq Aziz, James Baker said that, if weapons of mass destruction were used, the response would be disproportionate. The precise nature of the response was never made clear, but those in Baghdad who skulked in their shelters could not exclude the possibility that the use of weapons of mass destruction would have triggered a nuclear response.

Mr. Tam Dalyell (Linlithgow): Has the right hon. and learned Gentleman read the extraordinary book by Richard Butler? There is no reason why he should have read it because it was only published a fortnight ago. The first pages outline the surmise that the continental United States was under considerable threat from the biological weapons of Saddam Hussein. Is the right hon. and learned Gentleman happy that such an unlikely premise formed the basis of a cruel action against Iraq?

Mr. Campbell: I have the advantage of having met Mr. Butler on several occasions. Along with some of my

hon. Friends, I have had the opportunity of discussing such matters with him. Mr. Butler takes a rather robust view of foreign policy. It may disappoint the hon. Gentleman, but I confess that I have more sympathy for, and confidence in, Mr. Butler's analysis of those matters than that of many other commentators. After the promotion of Mr. Rolf Ekeus, Mr. Butler had the responsibility of being the United Nations representative on such matters. I have more than a sneaking suspicion that much of his analysis is correct. We should take careful account of Mr. Butler's words when, as we approach the 10th anniversary of the invasion of Kuwait, we consider our future attitude towards Saddam Hussein and the regime in Baghdad.

Much in the current nuclear environment is welcome, especially the Duma's ratification of the strategic arms reduction treaty and the comprehensive test ban treaty. It would be a tragedy if that more favourable environment were soured by unilateral action by the United States on national missile defence. I therefore welcome the declaration in the margins of the nuclear non-proliferation treaty discussions a few weeks ago in New York by the five permanent members of the Security Council of the United Nations. They declared their intention to seek the elimination of nuclear weapons. It was described as an unequivocal declaration.

That unequivocal declaration to pursue the elimination of all nuclear weapons must be matched by action if it is not to encourage the climate of cynicism that allowed India and Pakistan to justify the enhancement of their nuclear capability and to escape all too easily from the subsequent political condemnation.

I was disappointed in the Secretary of State for Defence, who, shortly after the encouraging declaration, said on a television programme that we should not hold our breath. In response to a probing question from Sir David Frost, he said that action would take place not next week, not next month and not next year. When we consider the United Kingdom's strategic interests, we are entitled to ask the Government to outline their proposals for implementing the undertaking, and when we may expect some evidence of it.

In the light of the National Audit Office report and that of the Ministry of Defence, which was published this week, there are important lessons to learn from the deployment to Kosovo. However, I am unconvinced by the reluctance of the Select Committee on Foreign Affairs to endorse in its report, which was published today, the principle of justified humanitarian intervention.

International law did not begin or end with the United Nations charter. As the Secretary-General, Kofi Annan, recently acknowledged, we should be less concerned with the sovereignty of the state and more concerned with that of the individual. However, we are entitled to ask ourselves about the criteria for intervention. There should be an informed debate about that in the House and the country. We must avoid being caricatured as those who intervene under the guise of moral authority when oil and diamonds are at issue but not when only lives are at stake. We must avoid being caricatured as those who intervene only for Europeans, and not for Africans. We will do that best by being clear and public about our criteria for intervention, and by publishing them if necessary.

I invite the Government to tell the House, the people of Britain and the three armed services the criteria that justify intervention. Let me suggest some principles that should be taken into account. My list is not exhaustive, but it provides at least a reasonable basis for debate. Intervention is justified if there is systematic abuse of human rights; if action can be taken that is consistent with existing United Nations resolutions, if not expressly authorised by them; if all reasonable diplomatic efforts have been made and exhausted; if there is a reasonable prospect of success; and if the force to be used is proportionate and does not put our forces or civilians in the relevant country at undue risk. Those criteria should be accompanied by an acceptance that responsibility does not cease with military action.

My last point is prompted by the position in Kosovo, where a military success has not been followed by the political and economic effort and investment that were promised and are undoubtedly necessary for achieving a multi-ethnic society in that country. We are entitled to be proud of the military effort in Kosovo and, indeed, of the basis on which it was mounted, but we have reason for concern about the extent to which that effort has been followed through by systematic, well-funded, well-invested efforts to restore civil governance.

The concerted action taken through what used to be called the European security and defence identity, but which we must learn to call the European security and defence policy, is the next element to which I shall refer. I remember a former Conservative Whip, who is no longer a Member, telling an amused and slightly surprised House that his promotion to the Treasury Bench meant that he had escaped the anonymity of the Whips Office to reach the acronymity of the Ministry of Defence. We must talk of the ESDP, which provides a prime and compelling opportunity, as well as an obligation, for concerted action. If anyone doubts that, they have only to read today's newspaper reports of the observations of the principal policy adviser of Mr. George W. Bush. She has made it clear that an incoming Republican Administration would expect Europe to do much more for its own defence and that the tacit assumption that the United States will gallop over the hill to our rescue in all circumstances, like a modern equivalent of the 5th Cavalry, can no longer be regarded as universally valid.

The worry expressed by that adviser, which we should all share, was not that Europe will do too much, but that it will not do enough. That is why the prime emphasis in the agreement reached last year by the Liberal Democrats and the Labour Government on European defence was on capability. Capability may involve additional expenditure, although that is sometimes finessed in European capitals by saying that we must spend better rather than more. However, if we are to provide 60,000 troops capable of rapid deployment and being sustained for 12 months, that can be achieved only if they are properly funded and properly resourced. To those Conservative Members who have yet again exhibited the visceral anti-Europeanism that has become so much a part of their political philosophy, I say that the truth is that a strong ESDP will strengthen NATO, but a weak policy will damage it.

It is no secret that the Government's foreign policy is more palatable to the Liberal Democrats than that of their predecessors. I suppose that that damns them with faint praise, but there is a substance to that remark that dates back to the days when the Foreign Secretary and I made common cause on the extraordinary scandal of arms to Iraq, which seems to have passed from political

[Mr. Campbell]

consideration and understanding all to quickly. The House of Commons, as Sir Richard Scott found, was deceived about what was essentially a policy change.

The Foreign Secretary's announcement that the Government and the Foreign Office, of which he had become the leader, intended to achieve a foreign policy with an ethical dimension was applauded from these Benches. However, it is fair to say—particularly on the sale and supply of arms—that we have a certain disappointment about progress. That means that on this and on every other occasion on which the opportunity presents itself, we shall not hesitate to hold the Government to their stated aspiration.

7.34 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Peter Hain): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof

"believes that the strategic interests of the United Kingdom are normally best served through collective action through the United Nations, NATO, the Commonwealth, the European Security and Defence Identity, and similar political, economic and military institutions and initiatives, and with allies, but that the United Kingdom should reserve the right to act independently where absolutely necessary; notes that the United States has not yet taken a decision to deploy a National Missile Defence, and that Her Majesty's Government has made clear, both to the US and to Russia, that it wishes to see the Anti-Ballistic Missile Treaty, and strategic stability, preserved; welcomes Her Majesty's Government's intention to pursue its pledge to seek to eliminate nuclear weapons through bilateral and multilateral negotiations, including through the Non-Proliferation Treaty machinery; and recalls that a principal aim of the deployment of British forces to Sierra Leone was to allow the deployment of additional UN forces, which is now well under way, and to support the UN effort there, and as such has been welcomed by the UN Secretary General."

Apart from the uncharitable reference to seaside resorts, I agree with much of what the right hon. and learned Member for North-East Fife (Mr. Campbell) said. As usual, he was for the most part very sensible, especially in saying how much better Labour's foreign policy is than that of our Conservative predecessors. I am grateful to him for initiating this timely debate, which goes to the heart of the Government's foreign policy mission: a strong Britain working for the security and prosperity of its people in a changing world.

Defending British values of democracy and respect for human rights makes the world a safer place in which to live, travel and trade. We defend human rights and democracy for other people because those are the values that we demand for ourselves. We reject the cynical view that, because we cannot make the world perfect, we should stop trying to make it better. We cannot put everything right, but we can make a difference. Although we cannot do everything, that does not mean that we should do nothing.

The global interest is becoming the national interest. In the global age, it is in Britain's national interest to promote British values of freedom, democracy and economic modernisation. Promoting our values enhances our prosperity and reinforces our security. Regimes that govern by fear and repression will not achieve the creativity and the innovation essential for successful knowledge-based economies in the new century. Respect for human rights is not a luxury of growth, but the condition for it. Human rights make humans rich.

We are uniquely able to pursue our national interests through our global interests. As the only state that is a member of the G8, the European Union, the North Atlantic Treaty Organisation and the Commonwealth, and with a permanent seat on the United Nations Security Council, we play a pivotal role in world affairs. We are a bridge between Europe and America. By making Britain stronger in Europe, we make Britain stronger in the world.

We are internationalists, not nationalists. That is why we support the United Nations, the World Trade Organisation, NATO and the European Union. We are multilateralists, not unilateralists. That is why we play an active and leading role in supporting international treaties on nuclear, biological and chemical weapons and press all other countries to do the same.

Dr. Julian Lewis (New Forest, East): I am delighted that the Minister is a multilateralist. Can he explain how he reconciles that with his continuing membership of the definitely unilateralist Campaign for Nuclear Disarmament?

Mr. Hain: I wondered when that would come up, but I am happy to respond. I remain a rank and file member of CND, which has played an honourable role in the cause of nuclear disarmament. The fact that the policy in the manifesto on which the Government were elected is not unilateralist is not the point, and I shall not apologise for that membership, certainly not to the hon. Gentleman. Without being diverted too far down that track, I say to the right hon. and learned Member for North-East Fife that there was a cold war during the seaside days to which he referred and people were unable to engage multilaterally—for example, in the way that Presidents Clinton and Putin did only a few days ago.

We stand up for Britain not through isolation, but through global engagement. Globalisation requires effective action in response to humanitarian crises. The Government believe that it is their duty to do what they can to deter aggression and defend our values by whatever means will make a difference, whether that is military muscle, constructive engagement or creative diplomacy. Our policy is based on four principles: force should always be the last resort; the immediate responsibility for halting violence rests with the state in which it occurs; when faced with an overwhelming humanitarian catastrophe, the international community should act; and any use of force must be collective, proportionate, likely to achieve its objective and carried out in accordance with international law.

Our intervention in Sierra Leone is an example of that approach. We have intervened to protect British nationals, to promote international peace and security, to support and improve a rules-based international order based on the UN and to act as a force for good in the world by defending democratic values and human rights. Sierra Leone clearly shows, too, that our country has global interests and values and a capability to make a positive impact across the world. As even Washington has told us, no other country has the rapid-reaction capability that enabled us to deploy forces so effectively and efficiently into such a remote and difficult African country within 48 hours.

We in Britain, however, cannot exercise our strategic responsibilities on our own. We could not have had the impact that we have had across the world without the

security that we enjoy at home, which NATO provides. But NATO has changed. NATO is not a cold war relic; it is one of our main tools for the provision of security and stability throughout Europe—through dialogue with Russia, through its partnership activities with 27 countries, and with its open-door policy.

The biggest change is the extension of NATO's active role in responding rapidly and effectively to crises. At last year's summit in Washington, the Government helped to secure changes in NATO's strategic concept to make crisis management one of the alliance's core tasks. In implementing the changes, Britain is ahead of most of our allies, owing to the very successful strategic defence review that we have implemented.

The NATO-led forces in Bosnia and Kosovo clearly show the advantages of effective, well-co-ordinated allied action.

Mr. David Chidgey (Eastleigh): Does the Minister agree that lessons can be learned from our engagement in Kosovo? Does he share my distaste at the fact that Amnesty International has accused this Parliament, through its Government, of committing war crimes? Has he had a chance to read the Foreign Affairs Committee's report, which asks the Government to explain the reasons for the decisions to bomb the television station and the Chinese embassy?

As the Minister will recall, the Committee asked the Government for the right to discuss the issues with the intelligence services. We were not given that opportunity, and consequently we could not get to the bottom of the reasons. Will the Minister make a commitment on behalf of the Government? Can we remove the slur cast by the accusation of war crimes as a result of more information from the Government?

Mr. Hain: I acknowledge the hard work done by the hon. Gentleman on the Foreign Affairs Committee, and the tough questioning to which he occasionally subjects me. I respect that.

There were no British war crimes. We will of course respond in detail to the questions and arguments posed by the Committee.

We are also helping to create a European security and defence capability, which will enable the European Union to respond better to the post-conflict needs of places such as Kosovo. That will neither undermine our United Nations role nor replace NATO's crisis management role; it will complement both.

Rather than creating divisions in the Atlantic alliance, this will strengthen the European contribution to NATO. American experts and politicians of all colours have called on us to build a stronger Europe for a stronger NATO, and we are doing just that, in a way that has ensured the provision of full transparency in respect of the United States Administration.

Mr. Malcolm Bruce (Gordon): As the Minister will know, the Assembly of the Western European Union is currently meeting in Paris. Can the Minister tell us anything about the British Government's attitude to the question of how the European defence and security system, transferred to the European Union, will retain a degree of parliamentary accountability to countries that are not members of the European Union? As I am sure the Minister will appreciate, those countries are extremely exercised about the fact that they are about to be left out in the cold. They are, after all, as much a part of Europe as are EU countries. We must not have a two-class Europe in regard to defence matters, any more than we should have one in regard to any other matters.

Mr. Hain: I agree that we do not want a two-class Europe, but we do want a coherent defence capability, and—the hon. Gentleman nods in agreement—the European Union is clearly the most effective vehicle. I am sure that the matters to which the hon. Gentleman referred can be resolved, especially the concern of the people of the countries concerned to know what their Governments are doing.

Mr. Menzies Campbell: I realise that there can be no instant response to the question that I am about to ask. However, the Minister will know of one way of dealing with the point raised by my hon. Friend the Member for Gordon (Mr. Bruce). In matters such as this, NATO should always have the first option—the right of first refusal. What consideration have the Government given to that? It would take account not only of the American anxieties that have been expressed, but of the concerns felt by members of NATO that are not also members of the European Union.

Mr. Hain: There will always be discussion about that. What we did not want was any discrimination against members of NATO, and I am sure that the right hon. and learned Gentleman will sympathise with that.

Ultimately, conflicts need to be resolved at an international rather than a regional or national level. We want a strong, efficient, responsive United Nations that can build consensus among its members, and can deal decisively with crises. We have been leading the way to help reform of the United Nations, including the Security Council, which does need modernising. As a permanent Security Council member, we support the UN's efforts across the globe to settle disputes, prevent conflicts and keep the peace.

We have actively backed the proposals of Kofi Annan, the UN Secretary-General, for international intervention for humanitarian purposes. He has called for the Security Council to forge unity behind the principle that massive and systematic violations of human rights should not be allowed. As he has said, no legal principle—not even national sovereignty—can ever shield crimes against humanity.

Last year, nearly 15,000 British soldiers and police took part in UN-led or UN-authorised missions, from Kosovo to Georgia. We signed a memorandum of understanding with the UN setting out the assets that we could make available for peacekeeping purposes, including rapid reaction forces. We are also engaged in important discussions about how the UN can develop its own rapid reaction capability.

We have taken the initiative in improving the way in which the UN runs its peacekeeping operations, and in formulating a set of guidelines for humanitarian action by the Security Council. I agree with the right hon. and learned Member for North-East Fife. As the Sierra Leone experience demonstrates, big improvements in UN peacekeeping operations are needed. We need better, tighter command and control structures, and better equipped and trained contributing forces.

[Mr. Hain]

Those problems underline the importance, in Africa especially, of having a regional socket into which the international community can plug. There must be an African ownership of peace agreements—whether in Sierra Leone or the Congo—for international deployment to be effective. That is why we are working with countries such as Nigeria in the west African regional group ECOWAS—the economic community of West African states—and with South Africa in the southern African development community, to enhance their defence and conflict prevention capabilities.

The United Nations also has a key role to play in meeting one of the most sinister threats facing us today—the proliferation of weapons of mass destruction. We have helped to achieve a number of important goals recently. We are taking a leading role in negotiations for a compliance protocol for the biological weapons convention, and to ensure that the chemical weapons convention is properly implemented. Where international regimes have not stopped proliferation, we are working with our allies to resist that, and to tackle the underlying causes of tension. We drafted and co-sponsored a December 1999 UN Security Council resolution establishing the United Nations Monitoring, Verification and Inspection Commission on Iraq. We led the way to achieve an unprecedented agreement with the new agenda coalition of non-nuclear states, enabling us and the four other nuclear weapons states to pledge, at the non-proliferation treaty review conference that took place recently in New York, to work for the complete elimination of nuclear weapons. We are serious about that commitment, and want to see early progress. Our hard work also confirmed the non-proliferation treaty as the foundation of the international non-proliferation regime.

Dr. Julian Lewis: I thank the Minister for his courtesy in giving way again. I appreciate that he would like to see a world free of nuclear weapons. We are also signed up to article 6 of the non-proliferation treaty, which requires general and complete conventional disarmament as well. Does the Minister not accept, however, that the effect of having a nuclear-free world while retaining a conventionally armed world might be to make the world safe once again for prolonged all-out conventional warfare between large powers that are currently deterred by stable nuclear deterrents?

Mr. Hain: The hon. Gentleman is a nuclear weapons fanatic who presumably wants virtually every country in the world to have a capability. If we followed his line of thinking, that might well happen.

We shall continue to press for further deep cuts in the nuclear arsenals of the United States and Russia, for entry into force of the test ban treaty and for negotiations on a fissile material cut-off treaty. Progress on non-proliferation and disarmament may be linked to consideration by the United States of the possible deployment of a national missile defence system, to which the right hon. and learned Member for North-East Fife referred.

Mr. Dalyell: Will we also press for deep cuts in the Israeli nuclear capability?

Mr. Hain: I have already said today that we want Israel fully to comply with and sign up to the non-proliferation treaty. That would be in Israel's interests and in the interests of peace and security in the middle east.

I was discussing national missile defence, which has been prompted by growing concerns about the proliferation of weapons of mass destruction and long-range ballistic missiles. We understand these concerns. They need to be addressed, but missile defence raises complex and difficult issues. The United States has made it clear that before it takes any decision on NMD, it needs to take a number of important considerations into account, including the need to preserve strategic stability. We welcome that.

We firmly believe that these matters should be addressed bilaterally with the Russians through calm, measured dialogue that leads ultimately to agreement. We therefore welcomed the agreement reached last weekend by Presidents Clinton and Putin to intensify United States and Russian dialogue on ABM matters, and on a START 3 treaty. Despite their obvious differences, we hope they can reach an agreement. We have made it clear to both sides that we continue to value the stability that the anti-ballistic missile treaty provides, and we want it to be preserved.

This is not a safe or perfect world. Nations have the right to protect their people and British defence equipment can help them to do so. The right hon. and learned Member for North-East Fife raised the question of arms sales, and the Labour Government have made arms exports more accountable and transparent than in almost any other country. We have established for the first time a tough code blocking exports of arms for either internal repression or external aggression. A European Union arms code is doing the same thing, and we initiated it. We have annual reports detailing the licences that we have agreed—one of the most open exercises of its kind in the world. We have nothing to hide, and many pressure groups have welcomed our transparency.

Britain is also leading the way on arms control by leading the way to ban land mines across the world, banning the sale of torture equipment, promoting a ban on small arms to conflict zones, and ratifying the nuclear comprehensive test ban treaty. Whether through our arms control policy or the promotion of our strategic responsibilities, we can be proud of the Government's foreign policy and our defence capability.

7.53 pm

Mrs. Cheryl Gillan (Chesham and Amersham): I thank the right hon. and learned Member for North-East Fife (Mr. Campbell) for initiating the debate. The whole House will be grateful for the opportunity to debate these matters. We are blessed by the presence of two Ministers, from the Foreign Office and the Ministry of Defence respectively, to provide a little light on the Government's foreign policy.

The Minister for the Armed Forces (Mr. John Spellar): United as always.

Mrs. Gillan: Methinks the Minister doth protest too much. During the speech of the right hon. and learned Member for North-East Fife, I felt that there was a great deal of unity between the Minister and the Liberal Democrats, but was pleased towards the end of that speech to hear at least some murmurs of sedentary dissent from those who sit to my left in the Chamber.

I was surprised to hear the hon. Member for North-East Fife—

Mr. Paul Keetch (Hereford): The right hon. Member.

Mrs. Gillan: I do apologise to the right hon. Member for North-East Fife—[HON. MEMBERS: "And learned."] I apologise to the right hon. and learned Member for North-East Fife, but I was surprised to hear him arguing for more money to be spent on defence. It is of course a gentleman's prerogative to change his mind, but the right hon. and learned Gentleman once called, in *The Officer* magazine of November 1991, for a 50 per cent. cut in defence expenditure by 2000. Indeed, he went on to say that there was

no intrinsic merit in defence spending.

It appears that those words are long forgotten, and the right hon. and learned Gentleman made no allusion to his earlier aspirations. He must be a disappointed man when he thinks back on that magazine article.

I was grateful to the Minister of State, Foreign and Commonwealth Office for setting out some of the Government's foreign policy, although I had heard it all before. Questions asked by the right hon. and learned Member for North-East Fife seemed to slip past the Minister as he stuck carefully to his script. Perhaps when the Minister for the Armed Forces winds up we shall hear further and better particulars of the Government's foreign policy.

We entered the new century with a rapidly changing set of parameters against which the United Kingdom must position itself to steer a steady path in the interests of its citizens, wherever they may be. Technology and globalisation have brought more opportunity and information, and even greater threats than the relative stability of the cold war era.

As in the last century, we remain in a unique position. After the war, Winston Churchill placed Britain at the heart of three interlocking circles—north America, Europe and the Commonwealth. He and his generation had no concept of the global network world in which we now live, but his vision was perhaps more relevant and apposite to today's world than it was even to his.

A current audit of Britain's assets in the world reveals a unique collection and richness. First, there is our place in Europe and our membership of the European Union. Our transatlantic relationship is still very special, on security and military matters above all. We are central in the Commonwealth, an organisation that is potentially ideal as a network for the future. We have a permanent Security Council seat at the United Nations, and we are members of the G8 and NATO.

Our armed forces, so recently in action in Sierra Leone, are the envy of the world, and they have been much praised in the House. Our diplomatic service has a high reputation and extensive capability. We also have the English language, increasingly the lingua franca of the new world.

Mr. Spellar: How can English be the lingua franca?

Mrs. Gillan: I do not know whether the Minister went to Oxford or read classics. The words are lingua franca.

We are conveniently placed in a time zone that falls between north America and the far east. London is the pre-eminent international financial centre, which puts Britain at the crossroads of world financial markets. We are the world's fourth largest economy and second largest global investor. We have a unique combination of assets, giving Britain a vast global reach. In a world in which physical geography matters less and less, we should not think of Britain as being on the periphery of anything. We are not on the edge of some core vision of Europe; we are not an adjunct to the USA; we are not an island offshore of anywhere. Quite the reverse; today's network world places us right at the heart of the global system, and that should underlie the UK's strategic position.

There is no doubt that the main requirement of our foreign policy should be to protect and promote our interests, both immediately and in the longer term. We all have vested interests in stability and peace. However, with the speed of technological developments, our interests are even more vulnerable to developments around the world. Therefore, our strategic interests need to be served by an ever more complex set of requirements.

It is therefore sad that the Government seem to have only one hook on which to hang their foreign policy—namely, an ethical foreign policy. They enunciated that policy at the beginning of their term, but it has proved to be disastrous. They claim that their ethical foreign policy has been a roaring success, but the examples of the rocks on which that ship has foundered are littered over the three years of their governance. Whether it was the treatment of Chinese protesters during the visit of the Chinese President, the failure to sign the United Nations resolution condemning China's record on human rights, supplying weapons that have ended up in the hands of child soldiers, the leaking of Select Committee reports or diplomatic gaffes in Asia and Israel, no one can now believe in the Government's ethical and moral credentials, or even in their competence.

Mr. Gapes: Does the hon. Lady recall when the Commonwealth had 48 members, and 47 of them were against one member? Could she tell us who was Prime Minister then?

Mrs. Gillan: This is not a quiz show. Quite frankly, Labour Members' levity simply shows the disrespect with which they are treating this debate. They have reacted just as I was getting to the tricky bit, where I remind the Minister that, in his interview with the *New Statesman*, he himself condemned the ethical dimension to the Government's foreign policy. I believe that he himself admitted that the ethical dimension had been

consigned to the memory hole.

Rest in peace.

Mr. Hain *indicated dissent.*

Mrs. Gillan: Those were the words in the article.

Mr. Hain: No.

Mrs. Gillan: I advise the Minister to go and refresh his memory by reading the article.

Mr. Hain: Really—try harder. If the hon. Lady were quoting from the *New Statesman* in context and

[Mr. Hain]

accurately, she would find that that statement did not appear in quotations from me. She should, therefore, withdraw her remarks.

Mrs. Gillan: I should withdraw nothing. Methinks, again, that the Minister protests too much. He admitted to the interviewer that the ethical dimension had been

consigned to the memory hole

within the Foreign Office. The ethical dimension stands condemned out of the Minister's own mouth—and my goodness does he find that embarrassing.

One of the first considerations in foreign policy must be whether to act alone or in tandem with others. No foreign policy can truly be conducted alone, but there can be problems with any proposals that would lock our foreign policy capability within a European common foreign and security policy—as, for example, full political union in the European Union would inevitably require. Not only could we possibly sacrifice our agility in protecting our own interests, but we could seriously impede our ability to help others. Acting solo will still frequently be right, as will acting jointly, but we should not have our hands tied by placing the United Kingdom in a European straitjacket.

Evidence has been provided by the way in which the situation in Zimbabwe has developed in the past few months. It seemed to be an extraordinary move on the Government's part to choose the European Union as the vehicle to send warnings to President Mugabe about the events that were unfolding with land invasions and killings. A message more loaded with colonial connotations could not have been imagined.

The right partners, and the right international vehicle, should have been the Commonwealth. It is within the family of the Commonwealth that there could have been the opportunity of diminishing the violence and providing the catalyst for constructive negotiations. Instead, we now have a situation in which I understand even United Kingdom observers have been effectively prevented from being part of the observer group at the forthcoming elections. That is not the most satisfactory of outcomes.

The Commonwealth is, after all, a ready-made network. It has perhaps too readily allowed itself to be seen as an organisation for a former age, but it should represent the future. It is a multi-ethnic global grouping, geographically random in a world in which geography matters ever less, but closely linked by ties of history, trade culture, language and friendship.

Mr. Bob Russell (Colchester): Would the hon. Lady care to say something about British dependent territories—which no hon. Member has yet mentioned in the debate? Should not the House be reminded that the residents of those territories were full British citizens until 1981?

Mrs. Gillan: I am grateful to the hon. Gentleman for reminding me about the British overseas territories. If he had listened to speeches that I have made previously in this Parliament, he would know that I am a great supporter of the British overseas territories. Indeed, I have been extremely worried about perceived attacks on their activities and independence. Occasionally, the Government have been seen to be putting pressure on the overseas territories to introduce legislation that they did not wish to introduce. I thank the hon. Gentleman for reminding me of the overseas territories. I, too, would include them in the picture.

I was talking about the Commonwealth. The modern age is one of networks, and the Commonwealth has a golden opportunity to become a really powerful grouping for tomorrow. The Commonwealth is far less constrained by bureaucracy than other international structures. It comprises about one quarter of the world's population and about a quarter of its nations, and it has a growing waiting list. It also contains some of the fastest growing and most dynamic countries on earth.

The Commonwealth of the future has huge potential in advocating good governance and as a source of stability that can attract investment and wealth creation. That must be the agenda of the Commonwealth network of the future, although it must be admitted that today's Commonwealth does have a long way to go to achieve that.

As I said, the crisis in Zimbabwe demonstrates the need for the Commonwealth to step up when a member state starts to run off the road. We believe that any credible foreign policy would contribute to the development of the Commonwealth as a global network for the benefit of its members—as a force for stability, as a means of promoting the values of the rule of law, democracy and the open economy, and as a possible basis for the better distribution of aid.

We should be flexible in choosing the right partner for any task that we have in hand. Sometimes, we will want to work extremely closely with our European neighbours; sometimes, with individual allies. Circumstances vary and events change. In an age of exceptional fluidity, we cannot allow ourselves and our policies to become frozen and ossified in a ponderous bureaucratic system that can only respond at the speed of the slowest.

To be able to do any of that, we have to be able to make some choices of our own. We have to maintain and modernise our armed forces, and—yes—we have to do so within NATO, not outside it. NATO, not the European Union, is the key. However, that is not the same as saying that there is no strong case for greater European defence co-operation and a much stronger European branch of NATO. There is such a case. Indeed, it was my right hon. Friend the Member for Kensington and Chelsea (Mr. Portillo) who, back in June 1992, started the process with the Petersberg tasks.

European nations need to make their own choices about carrying more of the burden of defence. The current plan for a common European security and defence policy involves neither that nor a stepping up of Europe's capability. Most European Union countries are cutting their defence budgets. By placing the matter within the European Union framework, we will encase it in committees, bureaucracy and trap it in the creeping embrace of EU institutions.

Concerns about that issue have been echoed by the United States Administration. ESDI seems to be have been designed by people who are concerned, first, with endowing the EU with another of the trappings of statehood. The actual practical viability of a European army comes a poor second. At its worst, in some parts of the continent, it is a visible expression of a chilling and growing anti-Americanism which I hope will be resisted.

There are those who resent the emergence of the USA as the sole remaining superpower and believe that the EU must form itself into a countervailing superpower. I look forward to hearing the Minister give us the Government's views on that issue.

We believe that that mindset is worse than simply being unrealistic and vain—it is positively harmful. If it encourages America to turn its eyes further westward, to the powerful allure of Asia, we shall have inflicted a devastating blow to the basis of our security: the Atlantic alliance. For that reason alone, it is essential that Britain should lead Europe and clarify our position on the national missile defence programme. There may be resistance to it, but that is what leadership is all about. Just as, in the 1980s, the then Conservative Government took on the one-sided disarmers of CND and won the argument with the public, today, the Prime Minister must be prepared to do the same. After all, the role should not be unfamiliar: in the 1980s, he and his colleagues, including the Minister of State, were all engaged in the argument, albeit on the other side.

Like the right hon. and learned Member for North-East Fife, I look forward to the Minister's comments on the Government's stance toward the national missile defence programme. Despite the recent negotiations between President Putin and President Clinton, and their welcome announcements on reducing weapons-grade materials, the world is not a safe place. It is even more essential that we gain an insight into the Government's thinking as countries such as Libya, North Korea, Iraq and Syria continue to develop weapons with increasing range, yet the Government have failed to enlighten us. Their disingenuousness is revealed in their amendment, which is really a means whereby Ministers can avoid telling us their true position.

Mr. Menzies Campbell: On previous occasions, Conservative Front-Bench spokesmen have told the House that they support national missile defence. Would the Conservatives support NMD even if it had the effect of breaching the anti-ballistic missile treaty?

Mrs. Gillan: When sharing a platform with the right hon. and learned Gentleman, I have made it clear that I would encourage the Government to participate fully in the NMD programme. The Government themselves have been extremely ambivalent: the Minister of State, Foreign and Commonwealth Office has said that he did not like the idea of a star wars programme, limited or unlimited, but the Secretary of State for Defence said subsequently that the history of our close friendship with the United States meant that the Government were very sympathetic to such requests. It is not for me to answer for the Government: we will be letting the Government off the hook if we do not press for clarification to be given tonight, not only for the House, but for the wider audience watching the debate.

Mr. Hain: Will the hon. Lady give way?

Mrs. Gillan: No—I have been generous in giving way and I am about to conclude my speech.

The modern world is faster, more integrated and interdependent and more potentially lethal than it has ever been before. We need to exploit our potential and the assets of this country to ensure that our foreign policy contributes to peace and stability and the prosperity of an increasing number of people around the globe. I look forward to listening to the Minister lay out the Government's position.

8.13 pm

Mr. Mike Gapes (Ilford, South): Reference has been made to the situation 20 years ago, and I should like to take the House back to that time. I believe that any future threat to the unity of European countries, the United States and NATO is more likely to come from the return of the prince of darkness, Richard Perle, to a position of influence in the United States Administration under the new Bush presidency, if that comes to pass, than from the limited development of practical measures to strengthen defence capabilities and co-operation in Europe, on which the European strategic defence identity programme is based.

Reference has been made to the Campaign for Nuclear Disarmament in the 1980s. No doubt the hon. Member for New Forest, East (Dr. Lewis) has the information in his files, but I should like to place on the record here and now that I was a member of CND for many years. I am no longer a member, having broken with the organisation in 1989 because of my belief that unilateralism was a tactic, not the principle. I took the position that tactical steps forward were required.

Dr. Julian Lewis: Will the hon. Gentleman give way?

Mr. Gapes: Let me finish these remarks first.

I recall that in the early 1980s, the right hon. Member for Yeovil (Mr. Ashdown) addressed the CND national demonstration in Hyde park. That was what I wanted to say when I attempted to intervene on the right hon. and learned Member for North-East Fife (Mr. Campbell), who is probably glad that he did not give way to me. The former leader of the Liberal Democrats was subsequently given the nickname of "Paddy Backdown" by people involved in the peace movement, because of his party's change of policy during the 1980s. We all have our baggage, and it is not right for the Liberal Democrats sanctimoniously to attempt to appear above it all and to score points against other parties; they should recognise their own history and change of beliefs.

Dr. Lewis *rose—*

Mr. Gapes: I shall now give way to a man who has not changed his position, but I shall comment on that when I reply to his intervention.

Dr. Lewis: I thank the hon. Gentleman for skilfully anticipating my first point, which is that whereas the Liberals and many Labour Members, such as him, have changed their position, some of us have been saying the same thing all along. However, is not the hon. Gentleman telling the House that when we faced a threat from a nuclear superpower, he wanted to give up, unconditionally, our nuclear deterrent, whereas now, when we are not facing such a threat, he wants to keep it?

Mr. Gapes: No, what I am saying is that a man called Mikhail Gorbachev came on to the scene, international

[Mr. Gapes]

relations were transformed, the old cold-war adversarial politics became out of date, and we had to move on. The hon. Gentleman's position has not changed since the 1980s—in fact, it is the same as it was in 1953, when Joseph Stalin died. That is the problem with a certain brand of Conservative thinking. As the world changes and becomes more complex, as international relations change and as technology changes, politicians have a duty to respond to that changing environment. The ability and willingness to do so marks the difference between a political party and a sect.

The debate gives us the opportunity to discuss several different issues, including national missile defence. I shall not make extensive remarks in that respect as I had an Adjournment debate on the subject on 17 May in which I set out my views. However, I fear that we face a potentially serious problem, which is the decoupling of the United States and Europe if the US goes ahead with NMD and unilaterally abrogates the anti-ballistic missile treaty. The recent discussions between President Clinton and President Putin were welcome, but we must recognise that the two men did not agree on that issue. I fear that unless we in Europe unite to send out clearer, more forceful signals across the Atlantic, the misperception that we are not worried about the implications of NMD for future security co-operation might arise in some quarters in the US.

I believe that we all—even the Conservatives—must think through the implications of implicit or explicit support for a programme that breaches a centrepiece of arms control, the ABM treaty. If that treaty goes, there will be no START 3, the process of arms control will unravel, and there will be an increase in the number of Chinese missiles, which will have knock-on effects in India, which will have knock-on consequences in Pakistan—we will have issued a proliferator's charter. That is the danger facing the world in coming years. We have to preserve a measure of anti-ballistic missile control, because if we do not, the counter-measures adopted will include an increase in the number of nuclear weapons and their worldwide proliferation.

Mr. John Hayes (South Holland and The Deepings): Does the hon. Gentleman not understand that such unilateral action by the United States, which he describes as severing the link, is likely to be exacerbated if America regards Europe—a common European defence policy and, ultimately, a common European defence force—as an alternative to NATO? Will that not make it easier for isolationists in America to pursue not only the policy of which the hon. Gentleman warns, but an entirely different military course from that followed by western Europe?

Mr. Gapes: The European strategic defence identity is how to get the 2 million-strong armed forces of NATO's European members to be capable of deploying 50,000 or 60,000 personnel in an effective action at one time. It is not beyond the wit of European countries to do that. I refer the hon. Gentleman to the recent Defence Committee report, in which we went into such issues in considerable detail. The report contains much information that might be helpful to him and reassure him that the issue is one of practical measures to make the European pillar of the Atlantic alliance more effective, for which the Americans have always called. Clearly, if the message that such moves are a substitute for NATO is somehow put across, it will cause the Americans alarm. That is not the intention or the policy of this and other European Governments. Indeed, in the St. Malo declaration, the French and British Governments agreed a formula that strengthens, not weakens, the European pillar of NATO.

Mr. Hayes: The hon. Gentleman's honest assertion that strengthening the European pillar will strengthen NATO as a whole is not shared by all our European neighbours. Many in Europe see the political project of the united states of Europe as intrinsically tied to the establishment of a discrete military identity.

Mr. Gapes: I do not want to labour the point; I shall move on. I suggest that the hon. Gentleman reads the Select Committee report.

Mr. Menzies Campbell: I did not care much for the hon. Gentleman's historical analysis, but I am rather more impressed by his contemporary analysis. In reaching the conclusion that he has, did he take any account of the letter written by Senator Trent Lott, which was signed by 25 Republican Senators and sent to President Clinton on 19 April, in which it was argued that even President Clinton's limited proposal was inadequate and that a future Administration should go very much further? Will that assist stability?

Mr. Gapes: Absolutely not. I am grateful to the right hon. and learned Gentleman for drawing that to my attention.

I want to address the wider aspects of the debate. Although the speeches of Liberal Democrat Members have referred to the question of arms sales, it is interesting that that is not mentioned in the motion. I wonder why. Perhaps it is because there are different views in the Liberal Democrat party.

Mr. Campbell: No, it is carelessness.

Mr. Gapes: All right.

If we accept that all 180-plus countries in the world have a right to national self-defence, and we do not want every country to try to build an indigenous defence industry, some arms transfers from some countries to others will be inevitable. In such circumstances, we cannot take the purist position of saying that there should be no arms sales anywhere. I am glad that the right hon. and learned Gentleman says that that is not his party's position. We therefore need greater transparency, United Nations and European Union registers—this Government have been very much at the forefront of calls for their introduction—and greater accountability to Parliament and for what happens. I look forward to the day when Select Committees have the powers of those in some other Parliaments on scrutiny of such items and appropriation budgets. However, that is another debate for another day.

We have made considerable progress over the past few years and have certainly moved quite a way since the scandals of arms to Iraq and the Scott report. However, there is more to be done and I hope that the Government will introduce legislation in the not too distant future. My fundamental problem with the Liberal Democrat motion lies in the phrasing of its first sentence, which states:

the strategic interests of the United Kingdom will best be served by collective action.

That does not allow for any national decision that is not tied to a collective organisation. Therefore, the Government's amendment is right to state that the UK's strategic interests

are normally best served through collective action

because there are circumstances in which a country must act alone to defend its territory, citizens and interests. It would be a big mistake to adopt a position that implies that there are no circumstances in which a country would take such action. Of course, doing so is permitted under article 51 of the UN charter. Not providing for that is an error in the motion.

The Defence Committee recently published a report on the annual reporting cycle of the Ministry of Defence. In it, we drew attention to the fact that the defence budget is under great pressure. We are doing more and more and expecting our service personnel to work far more efficiently—increasingly in complex international situations. The report states that there is cumulative evidence of problems of overstretch and that the finances should be rebalanced in the spending review.

My plea to my right hon. Friend the Chancellor is that we recognise that if, as a permanent member of the Security Council, we are to do excellent work such as that in Kosovo and Sierra Leone, and that done by British personnel whom I met who are monitors on the Kuwait-Iraq border or those pursuing Operation Bolton—which is a means of stopping the aggressive fascist regime of Saddam Hussein launching a further attack against the small states in the Gulf—resources must be made available in the comprehensive spending review.

Mr. Keetch: Will the hon. Gentleman give way?

Mr. Gapes: I cannot give way again; I am sorry but I must conclude.

Strategic interests are about more than international organisations. I had the pleasure today of hosting a reception in the House for Voluntary Service Overseas. VSO sends young people from this country to assist in developing countries worldwide. An early-day motion on today's Order Paper highlights the areas in which it is involved. I believe very strongly that non-governmental organisations and the voluntary sector have a very important role in promoting Britain's strategic interests. Likewise, the BBC World Service, the British Council and other bodies that are funded to some, or to a large, extent by the taxpayer are very important in representing this country and fostering its perception in the rest of the world.

For a country such as ours, which is dependent on international trade and which has an international language and excellent academic institutions and worldwide links, it is vital that we are seen to be internationalists and that we are internationalists. That also applies in the European context. We gain much more from our involvement in Europe and our position in the European Union precisely because we are members of it than we ever would if we were to adopt the narrow-minded isolationism that some on the Opposition Benches wish to pursue.

I have covered several different areas, but owing to interventions I shall conclude. I hope that the House will have further opportunities to discuss these wide-ranging issues in the not-too-distant future.

8.29 pm

Mr. John Hayes (South Holland and The Deepings): I have only a couple of points to make. The first is that when Britain's strategic interests are debated in the House, a fundamental difference between the parties is revealed. The Conservative party is the only truly national party—the only party for which national interest is at the heart of all its considerations of foreign and international affairs. That difference is rooted in the history of political parties and parliamentary debate and is partly the result of the liberal elite and the liberal establishment—*[Laughter.]* I use those phrases not because they are topical and popular but because they have always been the terms by which I refer to the middle-class left.

Mr. Bob Russell: Middle class? Me?

Mr. Hayes: The hon. Gentleman attempts to distract me from my main theme.

The difference may be explained partly by the psyche of the left. National interest is always considered grudgingly and unenthusiastically, as a matter of acquiescence, by the liberal left. The hon. Member for Colchester (Mr. Russell) looks at me with some surprise, but he will remember the great debate between Gladstone and Disraeli in 1876. *[Laughter.]* I know that the Minister for the Armed Forces, is not as familiar with these historical matters as some other hon. Members are. I do not blame him for that; I blame his teachers.

Mr. Russell: He went to Oxford.

Mr. Hayes: That is even worse. I blame his teachers and lament the fate of his pupils.

The debate in 1876 about the Bulgarian atrocities was between Gladstone, who believed that Britain should take military action in pursuit of a greater moral interest, and Disraeli, who said that

the permanent and abiding interest of England

should lie at the heart of our considerations about when to intervene, use force, commit money and risk lives in an overseas adventure.

The nonconformist conscience may be a laudable thing in certain circumstances but it should never be allowed to subvert or obscure Britain's national interest. That historical philosophical difference legitimately and genuinely lies at the heart of the difference between the parties when we consider these matters.

Mr. Keetch *rose—*

Mr. Hayes: I give way to the hon. Gentleman, who will no doubt tell me more about the Bulgarian atrocities of 1876.

Mr. Keetch: I did not intend to mention the Bulgarian atrocities. The hon. Gentleman seems to be saying that his party is the little Englander party, whereas our party and the Labour party may be internationalist parties. We should be quite clear about that, because I remember another Conservative politician mentioning wars in far-off places between people of whom we knew nothing. Does he agree that that attitude still exists in the Conservative party?

Mr. Hayes: No, and I will use another historical reference to illustrate why I do not agree with that. The hon. Member for Ilford, South (Mr. Gapes) talked about a narrow-minded isolationism just as the hon. Member for

[Mr. Hayes]

Hereford (Mr. Keetch) talked about a little Englander mentality. When there was that debate in the 19th century between the Liberals and the Conservatives, the Conservative party was the imperialist party that looked with more than affection—with loyalty, indeed—to the countries and peoples in the empire, while the Liberals were more narrow minded and were often reluctant imperialists.

That is not exclusively true, and you will no doubt point to Joseph Chamberlain as a Liberal imperialist in your next intervention, but it has to be said that he became more of a little Englander than many of the Tories who survived that debate.

Mr. Deputy Speaker: Order. I am sorry to interrupt the hon. Gentleman, but he must remember to use the correct language and that if he uses the words "you" or "your" he is addressing the Chair. He must also remember that he should be addressing the Chair and not turning his back on it.

Mr. Hayes: I apologise profusely, Sir Alan. I know that you are very familiar with these matters, being a student of the Conservative party's history. Perhaps this is an appropriate time to move on to my second major point. The first point, Sir Alan, was—

Mr. Deputy Speaker: Order. The hon. Gentleman is having a rash of little mistakes this evening. I should be addressed as Mr. Deputy Speaker.

Mr. Hayes: It must be my excitement and enthusiasm in dealing with interventions from Liberal Members.

Mr. Spellar: First, let me give the hon. Gentleman the opportunity to clear up his confusion between Joseph Chamberlain and Neville Chamberlain. While he is trying to wrap the Tory party in the patriotic flag, can he say whether he approved of the Labour party insisting that Churchill should lead the country in the second world war and forming a national Government, which the Labour party has always done? His attempts to smear the Labour and Liberal parties in this regard are quite despicable.

Mr. Hayes: There is no confusion between Joseph and Neville Chamberlain. It was Joseph Chamberlain who, in the 1906 election, pursued a policy of tariff reform—which could be caricatured as an isolationist, little Englander policy—which cost the coalition of which he was a part so dear electorally.

There are times when national interest becomes paramount in pursuit of a noble objective, and the Minister uses the example of the second world war. Of course I acknowledge that there are many good, noble and patriotic people of all parties in the House, but the bottom line is that there is a deep philosophical difference, when push comes to shove, on the issue of national interest. No one in the House forgets it completely, but it is a matter of how high a priority one gives it. I was illustrating that point by reference to the debate between Gladstone and Disraeli. There should not be any disagreement between the Liberal Democrats and me on that issue.

My second point is that the fundamental premise adopted by the right hon. and learned Member for North-East Fife (Mr. Campbell) at the beginning of his speech seemed to me to be flawed. He said that the popular wisdom was that a world post-mutually assured destruction, in which the old certainties and inertia had disappeared, was a less secure world; but the real issue is not the implications of the changing power relations and balance of armouries between the great nations. Much more important, as my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan) alone has pointed out, is the changing nature of technology and communications.

The real change that brought about the necessary reappraisal of the way in which we deal with our strategic interests and our international affairs comes from changes in international communications. It is true to say that the world becomes a less certain place as it becomes more flexible. It is also true to say that the cultural and commercial changes that have taken place, at a pace that few could have anticipated, over the past decade—and will take place at an ever-increasing pace because of further changes in technology—create different imperatives and a new dynamic. Contrary to the suggestion made by the right hon. and learned Member for North-East Fife, that is much more important than the issue of the post-mutually assured destruction reassessment of defence priorities.

The second mistake that the right hon. and learned Gentleman makes is believing that acknowledgement that the world is more uncertain and more rapidly changing—a more global place—necessitates more global institutions and a supranational approach to the organisation of defence. I suggest that it reinforces the need for national identity. As people become less certain and as the world becomes less secure, the need becomes ever greater for a strong sense of belonging that is rooted in history and part of a continuum that draws on the collective wisdom of ages.

Mr. Keetch: The hon. Gentleman has several times mentioned my right hon. and learned Friend the Member for North-East Fife (Mr. Campbell), who is a Scotsman who is proud of his Scottish and British traditions and who can in no way be described as a little Englander. My right hon. and learned Friend said nothing that suggested that the United Kingdom should give up its ability to act independently when it needed to. He simply said that a less certain world required international agreements, and he listed them cogently and coherently.

Mr. Hayes: With respect, the motion deals only with collective action, and the right hon. and learned Gentleman made no significant comment about separate, national action. That was pointed out by the hon. Member for Ilford, South. The motion and the right hon. and learned Gentleman's contribution both lack balance. I do not say that international affairs do not necessitate alliances and collaboration, but the exclusion of national action appears to be at the heart of the differences between us in this debate.

This rapidly changing and less secure world makes a case for an enhanced sense of belonging through a reinforced nationhood and the opportunity for national action. It also renders inflexible institutions less, not more, relevant. The problem with the European Union as the basis for a common defence policy is that it is unsuited to the flexibility that is required. That is why I disagree with the right hon. and learned Gentleman and others who, like many in the EU, see it as the way forward.

The hon. Member for Ilford, South talked about the strengthening of the European pillar, but that will undoubtedly give the isolationists in America—many of whom are on the right—the opportunity to make a case for unilateral American action. That is what I wish to avoid. We should reinforce those institutions such as NATO—an association of sovereign nations—and the Commonwealth, to which my hon. Friend the Member for Chesham and Amersham referred, which have the necessary flexibility to deal with a more rapidly changing world. That is why we reject the EU as an appropriate institution to undertake the sort of collaborative action that will be increasingly necessary.

Anyone who has any doubts about what I have said needs only to examine President Chirac's perspective. On 30 May, he addressed the President of the Parliamentary Assembly of the Western European Union and spoke about "reinforced co-operation", and that was fair enough. However, he also talked about decisions

> ultimately being the prerogative of the United Nations Security Council, which is the only body with the international legitimacy to decide on the use of force.

That clearly is not the case. NATO is the paramount body in that sense, because it has secured and guaranteed peace in western Europe and the rest of the western world, for my lifetime and longer. President Chirac also argued for the creation of a necessary assertiveness that

> requires us to define our own objectives and to implement our own policies, and to use every resource to achieve them.

There is good will in the Chamber about the role of NATO, and I have no doubt that the hon. Member for Ilford, South is entirely honourable in his wish to strengthen the European pillar. It stems from his conviction that that would be supportive of NATO and necessary for its future success, but I doubt that that view is universally held. I do not think it is shared by significant numbers of significant people in the European Union, who I believe see the matter as part of a bigger political objective.

In conclusion, I believe that our strategic affairs, policy and perspective should be based on three things. First, our strategic approach should be based on a willingness to support our friends and allies, and especially our historic friends and allies in the Commonwealth and in our former colonies.

Secondly, it should be based on a determination never to endanger the lives of our citizens—including our troops—merely to indulge the conscience of the liberal elite, still less that of the liberal elite of other nations in Europe. Thirdly, it should be based on a proud, rigorous and unstinting determination to defend our national interest.

The right hon. and learned Member for North-East Fife described that approach as visceral. I believe that it is a proud and vigorous approach, and a popular one. I suggest to the House that it is shared by the overwhelming majority of the citizens of this country, regardless of how they vote in general elections.

8.46 pm

Mr. Tam Dalyell (Linlithgow): The Liberal Democrat motion refers to the "successful military campaigns" in Kosovo. I applaud the actions of individual service men but this debate provides a justified opportunity to ask questions which I hope my hon. Friend the Minister for the Armed Forces will answer when he winds up.

An article in today's edition of *The Scotsman* is headed "British NATO Troops Clash with Serbs". It states:

> British NATO peacekeepers shot and wounded three Serb men in the Kosovan Serb enclave of Gracianica after a senior British officer was attacked in the town as he tried to calm a demonstration.
>
> "There was no question, my life was in danger, and our lives were very much threatened," said Brigadier Richard Shirreff, commanding of 7th Armoured Brigade, or "Desert Rats", after the incident at 11 am yesterday.

I emphasise that it is no part of my case to criticise the troops involved. For two years on national service as a teenager, I was proud to wear the emblem of the Desert Rats in 7th Armoured Brigade, but the incident raises a question about which I hope my hon. Friend the Minister will say something.

What exactly is going on in Kosovo? Under that scorching sunshine, it seems that a situation is developing in which troops from Britain and other KFOR countries are suffering the opprobrium of both sides. The House should be told exactly what that situation is.

The BBC News website today has a report that states:

> Five people were wounded in the attack in which two grenades were thrown from a passing car.
>
> A British military spokesman, Flight Lieutenant Rob Hannam, said the troops believed they and the brigadier, who is responsible for security in the town, were in imminent danger.
>
> He said troops fired warning shots into the air. When that failed to disperse the demonstrators, one or more of the soldiers fired into the crowd.

What does the Ministry of Defence expect to happen in the next few blisteringly hot summer months? I hope that my hon. Friend the Minister will refer to that question when he winds up the debate.

I was lucky enough to have an Adjournment debate at 1.55 on the morning of 22 May, starting at column 836 of the *Official Report*, when the House went very late. Reference was made to Richard Butler and sanctions to Iraq. I note that last week, Richard Butler was reported to have said that he now thinks that sanctions will serve no purpose. In the Adjournment debate, I referred at some length to the visit that I made with the former Irish Taoiseach Albert Reynolds, who is not a naive man, and to the fact that we thought that sanctions were simply counter-productive.

We are grateful to the Liberal Democrats for having initiated this important debate. The right hon. and learned Member for North-East Fife (Mr. Campbell), who opened the debate, referred to Richard Butler, and I wish to refer specifically to Mr. Butler's book. I am not asking the Minister to respond to these somewhat detailed questions, but I think that they should be put on the record.

On page 4 of his book, Richard Butler says about Saddam launching another attack:

> Every thoughtful leader in the region assumes he may do so again.

The fact is that Iran, Turkey, Qatar, the United Arab Emirates and Bahrain have all established embassies in Baghdad and are taking a different view. Indeed, it is reported that the Saudis are looking—ambiguously, at any rate—at the Qatar proposals that have been put forward by the Gulf Cooperation Council. In these circumstances, what is the Government's position? Do they agree with Richard Butler?

[Mr. Tam Dalyell]

Secondly, do the Government agree with the scenario described on page 5 of Richard Butler's book? He writes:

A hit squad from somewhere in the Middle East travels to New York City carrying a one-litre bottle filled with one of the several chemical weapons agents we have long known Saddam Hussein to be developing. Using a simple sprayer (like one that a gardener or house painter might own), they diffuse the contents into the air over Times Square on a Saturday night or into the main concourse at Grand Central Station at 5:30 P.M. on a weekday evening. Hundreds, maybe thousands of people die agonizing deaths as a result. Because of their own handling of the substance and the strategic concern to maintain ambiguity over the source of the attack, the terrorists may have to be prepared to die themselves.

There should be a considered response to this statement. Richard Butler is, I would say, dreaming up this situation, but the Government may take a different view and base policy on a hypothetical threat.

Page 17 of Butler's book refers to EMPA. The Minister is a scientist, and he will know that this stands for ethyl methyl-phosphoric acid. Butler says:

The chemists had swabbed each of the pieces of metal to remove and collect the surface residues for analysis. As one might expect, they found a spectrum of substances on the metal surfaces, ranging from ordinary dirt to chemicals of various kinds. But there were also clear traces of a chemical called EMPA, short for ethyl methyl-phosphoric acid. It was this finding that had caused Horst Reeps to blanch. EMPA is a degradation product of one and only one known compound in the universe—the chemical VX, one of the most toxic substances ever made.

Are the Government prepared to submit the evidence for this, which I know weighs heavily with the Prime Minister, to R.J.P. Williams, the emeritus professor of inorganic chemistry at Oxford, fellow of Wadham, who is recognised as the greatest European expert on EMPA?

My last question on Butler's book is this: what is the Government's reaction to chapter 8, headed "Kofi Annan Goes to Baghdad"? In this chapter, Butler is deeply critical of the United Nations Secretary-General. They cannot both be right, and I am entitled to ask who the British Government believe is right.

My Adjournment debate took place at 1.55 in the morning on 22 May. I asked three questions and the Minister of State, Foreign and Commonwealth Office could have been forgiven for not answering them at that time of the morning. However, they bear repetition. First, I said:

the United Nations has been reporting since August 1999 on the stock situation in Iraq involving food and medical supplies, and these monthly reports show a satisfactory distribution picture. Why are Her Majesty's Government continuing to identify a picture of hoarding of these humanitarian supplies?

Secondly, I said:

the President of the Security Council in January 1999 reminded the Security Council that there should be monitoring of the impact of sanctions on the human condition of those countries under sanctions, and also that the chairpersons of sanctions committees should visit their respective countries to obtain first-hand information on the ground. Why does that not happen in the case of Iraq, and what are the Government planning to do about it?

Finally, I asked about the fact that there was

no sign of an end to the stalemate between the UN Security Council and the Government of Iraq with regard to resolution 1284. This stalemate is entirely at the expense of the civilian population. Keeping that fact in mind, what do the Government propose as an initiator of the resolution to end the stalemate?—[*Official Report*, 22 May 2000; Vol. 350, c. 835.]

Those are important questions, but as other hon. Members want to speak, I shall leave it at that.

8.56 pm

Dr. Jenny Tonge (Richmond Park): Earlier, the Chamber took on the air of a confession box as, for a while, Members on both sides of the House confessed to their membership, or otherwise, of the Campaign for Nuclear Disarmament. I shall begin by making my own confession. I think that I am still a member of CND; I certainly would not have been seen dead without my CND badge when I was younger. More important, I was a member of an even better organisation—Doctors against the Bomb.

I am now a fully paid-up supporter of my party's policy on nuclear weapons but, deep down in the heart, a doubt lingers as to whether the male politicians in this world of ours have really got it right—I suspect that they are all stark raving mad, but enough of that.

I want to address an issue that has not been raised so far and on which the UK could really make some impact. As we have heard from the hon. Member for Chesham and Amersham (Mrs. Gillan), this country is uniquely placed between the USA and Europe, with huge links to Commonwealth countries. We must thus be the nation best placed to influence the greatest number and to strengthen the United Nations. That is what I shall talk about primarily.

At the beginning of this week, I attended a lecture at Kew gardens in my constituency. It was world environment day. The lecture was given by Michel Batiste from UNESCO. He was speculating on whether the world had a future and on what we could do to influence the world's future. He presented two options, one of which was that the USA should rule the world; it was the strongest nation, and we all had to accept that and bow down under the yoke.

After making that suggestion, he argued strongly that the United Nations was the only truly world body that could do anything about securing our future. He called on everyone present to do all in their power to strengthen the UN.

Why does the UN matter so much? It is tempting to dismiss it as a powerless sideshow in global politics; it has to be supported, but those who are interested in it are mainly elderly academics and—dare I say?—anoraks. Why do we not, ask the hardliners, deal directly with the power brokers in the G7, NATO, the World Bank and the World Trade Organisation? Let us deal directly with them, they say, so that the really powerful nations can get their own way. They suggest that that is a much easier and quicker way of doing things. The strongest wins every time.

The world must have a body of member states that can challenge each other on abuses of human rights, on rotten trade agreements and on the invasion of territory. We have to attempt to create such a world order. However, the United Nations was created 50 years ago and it desperately needs reform. It is constantly bypassed by the stronger countries, the International Monetary Fund, the World Bank and the World Trade Organisation. Its recent peacekeeping operations in Rwanda, Sierra Leone and Bosnia—the list is not in the right chronological order—have all been a failure and everyone has deplored what has happened.

We want discussion on the reform of the United Nations. First and most important, its dues must be paid in full by every member country. The recent withholding of $300 million by the United States to win family planning concessions was outrageous. I am astonished that the British Government did not condemn that more strongly. We must all pay our dues—even the mighty United States of America. It is no good our complaining of weaknesses in the United Nations if we do not give it the resources to do its job. If it does not do the job properly with the right resources, we then have to spend more money clearing up the mess. Where are the economies to be made in that?

Secondly, the Security Council has the prime responsibility for international peace and security. However, there are two classes of members on the Security Council. There are five permanent members, any one of whom can veto decisions. China, France, Russia, the United Kingdom and the United States can hold the world to ransom single-handedly. The structure must be revisited. Perhaps the General Assembly should be allowed to challenge it. The nine other members of the Security Council have to be elected every two years. Why are the permanent members so safe? Perhaps we should review who they are.

A constitutional conference needs to be called to discuss reform of the United Nations. Why do the Government not take the lead on that? To set an example, why could this country not refer a resolution that we wish to veto to the General Assembly for decision? Perhaps other countries would follow suit.

The General Assembly needs revision. It needs to have a more democratic basis and a better weighting of votes. The millennium summit of the UN will be held in September and I plead with the Government to try to pursue reform of the UN at that summit.

My right hon. and learned Friend the Member for North-East Fife (Mr. Campbell) criticised the United States for not ratifying treaties, but why are we not taking the lead on ratifying the treaty on the International Criminal Court? Why is that taking so long? It is five years since the Scott report was published and two years since the arms White Paper was produced, so why do we still not have legislation to control the arms trade and arms brokering?

The annual report is very welcome, but the phrase, "We only export arms if they will not be used for external aggression or for internal repression," sickens me. I do not know how Ministers can repeat it like parrots. They do not believe what they are saying; I do not believe what they are saying. Why are we not leading the world on that?

Why are we not finding ways to make the world financial institutions, such as the World Bank and the World Trade Organisation, answerable to the United Nations? Why should they always get away with it?

As I said at the beginning of my speech, the United Kingdom is uniquely placed, by our history and our treaties, to reform the United Nations and to lead the world. I was proud to be present in the Foreign Office when the new Government announced a foreign policy with an ethical dimension and, as a weak and feeble woman, I nearly cried when I heard those words; indeed, I get emotional just thinking about that now. We had a new Government who would give a new moral lead to the rest of the world. Sadly, however, that has not happened.

I am no dove, as my right hon. and learned Friend the Member for North-East Fife will tell the House. I fully supported the previous Government's actions in Iraq and this Government's actions in Kosovo, and I am proud of what they have done in Sierra Leone. However, they have left much undone, especially on arms sales. Indonesia, Sri Lanka and other countries all over the world have received arms from us, and they should not have done. All over the world, there are questionable trade agreements that may lead to environmental damage. We have had to make excuses because British companies, encouraged by the Government, have been involved in projects that have caused human rights abuses and environmental damage. We have to do something about that.

Why do not the Government stop being so timid? They are constantly looking over their shoulder because they are terrified of offending anybody, especially the United States, and of taking a stand. We are a great people, and the Government have a large majority. Why do they not show the world what we can do?

9.7 pm

Mr. Malcolm Savidge (Aberdeen, North): I congratulate the Liberal Democrats on their motion. However, I shall do so in classic Liberal Democrat form by combining damnation with praise in a strange admixture by adding the caveat that the inclusion of Sierra Leone was extraneous. It made the motion diffuse and was done simply to bring forth pedantic criticism.

Surely what we did in Sierra Leone was a successful action in support of a friendly, legitimate democratic Government with whom we have a special relationship because the country is an ex-colony and a member of the Commonwealth. Our action was in support of United Nations action, and troops, and by doing what we did we saved life and limb. Frankly, I was surprised that the right hon. and learned Member for North-East Fife (Mr. Campbell) commented that we went there to save diamonds. We went to save life and limb—in the most hideously literal sense, as some of the terrible pictures from that country show.

Mr. Menzies Campbell: When the hon. Gentleman has the opportunity to check the *Official Report*, he will find that I did not say that we went to Sierra Leone to save diamonds; I asked how we would defend ourselves against the caricature that we intervene only when issues such as oil and diamonds are at stake. I did not represent the Government's position, which I have consistently supported, in the way that he has described.

Mr. Savidge: We defend ourselves with the fact that we went to Sierra Leone to save life and limb. We succeeded in doing so by going in quickly rather than waiting for a United Nations resolution, and we were correct to do so. We should congratulate our troops and our Government on that.

In any case, I regard that issue as a diversion because the crucial issue is weapons of mass destruction, which the Liberal Democrats were right to raise. I totally agreed with the right hon. and learned Gentleman when he said that since the cold war we have had a decade of inertia that has led to a great increase in our peril. Again, we should congratulate the Government, particularly on what they did in the nuclear non-proliferation review conference in New York.

[Mr. Savidge]

We should remember the pessimism with which many of us went into the conference, and the acute apprehension that we felt during that conference, yet, at the end of it, there was agreement between the five nuclear weapons states—the five UN Security Council members—in the statement to which the motion refers. There was real meaningful dialogue between those five states and the members of the New Agenda Coalition. There was real involvement and discussion with the non-aligned countries. As a result, the conference came out with a successful agreed statement.

I believe that the British delegation played a crucial role in each stage of that agreement. That was an important success. Those on the delegation—particularly the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Neath (Mr. Hain)—should be congratulated on their part in that.

Among the positive things in that statement were its positions on the comprehensive test ban treaty, the fissban treaty, the anti-ballistic missile treaty, Israel—I take the point that was made by my hon. Friend the Member for Linlithgow (Mr. Dalyell) that that was important—India and Pakistan, nuclear weapon-free zones, START 2, START 3 and the need to make further progress in reducing nuclear weapons, working towards the elimination of those weapons. However, we must now see delivery. Therefore, I accept that part of the motion and the Government's response to it.

We need to see delivery. Yesterday, the House debated Northern Ireland. I see a parallel with Northern Ireland. When paramilitary organisations say that they will disarm, I find that encouraging, but when they actually allow their weapons to be inspected, I find that more encouraging. When they start decommissioning, I find that most encouraging of all. I repeat the statement from the right hon. and learned Member for North-East Fife: greater inertia, if anything, creates even greater peril because we are at a watershed.

I am pleased that the leadership of all parties in the House supports the comprehensive test ban treaty. My early-day motion last year showed that the overwhelming majority of Back Benchers from all parties support that—in fact, it gained more support than any early-day motion since the general election.

Obviously, it is encouraging that the Russian Duma has endorsed the test ban treaty. We await in particular the position of the United States and China because they will undoubtedly bring other states in with them. I endorse what the United States Administration are trying to do, but we must desperately seek to encourage Congress to take positive action on the matter.

In the United States, people say that they are worried about rogue states. Banning tests is one of the best protections against rogue states. If they are banned, it will mean that weapons are untested. Weapons that are untested are far less likely to work and weapons that are far less likely to work are far less likely to be used.

The test ban treaty is one of the most verifiable of all treaties, which is another reason to support it. The Government should do everything that they can to encourage our United States allies in Congress to endorse the comprehensive test ban treaty. The House should do everything that it can to support the Government in that. Perhaps we should again support an early-day motion, or find some other way to encourage them.

The fissban treaty is a matter of urgency. Only last month, a convoy of illicit nuclear weapons material was intercepted when being smuggled from the former Soviet Union into Afghanistan. What Russia has said recently about a preparedness to export nuclear weapons technology to other countries is worrying, although I suspect that that may be part of the bargaining that is going on in relation to NMD.

Talking of NMD, I pass on to the ABM treaty. I am glad that it was said that that must be preserved and strengthened, but NMD does cause concern, as does the attitude of the Clinton Administration and, even more, the Bush candidacy, which at times has almost the most naive and most frightening foreign policy since Goldwater. What perhaps causes even more concern is the thought that it could become an election issue and so might not be discussed on a totally rational basis, or be totally based on rational considerations of strategy.

I fear that that is very much a magic and Maginot approach to strategic problems: the sort of magic fix or Maginot line that is supposed to create a miraculous cure for all defence problems. It sounds wonderful until it is tested and found not to work. Not only may it not reduce danger—it could increase danger. If the ABM treaty is torn up, both Russia and China are likely to increase their weapons. It could also destroy reliance on all other treaties.

Even if agreement is reached with Russia, it must also be sought with China, which I know is not party to the bilateral talks. If China is not brought on board, there is the danger that it will increase its weapons and start exporting weapons. The right hon. and learned Member for North-East Fife and my hon. Friend the Member for Ilford, South (Mr. Gapes) referred also to the danger of a domino effect across Asia.

Further points have been made. Does the United States believe in deterrence? If the Americans have billions of pounds to spend on national missile defence, might they not increase world security better by spending it on other things, such as helping to stabilise the states of the former Soviet Union and other states, or as the hon. Member for Richmond Park (Dr. Tonge) suggested, putting money into the United Nations?

Even if NMD worked and could overcome decoy systems, what about the possibility of transporting weapons of mass destruction in lorries, in suitcases or by boat?

What if the United States goes for national missile defence? What should Britain's attitude be while we await a decision? Some people would say that the US is our ally, so we must go with whatever it wants. That seems to be the attitude of some of the Tory Europhobes, who are desperately worried about qualified majority voting in Europe, where at least we have a vote, but who do not worry too much about the United States making any decision that it wants, where we have no vote, and expecting us automatically to accept it. I took it that that was the reason for the extraordinary coyness of the hon. Member for Chesham and Amersham (Mrs. Gillan) when she was asked what Conservative policy would be if the US decided to tear up the ABM agreements.

The United States may offer us other things. There is a possibility of our being offered dollars, jobs or cover. I believe that supporting NMD could bring greater danger not just to the people of Fylingdales and Menwith Hill, but to global security. Therefore, as good allies of the United States, we should be constructively critical and urge caution. As the right hon. and learned Member for North–East Fife said, there is the danger of a new unilateralism in the United States which could completely undermine nuclear disarmament.

We must make progress on nuclear disarmament, through bilateral and multilateral action, as the Government amendment states. I would add "plurilateral" action. The word "unilateral" was not used, probably for fear of raising old slogans and past sterile arguments, which, surprisingly, were raised by the right hon. and learned Member for North-East Fife, and which might get the hon. Member for New Forest, East (Dr. Lewis) over-excited, to the point of endangering his health.

However, there is a place for unilateral initiatives and unilateral reciprocal actions. That is particularly true in the case of the United States and Russia. If there is no treaty, the problem can be overcome by taking reciprocal unilateral actions, which do not have to be passed by an awkward Congress or an awkward Duma.

There is also a place for a unilateral response to a reduced threat, which is what has been made by both Conservative and Labour Governments in Britain in the past few years. We should not be frightened of the word unilateral. It has a place, along with other methods of seeking to reduce nuclear weapons, which we must get on with. Reference was made to comments by the Secretary of State for Defence. I believe that he said disarmament would not happen in weeks, days or months. He did not mention years, and I hope that he was not thinking in terms of years. I am certain that we must deliver far more quickly than that. I return to the comment about inertia and peril, and the basic point that, just as we are looking for action to take place in Northern Ireland, so the non-nuclear weapons states are looking to the nuclear weapons states for action.

There is no defence against disaster on a national basis. It must be on an international basis. The Palme commission said that we must have a common security. We can no longer have national security; we need a common security for all mankind.

Some people argue that if national missile defence were technically possible, it could be useful under the control of a United Nations agency in future, when nuclear disarmament was genuinely progressing. That view may be a little starry eyed. At least I am sufficiently realistic to acknowledge that we are considering a distant future. I suspect that all three aspects—the technology, a sufficiently trusted and efficient United Nations agency in an atmosphere of mutual international trust, and enough genuine progress on nuclear disarmament—are distant. However, in the meantime, we must make every endeavour to realise the promises of the nuclear non-proliferation treaty and reduce what probably remains the greatest threat to the future of our species.

9.20 pm

Dr. Julian Lewis (New Forest, East): The hon. Member for Aberdeen, North (Mr. Savidge) is passionately committed to nuclear disarmament, but he also has an extraordinary sense of fairness. He has therefore curtailed his remarks to allow me to speak, for which I am most grateful. Doing that is typical of him, although he knows that I profoundly disagree with the thrust of his argument.

Before I deal with the points that the hon. Member for Aberdeen, North made about the non-proliferation treaty, I want to consider the comments of the hon. Member for Ilford, South (Mr. Gapes). The hon. Gentleman and I have the privilege of sitting side by side on the Select Committee on Defence. We agree more often than most people would anticipate. This evening is one occasion on which I must endorse the hon. Gentleman's comments on Liberal Democrats' past positions on the matters that we are considering.

The hon. Member for Ilford, South is right that, in 1990, the Liberal Democrats called for

> a reduction of at least 50 per cent. in real terms in UK defence expenditure, phased in over the remainder of the century—

in other words, in 10 years. Piquancy is added to that statement by the knowledge that three days before the 1992 general election, the right hon. Member for Yeovil (Mr. Ashdown) stated on "Newsnight":

> I don't believe a 50 per cent. cut is either likely or a policy; nor has it ever been a policy.

However, it was a policy, which was not reversed until the Liberal Democrat party conference of September 1994.

Mr. Menzies Campbell: As the hon. Gentleman is conducting an interesting historical review, does he remember that when the Conservative Government introduced "Options for Change", they said that that was the last occasion on which they would cut the defence budget of the United Kingdom as long as they were in power?

Dr. Lewis: When the Conservative Government made cuts in our defences at the end of the cold war and I was not a Member of Parliament, I believed that the cuts went too far. It is interesting to note that when Liberal Democrat or Labour Members are challenged about further cuts, they refer to cuts under the Conservative Government. If they believe that those cuts were too great, they should not advocate more. Yet they often do.

If the right hon. and learned Member for North-East Fife (Mr. Campbell) is not satisfied with the example that I gave earlier of the Liberal Democrats facing both ways, perhaps I could give another. The right hon. Member for Yeovil also stated:

> Britain's Trident deterrent is a monstrous folly which we should divest ourselves of as soon as possible.

On another occasion, he stated:

> I remain wholly opposed to nuclear weapons. I remain of the firm belief that Britain could afford to get rid of its nuclear weapons tomorrow and would not suffer in consequence.

Yet, again, three days before the 1992 general election in the same "Newsnight" report to which I referred earlier, the right hon. Gentleman stated:

> I never took the view that this country did not need an independent deterrent.

That shows that too much unilateralism can be bad for your memory.

Mrs. Gillan: The intervention of the right hon. and learned Member for North-East Fife (Mr. Campbell) was

[Mrs. Gillan]

disingenuous, because in 1991 he said that there was no intrinsic merit in defence spending. Does not that endorse Conservative policy?

Dr. Lewis: I am shocked that the right hon. and learned Gentleman could have made such a statement, and I am even more shocked that I overlooked it in my researches. I feel thoroughly ashamed of myself and I thank my hon. Friend for drawing it to my attention.

Let me move on from the points of agreement with the Labour party to the points of disagreement. I intervened on the Minister of State, Foreign and Commonwealth Office to point out the dangers that would accrue to international society and peace if we ever achieved a nuclear-free world, heaven forbid. He responded by implying that I am a nuclear weapons fanatic. He knows all about fanaticism and nuclear weapons as he declared at the height of the cold war:

> Unilateral nuclear disarmament offers the only hope of an end to the arms race and the only hope of any chance for peace . . .

Mr. Bob Russell: Will the hon. Gentleman give way?

Dr. Lewis: No, time is too pressing.

We did not have unilateral nuclear disarmament, but we did have peace. The hon. Member for Ilford, South thinks that that was all thanks to that marvellous Mr. Gorbachev, but I remind him that he and his party were advocating that this country be stripped of its vital nuclear deterrent in the days of Brezhnev, of Andropov and of Chernenko—years before Gorbachev came to power—and that, had that been achieved, the prospect of Gorbachev ever leading the Soviet Union would have been infinitesimal because the hardliners would have beaten NATO. What mattered was that, during those vital years, Ronald Reagan in America and Margaret Thatcher in this country, with the full support of the Conservative party, stood firm for the nuclear deterrent and resisted the arguments that Liberal Democrat and Labour Members have at least had the honesty to admit they supported in those days.

Mr. Savidge: Will the hon. Gentleman give way?

Dr. Lewis: I must give way to the hon. Gentleman.

Mr. Savidge: Do I understand the hon. Gentleman to propound the theory of history that Mr. Gorbachev was brought to power by British nuclear weapons? I am a little puzzled.

Dr. Lewis: I shall briefly enlighten the hon. Gentleman. When the cruise and Pershing deployments were being considered, the Labour and Liberal Democrat parties were, with the full support of their leaderships, trying to undermine those deployments. When Britain had to decide whether to replace its strategic nuclear deterrent, a battle was going on in the Kremlin between the hardliners and the reformers. If the hardliners had achieved the unilateral nuclear disarmament of NATO, which is what their measures were meant to achieve, the likelihood of the reformers taking power in the Kremlin would have been very significantly reduced.

Let me deal with the non-proliferation treaty, article VI of that treaty and the nuclear-free world. Article VI is often cited in relation to Britain's supposed commitment to nuclear disarmament. The preamble to the treaty states that nuclear disarmament should occur "pursuant to"—that is, in conformity with—

> a treaty on general and complete disarmament . . .

Article VI similarly commits the signatories

> to pursue negotiations in good faith on effective measures relating to the cessation of the arms race at an early date—

which has been achieved—

> and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control . . .

Those last two commitments are about achieving not only a nuclear-free world, but an arms-free world. If people want to convince me and the majority, who I believe think like me, that it would be wise to have a nuclear-free world, they will also have to convince me that they can achieve an arms-free world. As I said in my intervention on the Minister, having the former without the latter would simply make the world safe once again for prolonged, full-scale conventional warfare between the current nuclear powers.

The other day, I had a letter published in the national press on this very subject. I posed a number of questions. These are the questions that I posed then, and these are the questions that I would be grateful if the Minister would consider answering. There are only five; it would be something if the Minister answered only one or two in his winding-up speech.

My first question was this.

> If nuclear weapons had not existed, do they

—advocates of a nuclear-free world—

> honestly believe that the Cold War would have remained stalemated rather than boiling over into a third global conflict?

Secondly,

> If nuclear weapons ceased to exist, what would prevent the first nation to cheat from using secretly manufactured devices before such a temporary monopoly of them was broken?

Thirdly,

> Why should a nuclear weapons-free world be achievable when, as President Yeltsin admitted in 1992, the Soviet Union completely flouted the 1972 Biological Weapons Convention by cheating for 20 years, while other countries disarmed?

Fourthly,

> How would nuclear-disarmed countries deter attacks from states with other mass destruction weapons, such as biological agents and nerve gases?

Finally, I asked—as I have this afternoon—

> Is not the recommendation for a nuclear-free world . . . a recipe to make the planet safe for full-scale conventional warfare yet again?

I waited eagerly for replies in the columns of *The Times*, but I waited in vain. I did not, however, wait in vain for any sort of reply, because one came, from Professor Sir Joseph Rotblat. Professor Rotblat and I used to exchange letters in *The Times* on these very topics throughout the 1980s, and I like to think that, while he won the Nobel peace prize, I won the argument. I did, because the nuclear weapons that he wanted to be disposed of are still there. When Professor Rotblat and I traded arguments in the 1980s, I used to ask him to name a single country that would give up its nuclear weapons as a result of Britain's giving up hers. He was never able to do so.

This is all that Professor Rotblat had to say in his reply to my five questions. He said:

> The proponents of a nuclear-weapon-free world have long argued that, if some states insist on keeping nuclear arsenals for their security, other states are bound to seek such security for themselves through the acquisition of nuclear weapons.

That is very good as a generalisation, but let him give me an example of a single state that would make the decision according to whether Britain kept her nuclear weapons.

Finally, the professor made an admission that goes to the nub of the issue. He said:

> I am not claiming that a nuclear-weapon-free world would be absolutely safe. There is no such thing as absolute safety. But there is no doubt in my mind that, of the two alternatives, a world without nuclear weapons would be safer than a world with them.

Professor Rotblat has learned nothing and forgotten nothing. Those are exactly the arguments that were used for unilateral nuclear disarmament back in the 1980s.

I conclude—[HON. MEMBERS: "Hear, hear."] I conclude, within the time that I was advised I could take, with a quotation that dates from the earliest days of thinking about nuclear weapons. It comes from another famous winner of the Nobel prize. He did not win the Nobel prize for peace; he won the Nobel prize for science. His name was Professor Sir George Thomson, and he served as the scientific adviser to the Royal Air Force during the second world war.

As early as October 1945, when the Chiefs of Staff were considering the impact of atomic weapons on the future nature of warfare, Professor Thomson wrote a short paper in which he said:

> the tendency in the recent past has been to wage war more and more unrestrictedly, and to press it more and more to complete conquest. It is just possible that the atomic bomb may reverse this trend.

He added:

> no nation can hope for such a chance unless it has power of retaliation against probable rivals, otherwise it will either have to surrender at discretion or accept destruction without even the satisfaction of damaging its enemy in return.

The truth is that just as the biological weapons convention has been wholly ineffective in removing biological weapons from the world, so a nuclear-free world would simply repeat what happened after disarmament in the 1930s. Disarmament was taken to new heights of complexity, but achieved only this: the peace-loving democracies disarmed each other and themselves, while the rogues, the villains, the bandits, the dictators and the tyrants re-armed in secret, threatened democracy and destroyed the peace of the world.

9.35 pm

Mr. Paul Keetch (Hereford): It has been said several times that Opposition day debates distinguish the three political parties from each other. The speech of the hon. Member for New Forest, East (Dr. Lewis) has certainly distinguished his political party from the others. He might have quoted from those wonderful Tory organs, "What's Left" and "What's Liberal".

Dr. Julian Lewis: I did.

Mr. Keetch: At least your arguments were those of the 20th century, while your colleague, the hon. Member for South Holland and The Deepings (Mr. Hayes), offered those of the 19th. We intend to use the arguments of the 21st century.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I have not used any arguments at all.

Mr. Keetch: I am sure that you used to, Mr. Deputy Speaker.

This has been a good and good-humoured debate, but I wish to clear up some misrepresentations. My hon. Friends and I are not calling for an end to the independence of Her Majesty's armed forces. We do not want a European army. We do not want Britain to be part of some great international police force of intervention. It remains the right of every sovereign nation to defend its people and its territory. That was right for Britain 60 years ago, and it remains right today under some circumstances.

We are justly proud of the action taken at Dunkirk, of which we have heard much this last week. I am particularly proud, because my father was there. We have also recalled this week the events of 6 June 1944, when British and allied troops from across the world, of every colour and creed, began the liberation of Europe on the beaches of Normandy. That international co-operation has continued ever since in many guises—through the United Nations, in NATO and in the Commonwealth. In this century, that co-operation will increasingly be with our partners in Europe.

That does not mean that we wish to decouple from the United States. Nor does it mean that the United States does not wish us to behave in that way—although when the shadow Defence Secretary tries to peddle lies in the United States Senate, people might be forgiven for thinking so. We cannot expect the USA consistently to shoulder the burden of European defence. Co-operation, far from undermining British military capability, can only enhance it.

We are rightly proud of our contribution in Sierra Leone—the excellent work of the Parachute Regiment and 42 Royal Marine—but that action will be worth while only if the United Nations is seen to win in Sierra Leone. What a shallow victory it would be for British diplomacy and our military expedition if action in Sierra Leone were to fail in the months to come because of an inferior UN mission, bereft of British leadership. It is no good going in hard now if we are to throw everything away later.

There has been criticism of the UN's role in Sierra Leone. The UN does not act in isolation and is only as strong as the will of its individual members. If it fails, we, as a permanent member of the Security Council and as the former colonial power in Sierra Leone, must accept our share of the blame. Often in the past the UN has been asked to keep peace where none exists. If nations with the capability to support the UN—financially, logistically or by providing high-quality equipment—choose to turn their backs, UN failure will be their failure. The failure will not lie with those nations which, although they have lesser military and economic capabilities, dedicate their men where others fear to tread.

Britain has never adopted such an isolationist pose. Nor should we do so now. My right hon. and learned Friend the Member for North-East Fife (Mr. Campbell) talked of national missile defence, questioning the basis on which it is being agreed. We are deeply concerned that if the

[Mr. Keetch]

USA embarks on that path, Russia will spend billions of dollars that it cannot afford, not to build a similar shield but to increase the number of its multiple warheads to try to overwhelm such a shield. That will lead China, then India, then Pakistan, to upgrade in turn. Is that really the kind of world we want in the 21st century?

Britain should use its unique relationship with the United States to warn against such a programme. It is no longer any good for a Secretary of State for Defence from this Government to come to the House and say that he will consider letting the US use RAF Fylingdales only as and when it may or may not ask us. Conservative Members have a position on the matter, as have Liberal Democrats Members. The House should be told the Government's position.

There has been some talk in this debate of overstretch—which is not only a real problem but the main problem facing the strength of our armed forces. All the evidence from the "Continuous Attitude Survey for Service Leavers" shows that the effects of Army service on family life is a key element in our troops leaving. Not recruitment but retention is the main problem. The House can debate our global positions and strategic reach, but if we do not have the trained men and women to do the job, our talk is nothing more than that—just talk.

We have welcomed much of what the Government have done. We welcome the service families taskforce, but—as I think Ministers accept—it needs to go further. Last week, at the annual conference of the Army Families Federation, Liz Sheldon, the organisation's outgoing chair, said of the Government's policy that

> the reality is not living up to the vision.

Today, the Government must again undertake to make a reality of that vision.

We heard an excellent opening speech from the Minister of State, Foreign and Commonwealth Office. He quoted my right hon. Friend the Member for Yeovil (Mr. Ashdown), who said:

> Just because we can't do everything doesn't mean to say we can't do something.

The Minister was absolutely right about that.

The Minister described the chemical weapons convention as a success, and it has been. We are now expecting an inspection regime for the biological weapons regime. Why should not the Government consider proposing such a regime for nuclear weapons? Could not Ministers make that proposal as a positive contribution to the debate on nuclear weapons?

The hon. Member for Chesham and Amersham (Mrs. Gillan) spoke about Conservative Members' policy. She also mentioned my right hon. and learned Friend the Member for North-East Fife and my right hon. Friend the Member for Yeovil and the fact that we once had a policy of cutting defence spending by 50 per cent. I was very young then. However, we no longer need such a policy, because the Tories have already implemented it for us. Between 1989 and 1997, the then Tory Government cut Britain's defence budget by more than 40 per cent. The current Government have continued those cuts.

The hon. Member for Linlithgow (Mr. Dalyell) asked some very important questions about Kosovo, and some very detailed questions about Richard Butler and Iraq. I am glad that I do not have to answer them, because I know that he wants the Minister to do that.

I think that the finest speech we heard today was by my hon. Friend the Member for Richmond Park (Dr. Tonge), who underlined our commitment to the United Nations and to UNESCO. She also underlined our criticism of countries that have not fully funded and met their obligations to those wonderful organisations. She again repeated our criticism of the arms trade.

The United Kingdom is justly proud of the men and women who wear the uniform of our armed forces, who serve in all parts world, under adverse conditions, and sometimes with poor equipment and in areas of great danger. All of us who from time to time support British military actions must bear a responsibility to ensure that they get the best.

We believe that the strategic defence review undertaken by the Government a couple of years ago was a valid attempt to improve our armed forces' capabilities and effectiveness. However, it was a one-off event in time—a snapshot—and has not been a continuous process.

Some people have criticised the SDR for being Treasury-driven. It must be said that Treasury's hand seems still to clamp down on our defence budget. Why were our troops sent to Kosovo with inadequate tents? Why were our troops sent to Sierra Leone with inadequate medical cover? Why did it take the Government so long to order the C17, which is crucial to an expeditionary force, and why so long for Meteor? Why have this Government not ordered a single warship for the Royal Navy?

Why have there been the year-on-year so-called efficiency savings which every fundholder in the forces says are nothing more than cuts? They are a 3 per cent. cut in the defence budget, and the Government should accept that they are.

Now is the time for the Government to look again, to identify our strategic priorities, to state the case on the international issues that Liberal Democrat Members have raised in this debate, and to make Britain the force for good which the Prime Minister describes.

The world has moved on since the SDR and we need to revisit the foreign policy assumptions on which it was based. We need to think again about NATO enlargement and what that means to EU enlargement. Within both of those institutions, we must face up to those nations that do not pull their weight in terms of their defence spending. We need to think of defence less as an industrial job creation policy and an opportunity for arms salesmen, and more as the process of equipping our forces and those of our allies with the tools they need. When we send in our troops to fight, they fight to win—the House must put the men and women who serve us first. I commend the motion to the House.

9.45 pm

The Minister for the Armed Forces (Mr. John Spellar): You, Mr. Deputy Speaker, might have felt quite at home in the debate, given that, at some points, it almost turned into a confessional for several hon. Members—but let us draw a veil over that.

The hon. Member for Chesham and Amersham (Mrs. Gillan) quoted Churchill, which reminded me of one of Churchill's remarks about speeches full of clichés—but, as the remark was somewhat indelicate, we shall have to draw a veil over that, too. The hon. Lady eventually moved on from clichés and addressed the issue of national missile defence, to which we shall return in a moment. However, she did not give way to the Minister, my hon. Friend the Member for Neath (Mr. Hain), on the crucial issue of precisely what she would sign up to and what she was so urgently urging us to sign up to.

Between generally castigating the rest of the world, the hon. Member for New Forest, East (Dr. Lewis) talked about those who had changed their position. He is a well-known entryist who has certainly changed his party, if not his position, which led me to wonder whether he has now become a reverse entryist to enable him to discredit some of the positions adopted inside the Conservative party.

My hon. Friend the Member for Ilford, South (Mr. Gapes) rightly pointed out the deficiencies of the Liberal Democrats' motion. It is interesting that the excuse they offered was their party's usual inefficiency. To those who know them from either the inside or the outside, that is not surprising. However, I note that the motion does not include the regular calls for additional expenditure issued by the right hon. and learned Member for North-East Fife (Mr. Campbell). One wonders whether, in making such calls, he speaks for the whole of his party, or even its Front-Bench team. Perhaps he will clarify that matter on some future occasion. The remarks of my hon. Friend the Member for Ilford, South about the Budget are welcome, but he will understand that, at this stage in the financial cycle, I cannot comment on them.

The hon. Member for South Holland and The Deepings (Mr. Hayes), apparently using a JCB, dug ferociously into the archives of history. We shall pass over his comparison between the two Chamberlains; suffice it to say that, if he represented a west midlands constituency, he would probably be able to distinguish more clearly between them. He raised a serious issue—one that is regularly raised by Conservative Members—which is the notion that a European security and defence identity creates the spectre of detachment between Europe and the United States, and therefore reinforces isolationist tendencies in the USA.

As I have said several times at the Dispatch Box, the reverse is true: in a world wherein US orientation is moving, gently and slowly, from the Atlantic to the Pacific, it is only by Europe assuming a greater share of its own defence and making a more significant contribution that we and those in the US who want to maintain transatlantic international links will be able to argue that Europe is bearing its share of the burden. A European defence identity reinforces those long-standing transatlantic links; it does not negate them. The hon. Gentleman quoted Disraeli at some length. I have to say that we rarely see signs of Disraeli's one-nation party being alive and well in the modern Conservative party.

I took somewhat amiss the comments made by the right hon. and learned Member for North-East Fife that we intervene only in places where there are oil or diamonds. Neither is present in Kosovo.

Mr. Menzies Campbell: I did not say that. If the Minister reads the *Official Report*, he will see that I said that there was a caricature of our intervening only in connection with oil or diamonds, so we must be given proper explanations of why we intervene and set out in public the criteria by which we judge it necessary to intervene.

Mr. Spellar: We obviously do not do so because, as far as I am aware, there is neither of those things in Kosovo.

As we all know, our people in Kosovo are doing an excellent job, to which the hon. Member for Hereford (Mr. Keetch) rightly drew attention, as he did to our need to back up them and their families. He conceded that we have made considerable progress, particularly through the service families taskforce. Unfortunately, I do not have sufficient time to reiterate those points.

I am pleased to announce some more improvements and enhancements. We have recently approved a procurement of the necessary infrastructure to give our forces in Kosovo access to the internet so that they may stay in touch with their families. Personnel in our overseas garrisons and many Royal Navy ships' companies already have such access, but we are breaking new ground in providing the facilities in an operational theatre. The equipment will be installed in the next few weeks and will be seen by our troops as a real improvement to their quality of life in theatre.

That announcement is in spite of the schoolboy sniggering on the Opposition Benches on Monday when I referred to e-mail. I do not know whether it was the concept of e-mail that was alien to them, or whether it was a complete misunderstanding of the needs of service families to stay in touch. Either way, it was a bizarre performance and it will certainly have been noted by our service personnel and their families.

Mrs. Gillan: On examination of the record, I believe that the Minister said on the most recent occasion he spoke of the matter from the Dispatch Box:

> We have seen the introduction of e-mail—[*Official Report*, 5 June 2000; Vol. 351, c. 10.]

As he has chosen to use his winding-up speech to announce yet again the introduction of e-mail services, will he give us the exact date of their introduction?

Mr. Spellar: Yes. Had the hon. Lady been listening, she would have heard me say that personnel in our overseas garrisons and many Royal Navy ships' companies already have such access, and that those in operational theatre will have it in the next few weeks. We have already placed the orders. That is a considerable enhancement. Yet again, the Tories show that they are completely out of touch with how people live and the improvements that people want.

Mr. Dalyell: Will my hon. Friend give way?

Mr. Spellar: If I may move on.

Mr. Dalyell *rose—*

Mr. Deputy Speaker: Order. The Minister says that he is not giving way to the hon. Gentleman.

Mr. Spellar: The Liberal Democrats congratulated our forces in Sierra Leone. In that context, I should point out

[Mr. Spellar]

to the hon. Member for Chesham and Amersham that Commonwealth countries are playing a considerable role in that country. We are engaged with them in that operation and have been of considerable assistance to them. Our forces have been doing what they do best, and doing it professionally and quickly. Criticism of our role is not representative of the views of the United Nations. It sees that our provision considerably enhances its role and is of great assistance. The key element was our ability to make decisions and to move quickly.

We shall enhance that role. Indeed, my right hon. Friend the Secretary of State has already announced the leasing of four Boeing C17 aircraft to meet our strategic lift requirements. I am pleased to announce that those aircraft will be based at RAF Brize Norton in Oxfordshire. With their capacity to carry a wide range of heavy equipment, including Challenger 2 tanks, Warrior armoured fighting vehicles and even the Army's new Apache attack helicopter, they will revolutionise our capability to deploy forces with real punch to deal with crises anywhere in the world. My hon. Friend the Member for Witney (Mr. Woodward) has been pressing me on the issue for some time and will certainly be pleased by the announcement. It is unfortunate that he is not able to be present as he is at the Northern Ireland Assembly.

Mr. Dalyell: Before my hon. Friend leaves the issue of Kosovo, can he tell me whether we are likely to find out who placed the grenade that caused so much trouble for Brigadier Shirreff and the 7th Army Brigade? I realise that doing so might be difficult.

Mr. Spellar: It is certainly difficult at this stage to do so, but people should not automatically assume one particular source. Obviously, the authorities on the ground are conducting investigations.

I turn in more detail to the speech of the right hon. and learned Member for North-East Fife, who moved the motion. I was slightly taken aback when he rather dismissed this country as a medium-sized economic power, not a member of the Security Council or a major force for good in the world. I thought that he over-egged the pudding on behalf of his client, the United Nations, and did not reflect its true views.

The right hon. and learned Gentleman then came to the serious issue of national missile defence and the anti-ballistic missile treaty and the need for strategic stability. I got the feeling that both his speech and that of the hon. Member for Hereford had been written over the weekend, before events had taken a turn.

Mr. Keetch: No.

Mr. Spellar: In that case, I exonerate the hon. Gentleman of having written the speech before the events, but not of failing to keep up with the news. He obviously had not kept up with the joint statements of the Presidents of the United States of America and the Russian Federation on principles of strategic stability. The press release says:

> They agree that the international community faces a dangerous and growing threat of proliferation of weapons of mass destruction and their means of delivery, including missiles and missile technologies, and stress their desire to reverse that process, including through existing and possible new international legal mechanisms. They agree that this new threat represents a potentially significant change in the strategic situation and the international security environment.
>
> They agree that this . . . should be addressed through mutual cooperation and mutual respect of each other's security interests.

President Putin, in his press conference, said:

> we respect the opinions of our partners in negotiations, we think that what they say has a certain logic and to a great degree we agree with that logic. There are new threats arising that we must address but our proposal is to answer them together.

Mr. Keetch: Is the Minister saying on behalf of the Government that they believe that the Russian Government are happy with national missile defence?

Mr. Spellar: The statement and the press conference emphasised precisely the point that the Government are making. We are looking forward to discussions taking place between the United States Government and the Government of Russia as the two parties to the ABM treaty, to allow them to deal with issues of threat.

Many of those who castigate national missile defence do not even acknowledge that there is a threat. The Russian Government acknowledge that there is a threat and want to work with the United States Government in order to be able to assess and respond to it. That is exactly in line with our policy. The policy of both opposition parties is deficient in this regard. They are both asking the British Government to make a response and a decision before the position of the key parties in the debate has been resolved.

We have sensibly been saying that we will await the outcome of the talks and the technical tests, and the decision of either the current United States Administration or their successor, and that we will then wait to see what requests they make of us. That is the sensible and balanced response. Neither of the opposition parties is dealing with the matter seriously or taking into account the way in which the debate is evolving. All their speeches pre-dated or ignored the statement.

Mr. Menzies Campbell: What does the Minister say to the observation of his former boss at the Ministry of Defence that NMD had the capacity severely to damage NATO?

Mr. Spellar: That reinforces my point about how the debate has rolled on as a result of changes in Moscow.

In the broader debate, both opposition parties seem united in the belief that independent national identity and collective security are incompatible.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 40, Noes 229.

Division No. 220] **[9.59 pm**

AYES

Allan, Richard	Campbell, Rt Hon Menzies *(NE Fife)*
Baker, Norman	Chidgey, David
Ballard, Jackie	Cotter, Brian
Bell, Martin *(Tatton)*	Davey, Edward *(Kingston)*
Brake, Tom	Fearn, Ronnie
Brand, Dr Peter	Foster, Don *(Bath)*
Bruce, Malcolm *(Gordon)*	George, Andrew *(St Ives)*
Burnett, John	Gidley, Sandra
Burstow, Paul	

Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkwood, Archy
Livsey, Richard
Llwyd, Elfyn
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Öpik, Lembit
Rendel, David
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Welsh, Andrew
Willis, Phil

Tellers for the Ayes:
Mr. Bob Russell and
Mr. Andrew Stunell.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Austin, John
Banks, Tony
Bayley, Hugh
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beggs, Roy
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Byers, Rt Hon Stephen
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Casale, Roger
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Cohen, Harry
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davies, Rt Hon [illegible] *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Field, Rt Hon Frank
Fisher, Mark
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Fyfe, Maria
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Godsiff, Roger
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Harman, Rt Hon Ms Harriet
Healey, John
Heppell, John
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Kemp, Fraser
Khabra, Piara S
Kilfoyle, Peter
Ladyman, Dr Stephen
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Maginnis, Ken
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Osborne, Ms Sandra
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Rooker, Rt Hon Jeff
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Stevenson, George
Stewart, Ian *(Eccles)*
Strang, Rt Hon Dr Gavin
Stringer, Graham
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Tony McNulty and
Mr. Gerry Sutcliffe.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 209, Noes 41.

Division No. 221] **[10.11 pm**

AYES

Adams, Mrs Irene *(Paisley N)*
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Austin, John
Banks, Tony
Bayley, Hugh

Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Beggs, Roy
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benton, Joe
Bermingham, Gerald
Berry, Roger
Betts, Clive
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Peter *(The Wrekin)*
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Byers, Rt Hon Stephen
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Casale, Roger
Caton, Martin
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clwyd, Ann
Cohen, Harry
Colman, Tony
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Dalyell, Tam
Darvill, Keith
Davies, Rt Hon Denzil *(Llanelli)*
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Edwards, Huw
Efford, Clive
Ellman, Mrs Louise
Field, Rt Hon Frank
Fisher, Mark
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Gunnell, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Harman, Rt Hon Ms Harriet
Healey, John
Heppell, John
Hewitt, Ms Patricia
Hinchliffe, David
Hodge, Ms Margaret
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jamieson, David
Jenkins, Brian
Johnson, Alan *(Hull W & Hessle)*
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Jon Owen *(Cardiff C)*
Jones, Martyn *(Clwyd S)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Khabra, Piara S
Kilfoyle, Peter
Ladyman, Dr Stephen
Lepper, David
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Maginnis, Ken
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
Osborne, Ms Sandra
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Gordon *(Pendle)*
Prescott, Rt Hon John
Primarolo, Dawn
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Reed, Andrew *(Loughborough)*
Reid, Rt Hon Dr John *(Hamilton N)*
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Spellar, John
Squire, Ms Rachel
Stevenson, George
Stewart, Ian *(Eccles)*
Stringer, Graham
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Todd, Mark
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Winnick, David
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Ayes:
Mr. Tony McNulty and
Mr. Gerry Sutcliffe.

NOES

Allan, Richard
Baker, Norman
Ballard, Jackie
Bell, Martin *(Tatton)*
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brake, Tom
Brand, Dr Peter
Bruce, Malcolm *(Gordon)*
Burnett, John
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Chidgey, David
Cotter, Brian
Davey, Edward *(Kingston)*
Fearn, Ronnie
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gidley, Sandra
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Jones, Nigel *(Cheltenham)*
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkwood, Archy
Livsey, Richard
Maclennan, Rt Hon Robert
Michie, Mrs Ray *(Argyll & Bute)*
Oaten, Mark
Opik, Lembit
Rendel, David
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Matthew *(Truro)*
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Welsh, Andrew
Willis, Phil

Tellers for the Noes:
Mr. Andrew Stunell and
Mr. Bob Russell.

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House believes that the strategic interests of the United Kingdom are normally best served through collective action through the United Nations, NATO, the Commonwealth, the European Security and Defence Identity, and similar political, economic and military institutions and initiatives; and with allies, but that the United Kingdom should reserve the right to act independently where absolutely necessary; notes that the United States has not yet taken a decision to deploy a National Missile Defence, and that Her Majesty's Government has made clear, both to the US and to Russia, that it wishes to see the Anti-Ballistic Missile Treaty, and strategic stability, preserved; welcomes Her Majesty's Government's intention to pursue its pledge to seek to eliminate nuclear weapons through bilateral and multilateral negotiations, including through the Non-Proliferation Treaty machinery; and recalls that a principal aim of the deployment of British forces to Sierra Leone was to allow the

deployment of additional UN forces, which is now well under way, and to support the UN effort there, and as such has been welcomed by the UN Secretary General.

Mr. Paul Tyler (North Cornwall): On a point of order, Mr. Deputy Speaker. According to the Annunciator, we have just passed the motion in the name of my right hon. Friend the Member for Ross, Skye and Inverness, West (Mr. Kennedy) by 209 votes to 41. I think that there may be some mistake.

Mr. Deputy Speaker: Order. According to the Deputy Speaker, we have passed the Prime Minister's amendment.

Civil Protection (Isle of Wight)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

10.22 pm

Dr. Peter Brand (Isle of Wight): It seems appropriate to move from military defence to civil defence or, as the title of the debate terms it, civil protection. I know that that is a somewhat outmoded phrase for what is now known as emergency planning, but I wonder whether some policy makers in the Home Office have not moved on from the days of tin hats and sirens, or the even more ridiculous days when public protection was all about advising people to put a white sheet over the kitchen table and to hide under it in the event of a nuclear attack. In those days civil defence had a poor image, certainly among people who thought about the consequences of nuclear war. However, we are now talking about emergency planning, which is completely different.

I am grateful for this debate because the Isle of Wight has been uniquely disadvantaged by administrative events. Before 1995, the Isle of Wight was a county authority and the existing regulations meant that it had to have two minor authorities, so it was a county with two boroughs. That meant that the island attracted Home Office grants for emergency planning for two boroughs and a county. After reorganisation, it was recognised that we had particular difficulties because we were a county unitary authority. We retained a degree of Home Office comfort and our funding for emergency planning dropped only from £168,000 to £90,000 a year. Unfortunately, that comfort is being eroded. It was £63,000 for the year 2000–01 and is due to drop even further to some £53,000, or even, at the worst, £35,000 thereafter. If the Government drop the level beyond a point where we can employ a proper department, it is difficult to meet Home Office guidance for the service for which the grant is supposed.

One reason why the Isle of Wight is unique is not the nostalgia of having been a county for so long and now being a unitary authority, but because we must be self-sufficient in many respects. We are cut off from the mainland by the sea. Our nearest neighbours in Hampshire take some two hours to get to the island to offer any meaningful support. We have had incidents where the fire service has been so stretched that we have had to ask for support from the mainland, but instead of popping across a local authority boundary, those from the mainland must find a ferry, commandeer space on the ferry and come across. That makes a significant difference.

There is an added complication. Anyone involved with planning—which is, after all, about bringing emergency services together—must spend time talking to surrounding authorities that may have common interests. Again, it takes an incredible amount of officer time just to travel from one place to another.

We have made that case on a number of occasions. In October 1998, I led a deputation to the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth) when he was at the Home Office. I have written in the past to the Under-Secretary of State for the Home Department, the hon. Member for North Warwickshire (Mr. O'Brien), who I am delighted to see is here to respond to the debate. Other than gaining an interim bit of support, we have not been successful.

[Dr. Peter Brand]

I should like to point out what accepting the full cuts that the Home Office proposes for the service on the island would mean. It would be possible to continue the maintenance of an annual plan, but that would probably be the maximum that could be provided, because there is all the co-operative work on the more detailed matters such as port safety. We have an oil refinery to the north of us, and Cap de la Hague lighthouse is to the south of us. Those are potentially difficult problems.

The other day, I was at a conference at the Southampton oceanography institute where I was introduced as "The Member for the Isle of Wight, that useful breakwater at the other end of the Solent". That was fairly disparaging of my constituency, but the speaker made a valuable point in that we are a traffic island in the middle of an extremely busy bit of sea.

Minor mishaps are not unusual, and we have had some major mishaps involving shipping. We have had boats crashing into each other, crashing into light towers and being cut open and discharging oil. Major disasters have been narrowly averted, but incidents have needed the activation of the major incident plan. To anticipate what the Minister might say, can we not co-ordinate all that regionally? We cannot.

There is a need for local knowledge in dealing with many of those issues. We have some superb voluntary services working closely with our expert fire and rescue service. The health authority clearly needs input from emergency planners for its major disaster plan. It would be difficult to serve not only a population of 125,000, but the extra people who may come on shore quite quickly should there be a repeat, for example, of the Canberra near disaster a few years ago, when many passengers had to be evacuated in a hurry.

Over the past 10 years, there have been some serious events. After the big storms in 1986 and 1987, all the emergency services, the voluntary services and anyone who could be found worked flat out. They were co-ordinated according to a well-honed plan, and all the statutory and voluntary organisations knew their place in the scheme of things.

In 1994 there was a serious event involving the Canberra, which luckily turned out to be all right, but there was a major evacuation. In 1995 one of the holiday camps caught fire and a major evacuation was required. Again, support brought in from the mainland had to be co-ordinated. A number of oil spillages and unknown chemicals on beaches all needed the input of people able to co-ordinate the efforts of the statutory services.

The most recent significant incident occurred in December when there was widespread flooding all over the island, causing hundreds of people to evacuate their homes. There must be a system in place to get in the right people from social services and to mobilise the Women's Royal Voluntary Service. Such a system needs to be provided by people who are local.

If the council had accepted the Home Office cut in funding, there would not be a duty officer on call 24 hours a day. With a fund of no more than £50,000, three people cannot be employed to make sure that there is always somebody on the island who is wakeable, fit and on duty. The council considered the cuts unacceptable and is at present supporting the service out of its general Department of the Environment, Transport and the Regions revenue.

That is what councils get Government grant for, but we seem to be particularly unlucky with the Home Office, which sets standards for departments such as our fire and rescue service without funding what it expects us to deliver. The fire and rescue service is regularly inspected by the Home Office inspectorate. It gets glowing reports for its efficiency, and we are told that we cannot do with less than we currently have, yet the island general grant must subsidise our fire service by some 59 per cent.

It is extraordinarily difficult to keep cutting services that must be paid for out of the ordinary council income to support Home Office projects. I know that the sum in question is very small, but it is symbolic. Every Government Department makes requirements of the people living in my constituency and the local authority that looks after their welfare, without recognising the island factor.

A number of reputable accountants and consultancy companies have examined the cost of maintaining services across a stretch of water. Even a few years ago, that was reckoned to be at least £6 per head of the population. That leaves a significant shortfall for a council that tries to provide services at least equal to those provided in the rest of England.

During the Scottish devolution debate, I almost intervened to suggest that should the Scots need a naval base on the south coast, I should be happy to offer my constituency, because the Scotland Office understands the extra costs and extra risks involved in living on an island. I am afraid that our political masters in this place and the civil servants in Whitehall think that the Isle of Wight is so far away that they do not have to worry about it, or they cannot see the little bit of blue on the map that makes us unique. I look forward to the Minister's explanation of how the Department has monitored our progress. Last year, he promised that the Government would monitor the island's emergency planning needs. I am ever hopeful that they will acknowledge that they must do something about it.

10.35 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I reassure the hon. Member for Isle of Wight (Dr. Brand) that I know where the Isle of Wight is. I have enjoyed its hospitality on several occasions. I was in Shanklin a few weeks ago, enjoying the weather and the fine opportunities for a holiday that exist in Britain on the Isle of Wight.

I join the hon. Gentleman in congratulating the Isle of Wight emergency planning services. They have done a good job on several occasions. It is the council's role, primarily through its Government grant, but also through its council tax income, to fund those services. I hope that the council continues to do that.

The Home Office provided a civil defence grant of £14 million this financial year. The payment contributes towards the cost of specific civil defence duties, which are defined in statute as countering the effects of a hostile attack by a foreign power. It is not, and never has been, intended to meet the full cost of ordinary emergency planning services.

The hon. Gentleman is right to say that the role of civil defence has changed in the past couple of decades. The Home Office is not supposed to fund all civil defence planning through the grant. It does not claim to do that because it is primarily the council's responsibility.

The restructuring of local authorities between 1995 and 1998 necessitated changes to the way in which the Home Office contributes to the civil defence function in local government. I am sorry to say that I cannot offer much comfort to the hon. Gentleman because the legislation essentially refers to war planning. It is therefore unlikely that overall funding will increase.

Changes in local government structure clearly had an impact on the Isle of Wight. As a result of the changes in local government, there were more eligible candidates for the grant, and we reassessed our allocation system. Change is always difficult, and the Isle of Wight is especially unhappy about the new method of funding. That is why I am grateful for the opportunity to explain to the House the rationale for some of the adjustments. I am also grateful for the chance to affirm how civil protection in England and Wales generally is enhanced by the new financial arrangements.

The previous system of grant distribution was based on a formula which was agreed with the local government associations in 1992. It was largely based on a two-tier system of local governance, which differentiated between county councils and smaller authorities such as district councils. The reorganisation of local government created several new all-purpose unitary authorities; each has a responsibility for civil defence and, consequently, access to a civil defence grant.

The reorganisation created numerous anomalies in the funding arrangements. They could be properly addressed only by introducing a new mechanism. The Home Office consulted with the Local Government Association and a new three-tier grant distribution was announced on 26 May 1999. The mechanism is based on the following rationale: all authorities with civil defence responsibilities will receive a basic allocation of £45,000 to ensure minimum, basic preparedness. County councils will receive an allocation of £10,000 for each district council in the county boundary to recognise the help that a county must provide to constituent districts.

Remaining grant after the first two elements have been addressed is allocated according to criteria adopted under the Bellwin scheme, which is operated by the Department of the Environment, Transport and the Regions. It sets a level of expenditure above which central Government may contribute to costs incurred by local authorities in responding to major incidents.

Dr. Brand: I appreciate the Minister setting out exactly how the new arrangements were arrived at, but he has just described the difficulty that has been created for the Isle of Wight, which had one county and two districts and would therefore have qualified for some £65,000 under the new arrangements. How can he claim that civil defence has been enhanced by a cut in funding? The island is unique. Powys is similar as it has a unitary county authority, although it is not cut off by the sea. Is the hon. Gentleman suggesting that the Isle of Wight should be one of the unitary authorities for which Winchester receives an extra grant? That is not our understanding.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. I cannot allow the hon. Gentleman to continue his intervention.

Mr. O'Brien: I am grateful, Mr. Deputy Speaker.

I shall deal with the hon. Gentleman's point about the Isle of Wight's status, with which I am familiar, in a moment. No doubt particular problems are associated with island status, but my experience is that no matter which council comes forward, it will identify the local difficulties that it has to face, which it says are unique, in the hope that the Government will identify the area as worthy of special treatment.

Let me continue the point about the Bellwin scheme. The use of that scheme acknowledges some relationship between population size and the work load of emergency planning teams in large areas. The new mechanism provides funds to all eligible councils. To ensure protection for areas in which grant is reducing, the impact of the new mechanism is being phased in during the current financial year.

Under the previous grant distribution system, each county council was entitled to £140,000 in its own right with a supplement of £14,000 for each district in the county area. That gave the Isle of Wight £168,000 in 1993–94, which was reduced to £153,216 by 1998–99. It was agreed with the local government associations that grant would be ring-fenced by county area as an interim measure until the new grant distribution mechanism was in place. When the Isle of Wight became an all-purpose authority after the merging of the county and two district authorities, it received far in excess of the £35,000 provided to similar authorities. The Home Office acknowledged that that anomaly should be addressed in the new grant distribution mechanism.

On 3 August 1998, the then head of the Home Office emergency planning division wrote to the Isle of Wight to say that we intended to reduce its grant for 1999–2000 to £70,000 in a move towards equalising the grant available to each all-purpose authority. Following representations from the Isle of Wight about that reduction, a Home Office emergency planning unit official visited the island on the 11 November 1998 to discuss how the reductions would be made with minimum effect on emergency planning arrangements. Subsequently, to acknowledge that the reductions would significantly affect the emergency planning funding arrangements for the island and to assist it in managing the inevitable further reductions—it was made clear that those reductions were inevitable—it was agreed that the allocation for 1999–2000 should be £90,000, not £70,000.

On 26 May 1999, the Isle of Wight was advised that, as a result of the new grant mechanism, its allocation would be £63,000 for 2000–01 and £53,546 for 2001–02. The hon. Gentleman must be aware that we have to consider other areas with different problems. For example, in the context that I have described, it might be argued that the allocation of £168,000 to the Isle of Wight up to 1996–97 was excessive. Birmingham, Leeds and Sheffield each received only £35,000. Obviously, all those authorities would say that they had particular problems in terms of emergency planning, given the size of their areas.

[Mr. O'Brien]

The local authority in the Isle of Wight argued that it should be given special consideration, for two reasons. First, it said that the status of the island was misunderstood. It maintained that, while the council was a unitary authority, it was also a unitary, or all-purpose, council. In its view, that means that, while other unitary authorities are located within areas that offer them strategic support from county councils or fire and civil defence authorities, the Isle of Wight has inherited both the strategic functions of the county council and the functions of the former borough councils. I do not accept that argument. Many other unitary authorities are in a similar position, with no county council or fire and civil defence authority.

Dr. Brand: It would be extremely helpful if the Minister would write to me listing the authorities that he has just described.

Mr. O'Brien: I will do that with pleasure.

The position of the Isle of Wight will have no effect on the level of its grant under the new arrangements. In 2001–02 it will receive, as a unitary authority, £45,000 as a basic allocation, plus a Bellwin element of £8,546. If it were treated as a county, its allocation would be identical, because it no longer has any constituent districts.

Secondly, the Isle of Wight has argued that its circumstances are special because it is an island. Indeed, the hon. Gentleman advanced that argument. However, the Home Office does not believe that the Isle of Wight is unique in its responsibility for civil defence, or that it should be allocated significantly more grant than other authorities with broadly similar responsibilities.

When my predecessor with responsibility for emergency planning, my hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth), met a delegation from the Isle of Wight on 26 July 1999, those points were made. A paper was submitted by the hon. Gentleman, presenting the island's view that it was in a unique position and had been disadvantaged by the new grant distribution formula.

As I have said, I have found that almost all councils can come up with some unique element. I well remember, on occasion, arguing the case for unique elements in my county council.

Dr. Brand: When the Minister lists unitary authorities that are similar to Isle of Wight, will he list other English constituencies that are surrounded by water?

Mr. O'Brien: I think the hon. Gentleman knows quite well that I would have some difficulty in doing that. I also think he must take my point that being surrounded by water is not the only basis on which an authority can claim to be unique. There are all sorts of bases on which authorities have been known to claim a level of uniqueness—for instance, their population, income distribution, demography and communications. While I think it fair to say that there is a uniqueness in the fact that the Isle of Wight is surrounded by water, I am afraid that that uniqueness does not distinguish it sufficiently from other councils that may also claim to be unique.

Dr. Brand: Does the Minister acknowledge that being surrounded by water is just about the only criterion that does not appear in any of the grant allocation formulae?

Mr. O'Brien: I shall have to look at that and write to the hon. Gentleman. He may well be right: it may well not be one of the criteria in the grant allocation formulae. At the same time, other councils do claim particular problems, not perhaps unique, but sufficiently uncommon in relation to communications, demography, the ability to plan or the nature of establishments—nuclear and other—in their areas that unusual emergency planning is required.

Whether risks and hazards should form part of the distribution mechanism has been explored in depth many times. I am of the view that any attempt to set one type of risk against another would be controversial, with little prospect of successfully agreed outcomes among local authorities. Any ensuing mechanism would be unduly complicated and costly to administer, given the funding involved. As I said in opening, the grant is only a contribution towards civil defence expenditure.

The Government allocate funds largely by negotiation with local authorities. The hon. Gentleman may argue that our allocation should be greater, and we could debate the extent to which the taxpayer should fund different areas. No doubt the hon. Gentleman will tell me that we could use an extra penny on taxation—

Dr. Brand: Not on this one.

Mr. O'Brien: I accept that.

When the Government are asked to treat an area uniquely, the decision lies not only with the Home Office or the Government. In practice, we discuss these matters and negotiate with the local authority organisations. There is some compromise and agreement over allocation of the formula.

Dr. Brand: Having conceded that being surrounded by water is a unique factor, does the Minister recognise that it is unlikely that the Isle of Wight will ever receive support from local authority associations on having that feature introduced as a unique factor?

Mr. O'Brien: The hon. Gentleman may be right. Many other authorities—

The motion having been made after Ten o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at eight minutes to Eleven o'clock.

House of Commons

Thursday 8 June 2000

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

LONDON LOCAL AUTHORITIES BILL *[LORDS] (BY ORDER)*

Order for consideration, as amended, read.

To be considered on Thursday 15 June.

MERSEY TUNNELS BILL *(BY ORDER)*

Order for Second Reading read.

To be read a Second time on Thursday 15 June.

Oral Answers to Questions

EDUCATION AND EMPLOYMENT

The Secretary of State was asked—

Excellence in Cities

1. **Mr. Keith Darvill** (Upminster): If he will make a statement on progress with the excellence in cities proposals for learning mentors. [123333]

The Secretary of State for Education and Employment (Mr. David Blunkett): The excellence in cities programme has so far seen the recruitment of 800 learning mentors with a further 600 to come in the new extended excellence in cities areas. The mentors work with schools and with parents and help to reduce disaffection and alienation. In the case of the Wales high school in Rotherham, they have cut non-attendance and late attendance by 60 per cent. They also help to reduce the exclusion of children from school by working with them to overcome their problems.

Mr. Darvill: I thank my right hon. Friend for that answer. Does he agree that learning mentors, alongside on-site pupil referrals and other measures, are a vital part of the Government's programme for tackling disaffection and the problems of disruption in schools? Will he confirm that, under the Conservative Government, thousands of young people were excluded from school and were left out on the streets to commit crimes? Does he also agree that the Conservatives are Johnny-come-latelys on this issue and have no ideas to offer?

Mr. Blunkett: Johnny-come-lately is an admirable description of the Leader of the Opposition. He was away at Easter and the spring bank holiday, so he missed the two speeches in which I addressed the issues that he talked about earlier this week. There are 1,000 learning support units in schools across the country, with proper funding and a full education for pupils in referral units such as the Zacchaeus centre in Birmingham, which was funded by the Government's school inclusion grant. The grant enables schools to buy back in the services that they need at the referral unit and it ensures that children can work with mentors and have places when that is necessary. All that has gone on because the Government have changed from £17 million to £527 million the amount of money that is available. A Johnny-come-lately, who was on holiday when these matters were discussed, has suddenly caught up with them now that he is back from swimming with the dolphins.

Mr. Graham Brady (Altrincham and Sale, West): As part of the Government's laudable aim of achieving excellence in cities, they are setting up new private schools, the city academies that are funded by the state. Ministers have determined that the practice of such centres selecting 10 per cent. of their pupils will raise standards in our cities. Will the Secretary of State explain what has led him to the view that 10 per cent. is the correct percentage? Does he not believe that the optimum percentage might be 5, 20 or perhaps even on occasions 100 per cent?

Mr. Blunkett: The initiative has nothing at all to do with mentors or the excellence in cities in programme in general, but it is entirely in line with our diversity programme in which specialist schools have exactly the same opportunity in terms of aptitude not selection. The previous Government were quite happy to use that distinction themselves and it has been dealt with on numerous occasions. No doubt, we shall return to it when I have more time to explain the difference to the hon. Gentleman.

Farm Diversification

2. **Mr. Paul Flynn** (Newport, West): What estimate he has made of the likely effect on employment levels in leisure and similar pursuits as a result of farming land being redeployed for non–farming uses over the next five years. [123334]

The Minister for Employment, Welfare to Work and Equal Opportunities (Ms Tessa Jowell): We have not made an assessment in the terms that my hon. Friend asks. However, in the past year, jobs in agriculture and fishing fell by 12,000 and jobs in the services grew by 354,000, and some of them will be the result of farm diversification.

Mr. Flynn: It is extremely regrettable that there is a continuing fall in jobs in farming, a process that has been going on for at least 200 years. However, it is encouraging to note that there has been an increase in the population of rural areas—four times the increase in the nation as a whole—and that there has been a similar increase in the number of start-ups in small and medium-sized enterprises in the countryside. Is it not encouraging that certain farms in non-arable areas that employed two or three people on a farm of a couple of hundred acres have diversified to

employ hundreds of people in leisure and other industries? That is good for the environment, good for the prosperity of rural areas and good for jobs.

Ms Jowell: I thank my hon. Friend for his comments; I certainly agree with them. The structure of employment is changing and some of the highest employment rates and some of the lowest employment rates are in rural areas. The role of Government in the process is to enable people to make a successful transition from one job to another and to stay in work.

Mr. Colin Breed (South-East Cornwall): What additional resources may be available to people who work in agriculture and those with businesses connected with agriculture to ensure that the new job opportunities are long-lasting, full-time, well paid and sustainable?

Ms Jowell: There are two sources of help. The first is the labour market programme, for which my Department and the Employment Service are responsible, and the second involves the Government measures being negotiated with the Commission, such as the English rural development plan which, for rural areas, is worth £1.6 billion over seven years. In addition, the new rural enterprise scheme will contribute more than £150 million to rural areas between 2001 and 2006. Much of that money will be available to assist in the diversification to which my hon. Friend the Member for Newport, West (Mr. Flynn) referred.

Mr. Roy Beggs (East Antrim): Does the Minister agree that as employment opportunities in agriculture decline, there may be opportunities for businesses in many farming complexes? Will she make representations and give encouragement to other Departments so that there is evidence of joined-up government and the planning service can seek to accommodate farming enterprises that are diversifying?

Ms Jowell: The figures that I gave in response to the hon. Member for South-East Cornwall (Mr. Breed) demonstrate the level of commitment and investment that the Government are making to help rural communities make the transition to which the hon. Member for East Antrim (Mr. Beggs) referred. Joined-up government, which involves a concerted effort across government, is the key to success and stability in that.

Mr. Tim Boswell (Daventry): Does the Minister accept that the present deep economic difficulty in agriculture hits providers of land-based higher and further education in two ways? It slashes the profits and trading income from college farms and, quite understandably, it affects applications for courses. For example, is the Minister aware that, in the last month, the Berkshire college of agriculture has had to withdraw its course for the two-year national diploma in agriculture because of a lack of take-up? I am not being partisan, but the situation is extremely serious and requires careful consideration from the Department, which should consult with MAFF, the two funding councils and the colleges if the essential infrastructure of education and training in land-based industries is to be maintained.

Ms Jowell: I am happy to examine any individual cases which the hon. Gentleman may wish to raise and am willing to receive further details of the specific example that he gave. It is important to ensure that people are trained for existing jobs and that work-based training and courses offered by further education colleges equip people with skills for the future labour market.

Clothing and Textile Industry

3. **Judy Mallaber** (Amber Valley): What action he will take on the recommendations relating to education and training in the strategy document for the United Kingdom clothing and textile industry published on 6 June. [123335]

The Parliamentary Under-Secretary of State for Education and Employment (Ms Margaret Hodge): I welcome the report and, with my right hon. Friend the Secretary of State for Trade and Industry, was pleased to announce a 12-point plan to support the industry and help it to adapt and meet global changes. The industry has a turnover of almost £18 billion, has exports worth more than £5 billion and employs 277,000 people, so it has a strong future and must respond and focus effectively on its key strengths. We have accepted all the recommendations on education and training in the strategy document and have worked actively to establish and support two national training organisations to encourage more effective education and industry links.

Judy Mallaber: I thank my hon. Friend for her reply. I agree and confirm that textiles and clothing remain one of our largest manufacturing sectors and have a positive future, provided that they are helped to adapt to compete in world markets, along the lines suggested in the report. However, in the past decade or so, tens of thousands of workers in the industry have lost their jobs and many more face redundancy. What are the Government doing to help those workers?

Ms Hodge: There have been redundancies in the clothing and textile industry but, each quarter, 8,000 new jobs in the sector are reported to the Employment Service. In areas where there has been concentrated redundancy, such as that in the William Baird case, we have been able to employ rapid response units to good effect to give immediate assistance to people affected by closures. As well as our existing resources, we have identified £2 million of new, additional moneys for the industry.

We have asked the textile and clothing strategy group to report to us by the end of the month with proposals as to how we can establish a pilot to link people who have been made redundant, or who are in danger of redundancy, more swiftly with job opportunities in their locality. We want to know how we can intervene in a fragmented industry where redundancies have a widespread impact. We are also evaluating the effectiveness of the north-east regional taskforce to see whether that has added value.

Mr. Nicholas Winterton (Macclesfield): I welcome the Minister's replies and fully support the views of the hon. Member for Amber Valley (Judy Mallaber). Does the Minister accept that, sadly, the clothing and textile industry will not have a good future unless the large retailers stop pressing down the manufacturers' margins—that would encourage investment and employment—while they themselves operate margins of over 300 per cent?

Will she encourage Departments of State, particularly the Ministry of Defence, to purchase British goods, and not those from overseas? *[Interruption.]*

Ms Hodge: I am hesitating because I did not know whether I was hearing a contribution from an old Labour market interventionist or a Conservative free marketeer.

Mr. John Bercow (Buckingham): Where does the suit come from?

Ms Hodge: I have been asked where my clothes come from, and I can tell hon. Members that today I represent the European Union, but my fundamentals are well and truly British.

Mr. Winterton: The Minister has not answered my question.

Madam Speaker: Order. I do not think that the Minister attempted to answer the question, although it was an amusing response.

Mr. Winterton: Am I permitted a point of order, Madam Speaker?

Madam Speaker: I am afraid that I do not allow even the hon. Gentleman a point of order in the middle of Question Time. He may return to the point later, if he wishes. The House will realise that I have given the Minister the opportunity to answer the question, and she appears not to want to do so.

Ms Hodge: I thought that in the first part of my response I was starting to answer the question. The serious point is that, as part of the 12-point plan, we are examining how we can impact on the supply chain to ensure that we protect the textile industry. If the hon. Gentleman were to read the strategy document, he would find that that proposal is incorporated in it.

Mr. Dennis Skinner (Bolsover): Does the Minister understand that there is nothing wrong with intervention? The Government may have started out in 1997 with the starry-eyed idea that market forces would ensure jobs for everybody in every part of Britain, but the truth is that we have to intervene, and we always have done. Intervention has recently taken place in Rover and other cases, and there is nothing wrong in that. In mining, too, there has been limited intervention, although some of the money will go into Richard Budge's pocket.

I am concerned about the fact that, in Bolsover, 700 textile jobs have been lost in the last three months, which in a small geographical area is equivalent to the Rover job losses. We all know that there has been a seepage of jobs from textiles for donkey's years, but the Government must understand that there is nothing wrong with intervention; market forces will not resolve the problem in peripheral and coalfield areas. Now that the Government have a chance to move away from the operation of market forces and to understand that, to save jobs in textiles and other industries, we have to intervene. If we do that now, before the general election, everything will be all right.

Ms Hodge: That is a serious contribution, and there is a real issue about ensuring that, when the Government intervene—this Government believe in active government and intervention—we do so in a way that ensures that jobs are sustainable over time in an economy that is changing and restructuring fast and that we protect and promote not only the interests of workers, but those of consumers who need to buy those products. The intervention has to be of a nature that will ensure that there is strength and sustainability in the jobs. In the clothing and textile industry, we have to focus on the high-quality, well-designed products that we produce here in Britain, of which we are justly proud.

Mr. James Gray (North Wiltshire): Tubbs Elastics, Sherston, which is in my constituency and is the largest elastics manufacturer in the United Kingdom, is equally concerned—like the hon. Member for Amber Valley (Judy Mallaber)—about the future of the textile and clothing industry. In that context, like the textile and clothing industry generally, it is worried that the so-called summit held the other day and the 12-point plan are all about spin, PR and gimmickry rather than actual substance. As an example of that, is the Minister not ashamed that, on the day when she knew that she would answer a question about the textile and clothing industry, she should barefacedly come to the Dispatch Box wearing a French suit? Is that not an example of the Government's approach to industry? Knowing that she would talk about the industry, why could not she have worn a British suit, for heaven's sake?

Ms Hodge: I tried—*[Interruption.]* I am sure, Madam Speaker, that you would stop me presenting each label on every garment that I am wearing today, but I tried to demonstrate that I am a good European by wearing a mixture of European and British clothes. Can I make a serious point? The Conservative party never did anything to support the textile and clothing industry to restructure and ensure that it had a proper, sustainable future. In response to growing redundancies and problems in the area, we have put together a group that has produced a report, and I suggest that the hon. Gentleman read it. This is the start of action. If he is suggesting that we as a Government should be protecting sectors of an industry that are unsustainable, that is a massive shift in Conservative party policy.

Young Long-term Unemployed

4. **Ms Rosie Winterton** (Doncaster, Central): What steps he is taking to improve provision for the long-term unemployed aged 25 years and over. [123336]

The Minister for Employment, Welfare to Work and Equal Opportunities (Ms Tessa Jowell): The new deal for those who are 25-plus has already helped 40,000 long-term unemployed people into jobs. There are now 55,000 fewer people unemployed for 18 months or more than there were in May 1997, but there is more to do. From April next year, we intend to build on the success of the new deal for young people and increase

significantly our investment in the new deals for older people facing long-term unemployment by giving them personal advice and high-quality practical assistance to help them to move back into work.

Ms Winterton: Is my right hon. Friend aware that, even though the employment zone in Doncaster has been up and running for only about a month, it has been extremely successful in getting long-term unemployed people over 25 back to work? However, at present those who can benefit from the scheme are selected randomly and I should be grateful for her assurance that, if it continues to be as successful as it is at the moment, the scheme will be extended to all long-term unemployed people in the zone.

Ms Jowell: I thank my hon. Friend for that question and her congratulations on the early success of the employment zone. Random assignment is being used to ensure that the new approach succeeds in getting more of those facing long-term unemployment back into work more quickly. As soon as that success is clearly established, the extra support and help available to some of her constituents will be available generally.

Miss Anne McIntosh (Vale of York): Does the Minister agree that the new deal—one of the actions taken to support long-term unemployed over-25s—has been a failure, not least in North Yorkshire? Will she join me in recognising that the burdens on employers are disproportionate and increase the cost of employing over-25s?

Ms Jowell: The Opposition have been persistently hostile to the new deal—a programme that, according to independent evaluation, is getting young and older people off benefit and into work. They have always been indifferent to the fate of the long-term unemployed, hostile to the new deal and hostile to our Government's objective of opportunity for all in return for responsibility from all.

Mr. Derek Foster (Bishop Auckland): It is welcome news indeed that the success of the new deal for 18 to 24-year-olds is drawing out important lessons for beefing up the new deal for over-25s. My right hon. Friend will recall that the recent Education and Employment Select Committee report identified transport as one of the most important factors in enabling people looking for work to get to where the jobs are. What progress is she making—with my right hon. Friend the Deputy Prime Minister and with local authorities—to that end?

Ms Jowell: My right hon. Friend raises an important point. Since I appeared before the Select Committee, my right hon. Friend the Secretary of State and I have launched a further stage of the travelcard for new dealers, offering half-price travel to enable young people to get to work. We are looking to extend the travel-to-interview scheme and the new job grant will begin to remove some of the obstacles that travel presents. We are determined to remove the obstacles to people getting to jobs. We are extending help to disadvantaged people, extending the opportunity of work and taking the practical action that that requires.

Mr. John Bercow (Buckingham): Given that 81 per cent. of participants in the new deal for over-25s are on the advisory process, 45 per cent. leave the scheme to claim jobseeker's allowance, 9 per cent. go to work-based learning, 3 per cent. go to the training and education option, 25 per cent. go to destinations unknown and, in its two years of operation, only 14 per cent. have managed to achieve sustained employment, why does the right hon. Lady not admit that no Government have ever promised so much, delivered so little and blown their own trumpet with such indecent haste?

Ms Jowell: Well, just tell that to the 40,000 people who have already found work as a result of the new deal for over-25s. We will take no lessons from an Opposition who have always been hostile to helping unemployed people into work and who have tried to thwart everything that the Government have done to extend the advantage and opportunity of work to the unemployed. We are building on the success of the new deal for young people, building on the help with basic skills, numeracy and literacy and preparation for work and removing the practical obstacles that many long-term unemployed people face in getting to work. We are investing six times more in the help that will be available to the long-term unemployed to get them into work. We want the over-25s to get work, and more than 200,000 young people have successfully moved off benefit and into work through the new deal.

Employment Service Direct

5. **Mrs. Helen Brinton** (Peterborough): How many jobseekers have secured employment through Employment Service Direct. [123337]

The Secretary of State for Education and Employment (Mr. David Blunkett): Employment Service Direct is part of a £68 million modernisation programme, which uses old technology in the form of a telephone, and new technology in the form of touch screens, to enable people to access the jobs that are available when they need them. Since it was launched last year, 50,000 people a week have used the service and 82,000 have found jobs through it. Those 82,000 are among the almost 1 million people who have got a job since the Government were elected, but did not have a job when Conservative Members were in power.

Mrs. Brinton: I am grateful for that reply. I was pleased to learn from my local district manager that jobseekers perceive the service as successful. It means that they do not have to trot out to the jobcentre to access employment. There are also many hotlines in the community through which people can access jobs. Does my right hon. Friend agree that the excellent new service will not only get more people into the job market but increase jobs mobility? That is what we want.

Mr. Blunkett: The service is part of a more adaptable and flexible labour market, which works in the interests of growth with low inflation, and offers opportunities that did not previously exist. It is part of the development of the new learning and work bank, which will link learning opportunities and skills to the jobs that are available, help people to prepare their CVs and enable employers to access employees and call them for interview. The service is also more than that. It contributes to the employment

service's ability to reach out to those who previously sat at home, waiting for someone to find them a job. It means that we can not only draw people into the jobcentre and help them, but work outwards from the jobcentre to ensure that, wherever there is a vacancy, a person is ready and able to fill it.

Mr. Christopher Chope (Christchurch): Why then did the Government close down the successful job clubs? What advice has the Secretary of State for my 58-year-old disabled constituent who has been out of work for two years, but was previously helped back into employment by the Conservative Government's job club scheme? Why does not the Secretary of State believe that that would help in the case that I described?

Mr. Blunkett: Because we replaced what was available with the new deal for those aged over 50 and the new deal for disabled people. They provide a personal adviser service, and a service tailored to the needs of individuals. The personal adviser service provides what were previously job club activities, such as showing people how to write a letter, make a phone call or prepare a CV. The new programme has been much more successful in getting the long-term unemployed and the disadvantaged into work.

Higher Education (Ethnic Minority Access)

6. **Dr. Ian Gibson** (Norwich, North): What plans he has to ensure that members of ethnic minority groups have equal access to higher education. [123338]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Malcolm Wicks): Ethnic minority students are generally well represented in higher education, although some groups still give cause for concern. My right hon. Friend the Secretary of State recently announced a further £4 million to enhance the £18 million allocated to students from disadvantaged areas. Many of those from the ethnic communities will benefit from those measures.

I congratulate the many universities that reach out to different communities. For example, London Guildhall has excellent links with the local Bengali community. The university of East London also does good work. There is good work from universities throughout the country.

Dr. Gibson: I thank my hon. Friend for that reply. Is he aware of the Dearing report, which, in 1997, highlighted the persistently low participation of specific ethnic groups in the pre-1992 university system? Does he know that entry applications for 2000–01 show that the position has not improved and that percentages have decreased in some ethnic areas? Does my hon. Friend know that ethnic groups are concentrated in specific post-1992 universities, and that Dearing identified one of the reasons for that as their ethnic-friendly policies? Will he ensure that the pre-1992 universities also have such policies and do not carry a tag of institutional racism?

Mr. Wicks: It is vital that all our education institutions, including all our universities, have equal opportunities policies—not just pieces of paper, but practice to back them up. In my constituency, one third of the people are from the various ethnic communities. Increasingly, we need to look at the individual communities, rather than the aggregate, because the experience of access to universities and other institutions is very different. Of course, our universities need to be sophisticated. I am not complacent, but the numbers going to universities from ethnic communities in general have increased. We still have a lot to do.

Mr. Peter Brooke (Cities of London and Westminster): Does the Minister accept that those of us who attend graduation ceremonies at universities in London and outside are constantly and favourably impressed by the number of members of ethnic minorities who have secured higher education qualifications, under both the present Government and the previous one?

Mr. Wicks: Of course, we congratulate those young people, their families and their teachers. However, I am concerned that young men from the African-Caribbean community, many of whom have great ability and are working well in the schools, tend to be under-represented in many of our universities. That is one area in which we are not complacent; there is still much to do.

Mr. Ian Pearson (Dudley, South): Does my hon. Friend agree that getting a place at university should be based on ability and what one knows, not on having a toffee nose and a public school education? I urge him to continue to put pressure on universities to do more to improve access. Will he consider carefully the proposals from the Sutton Trust about how the Government can help in that process?

Mr. Wicks: The Sutton Trust, for which we all have great regard, produced its report this week. It tells us that the chance of getting into a top 13 university is approximately 25 times greater if one comes from an independent school than if one comes from a lower class or lives in a poor area. We are working on that, with summer schools and bursaries from the universities for many of those youngsters, and we are working with universities, many of which are doing good work. Indeed, many at Oxford are doing good work. That is what we should encourage. We should move on and make sure that each and every one of our young people, whether rich or poor, black or white, from north or south, has a good chance, with good A-levels, to get into our good universities.

Mr. Phil Willis (Harrogate and Knaresborough): Does the Minister agree that one of the problems with black Afro-Caribbean boys in particular is that they are four times more likely to be excluded from school, and therefore not to participate in the education service or go to university? What is the Minister doing about that? Will he comment on the College of Law research published this week, which shows that black and Asian students graduating from university are 30 per cent. less likely to find a place in a law firm than their white counterparts? Surely that is a disgrace at the other end of the market.

Mr. Wicks: I certainly understand the last point, and none of us is complacent about the extent of racial discrimination in this country. It has implications not only for Government, but for many institutions, including those connected with the law.

With regard to exclusions, there is a difficulty, but the numbers are improving. I am aware that not only our Department, but many schools and local authorities are working extremely hard on that issue. We need to work with parents, families and mentors in the community to get it right. We can play a major role. Education maintenance allowances will enable more children this summer to think about staying on in education. Much remains to be done—it is a big issue and we are working on it.

Mr. Tony McWalter (Hemel Hempstead): Does my hon. Friend agree that one of the key elements of the problem is that the funding basis of the further education college system, which is such an important gateway to higher education, was highly fragmented? Much still needs to be done to ensure that that conduit to higher education is made more effective than it was under the previous Government.

Mr. Wicks: I agree with my hon. Friend. That is why we are legislating for new learning and skills councils from April next year. The 47 local councils will be responsive to local needs and demands—the needs of business and employers, and also the needs of individuals—to make sure that demand and need lead the system.

We have invested record amounts in further education, because we regard it as a sector for the 21st century. We must ensure that it plays a major role in both social inclusion agendas and the economic development of local communities.

Mrs. Theresa May (Maidenhead): Magdalen college, Oxford, has offered three ethnic minority candidates places to read medicine this autumn, in preference to other applicants. As the Prime Minister has refused to do so, will the Minister now repeat the Chancellor of the Exchequer's statement that that is an absolute scandal?

Mr. Wicks: I have great affection for the hon. Lady, but she is a poor substitute for Jeremy Paxman.

Mrs. May: Come on, answer.

Mr. Wicks: People should have equal chances of getting into our best universities, whatever their socio-economic status. At present, many children who secure top A-levels do not have those equal chances. It is a scandal that we have that inequality in Britain. The difference between us and the Opposition is that we think that it is a scandal and we are going to do something about it by applying practical measures. The Opposition are complacent. They concern themselves with the elite, while we are concerned with all children.

Mrs. May: The Minister speaks of the standard of entrants. The Government have said that they want places at medical schools to be ring-fenced for certain categories of students. People would prefer their doctors to have been selected on the basis of merit rather than political correctness. Given that rhetoric and waffle are now attracting slow handclaps from middle England, will the Minister set aside the waffle and set out for the House exactly what the Government are suggesting, and whether it involves dropping standards of entry for medical students?

Mr. Wicks: It certainly does not. Given the Prime Minister's clear target—to expand universities so that 50 per cent. of our young people have access to university education—there will be excellent places, with quality maintained, for all children with decent A-levels: yes, from the private sector, and yes, from the public sector. It is crucial for us to get the best in our universities. At present, as the Sutton Trust has demonstrated, too much talent from working-class communities is being wasted. We are determined to redress the position.

The hon. Lady may not like that answer. I may not receive a pot of jam from her.

Mr. John Bercow (Buckingham): Sexist!

Mr. Wicks: It is not at all sexist. I know that the hon. Gentleman's application to join the Women's Institute was declined, and I can see why. What I said was not sexist at all. I will take a pot of jam from the hon. Gentleman, or from other hon. Gentlemen.

We are concerned about equal access to our top universities. That is what our party is about, and as a Government we are working on achieving it.

Secondary Schools (Ofsted Inspections)

7. **Mr. Clive Efford** (Eltham): What guidance is given to Ofsted inspectors regarding short inspections of secondary schools. [123339]

The Minister for School Standards (Ms Estelle Morris): The guidance given to inspectors from the Office for Standards in Education will depend on the purpose of the inspection. Some schools are inspected because they are subject to special measures or have serious weaknesses; others may be visited to check the progress that they are making. As part of the regular cycle of inspections, more flexibility has recently been introduced so that effective schools are inspected less often and resources can be directed to those that are less effective.

Mr. Efford: My right hon. Friend is aware of the anger felt by teachers, parents and the local education authority in my area following a short inspection by Her Majesty's inspectorate of one of the largest secondary schools in the country. Would she care to say how schools can plan ahead with any confidence if HMI fails to abide by the minimum standards set out in a document published in January? I have a copy here.

Does my right hon. Friend agree that there are far-reaching implications for schools throughout the country? Would she care to respond to letters sent to her by me, and by the leader of the local education authority? Will she support demands for an annual debate in the House on the activities of Ofsted, so that the House can impose some accountability on the organisation?

Ms Morris: I do understand. My hon. Friend has spoken to me a number of times, and also to my right hon. Friend the Secretary of State, about the feelings of

staff at Crown Woods school. I think that my hon. Friend has acted properly, and that the school has acted properly. In the first instance, the school wrote to Her Majesty's chief inspector. We have made it clear to the school that it has the right to go to the adjudicator, Elaine Rassaby—a woman appointed under this Government so that schools have access to a second opinion.

Two things are now important: first, that the school follows the proper processes, but secondly—I say it in the kindest way—that staff at the school do not let their anger detract from their core job, which is raising standards. I trust that they will not do that. We should await the response and see what happens.

On the accountability of Ofsted, as my hon. Friend knows, the Select Committee on Education and Employment almost annually now interviews HMCI and, on more than one occasion, the Committee's report has been debated on the Floor of the House. I welcome that and hope that it will continue.

Mr. Ian Bruce (South Dorset): What advice is the Minister giving to inspectors about exclusions in schools? Many schools that are failing have a lot of disruptive pupils, yet head teachers tell me that, for budgetary reasons, they are scared of moving those pupils out of school because, as soon as they do so, they lose the bonus given by the Government for keeping disruptive pupils in school, disrupting other children's education.

Ms Morris: Schools do not lose money for excluding children. Under the present Government, for the first time, money that used to be kept by the local authority in case children were excluded and had to be educated elsewhere is devolved to schools—more money to schools, rather than to the local authority. That is what we have done. It makes sense, if we give money to schools to ensure that children are not excluded and a child is then excluded, that the money goes with the child so that the child can be educated. That is exactly right.

I would be surprised if any school in the hon. Gentleman's constituency had been told by Ofsted inspectors that it should not be excluding children, but it is right that, when Ofsted inspectors go in, they look at the range of provision in the school. That will include looking at those children at risk of exclusion and ensuring that the school has a proper discipline policy.

Just so that there is no mistake—because there has been much mischief making and headline grabbing this week by the Leader of the Opposition—I believe that every hon. Member is united: our clear message to parents, teachers and pupils is that, where a child's behaviour is such that it distracts other students from learning, the head has every right to exclude that child from the school, so that others can get on with learning and teachers can get on with teaching.

Secondary Schools (Specialisms)

8. **Mr. Phil Hope** (Corby): If he will make a statement on the development of specialisms in secondary schools. [123340]

The Parliamentary Under-Secretary of State for Education and Employment (Jacqui Smith): Under the Government's specialist schools programme, schools can specialise in one of four areas. Specialist school numbers have more than doubled since 1997, with just over 500 specialist schools operating from September this year. Those schools are continuing to prove their effectiveness in raising standards: the average percentage of pupils achieving five or more GCSE A* to C in 1999 compared with 1998 improved by two thirds as much again in specialist schools, compared with all other schools.

Mr. Hope: I am glad that my hon. Friend agrees that specialist schools have a vital role to play in raising standards and in increasing diversity. My particular reason for raising the question is that we are creating a fresh-start school in Corby—Corby community college. It is about to head off into a brand new future, building on the success of two other schools that have merged. It will really help that school to make a fresh start if it becomes an arts and media specialist school, to match the technology school that we already have in Corby. When that application comes in, will my hon. Friend give it sympathetic consideration, so that every child in Corby gets the best possible start to their education?

Jacqui Smith: My hon. Friend is a strong and persistent advocate for schools in his constituency, and I am sure that he will continue to be. I offer my best wishes to staff and students of the newly formed Corby community college as they take forward the important job of raising standards for their children.

My hon. Friend is right—one of the important points about applying for specialist school status, which is increasingly popular among schools, is that, in producing a development plan that shows how the school intends to raise standards and to benefit the wider community, the focus on that activity itself helps to raise standards. I assure him that, as always, we will consider any forthcoming applications very carefully.

Mrs. Theresa May (Maidenhead): Grammar schools specialise in academic excellence. What is the Minister's definition of a "pretty standard" grammar school? Will she confirm, as a matter of fact, that Blackheath high school has never been one?

Jacqui Smith: That question confirms our view that the Opposition's attention is based on a few schools, whereas our attention is based on raising standards in all schools. The Conservatives have a shadow Minister for grammar schools. I understand, from reading *The Birmingham Post*, that they now have a Conservative candidate who calls himself the Midland's spokesman on grammar schools. I think that it is about time that the Opposition concentrated on all the schools in this country, and all the children in this country, as the Government intend to do.

New Technologies (Access)

9. **Mr. Phil Sawford** (Kettering): What action he is taking to combat social inequality in access to new technologies among learners. [123342]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Michael Wills): We are taking steps to ensure that, in future, every school leaver will have the opportunity to use and develop

competence in those new technologies. They are essential, and we have to ensure that not only those pupils who are fortunate enough to have a computer at home are able to use them. Two out of three people in socio-economic groups A and B have access to a computer at home, whereas only one in five of those in socio-economic groups D and E have access.

We are making good progress in improving computer:pupil ratios and internet access in schools. In 1997, only one primary school in six had access to the internet; today, about two thirds do. Every school in the country will have access by 2002. We are also taking action to ensure access for adults. My right hon. Friend the Prime Minister has given a commitment that, by 2005, all those who want it will have the opportunity to access the internet.

We are establishing about 700 computer learning centres to serve the country's 2,000 most deprived wards, and 50,000 free computer training courses are being made available to jobless—*[Interruption.]* I think that Conservative Members would like—*[Interruption.]*

Madam Speaker: Order. Has the Minister finished?

Mr. Wills: Madam Speaker, with your permission, I have not quite finished. We are taking important initiatives—*[Interruption.]*

Madam Speaker: Order. We have reached only Question 9, and I deprecate that we are not making better progress. We have had long questions, and we have had very long answers from Ministers. Will the Minister now bring his answer to a conclusion?

Mr. Wills: I am happy to return to the subject in the future, Madam Speaker.

Mr. Sawford: I thank my hon. Friend for that answer and welcome his commitment to gaining the widest access to information technology. He clearly demonstrated that commitment on a recent visit to my constituency. I very much welcome his comments on the serious issue of the digital divide between those young people who have access to computers at home and those who do not. What further action can we take to encourage industry to tackle that social exclusion, and how can we monitor the effectiveness of the Government's initiatives to bring computers to those who are the many and not the few?

Mr. Wills: I am grateful to my hon. Friend for re-emphasising the importance of tackling the digital divide. We are working with the private sector to do precisely that. I know that Conservative Members have absolutely no interest in those essential new technologies. They have proposed absolutely no policies whatsoever on them, and have demonstrated their complete lack of concern with bringing those opportunities to everyone in the United Kingdom, other than to a privileged few. They have continued to demonstrate that attitude today. The Government, however, will continue to ensure that everyone has access to those opportunities.

Mr. Nigel Evans (Ribble Valley): The Minister mentioned that some schools are now kitted out with internet-capable computers. I represent a partly urban and partly rural constituency, where there are people who simply cannot afford to have their own computers at home or to pay online charges, even with reduced costs. What steps will he take to ensure that, when the school day ends at 3.30 pm, all those schools with computers will be opened to young people and adults so that they can access the computers?

Mr. Wills: I am glad that at least one Conservative Member recognises the importance of the matter, and I am grateful to the hon. Gentleman for acknowledging that. We particularly understand that it is sometimes difficult for schools in rural areas to have access. That is why my hon. Friends in the Department of Trade and Industry have been pushing forward development of broadband wireless as a means of accessing the internet. I think that such access will be particularly valuable for schools in the hon. Gentleman's constituency. We also have a range of initiatives designed to help schools stay open longer, so that they can provide access to those technologies in schools to the whole community. We are encouraging applications, from all communities that serve deprived areas, for new computer learning centres. I hope that there will be some applications from the hon. Gentleman's constituency.

Skill Shortages

11. **Mrs. Claire Curtis-Thomas** (Crosby): If he will make a statement on the initiatives undertaken by his Department to address skill shortages in the engineering and IT sectors. [123344]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Malcolm Wicks): This is, of course, a serious question. Briefly, the number of undergraduates enrolling in computer studies is increasing. With the national training organisations, the university for industry and the new Learning and Skills Council, we are tackling the issue. We are keen to ensure that more women enter careers in both computer science and engineering.

Mrs. Curtis-Thomas: I am grateful to my hon. Friend for his answer. He will know, as I do, that there are a significant number of vacancies within the UK for qualified engineers and information technology literate individuals. These people are desperately sought. I welcome the significant number of initiatives that have been taken by my hon. Friend's Department to promote the understanding of science, engineering and technology. What further initiatives does he have in mind to promote the public understanding of science, and thus possibly induce more young people into an exciting career?

Mr. Wicks: One of the relevant new initiatives is the new Connexions service—the youth support service—for 13 to 19-year-olds. It is designed to give each and every child first-class information and guidance about learning opportunities and careers. The role of the national training organisations is also important. I shall be happy to discuss the matter in more detail with my hon. Friend.

Mr. Michael Fabricant (Lichfield): The Minister will be aware that the Committee of Vice-Chancellors and Principals has said that funding for universities needs to

be reformed. It has suggested that engineering courses will have to cost rather more in tuition fees than, for example, arts courses. The figure of £6,000 has been talked about. Does the Minister agree that a £6,000 tuition fee, far from encouraging people to study engineering, would put them off? If so, how does he reconcile that with the statement made by the Prime Minister yesterday? He said that

we simply have to change the system of finance. Virtually every major country around the world has had to do the same, and I think that it is right that the Government make the difficult . . . choice to reform student finance.—[*Official Report*, 7 June 2000; Vol. 351, c. 282.]

Mr. Wicks: We have made important and sometimes difficult decisions, not least about student finance. Unlike the previous Government, who compromised quality and quantity by reducing unit costs, we are maintaining standards. We are funding the university sector. There will be no top-up fees, which we have legislated against. Such fees do not represent the right approach. The approach that we have outlined is the right way ahead.

Education Maintenance Awards

12. **Mr. Peter L. Pike** (Burnley): What plans he has to extend education maintenance awards to other areas. [123345]

The Parliamentary Under-Secretary of State for Education and Employment (Mr. Malcolm Wicks): Early signs from the existing education maintenance allowance pilots are very encouraging. Clearly, paying young people to continue their education has the potential to make a real difference to their lives and choices. We are extending the number of pilots to 41, and I am pleased to tell my hon. Friend that one of them will be in east Lancashire.

Mr. Pike: I thank my hon. Friend for that answer. He will recognise that in Burnley and in east Lancashire there is certainly more deprivation than elitism. In Burnley, there are far too many people who are unable to go on to further and higher education. Anything that the Government can do to encourage people to take that route will be welcome.

Mr. Wicks: That is absolutely right. Although the needs and abilities of youngsters at 16 will vary, we must ensure that all young men and women have first-class training and education. Education maintenance allowances are a vital part of the strategy, but there are other parts to it.

Mr. Owen Paterson (North Shropshire): Who qualifies for this money?

Mr. Wicks: It is designed to help those from low-income backgrounds to gain access to education and training after the age of 16. We are piloting the scheme. The early results in terms of increasing participation and diligence in studies are most encouraging. It is a useful pilot and we are encouraged.

Pre-school Provision

13. **Fiona Mactaggart** (Slough): If he will make a statement on provision for children aged under five years in the private, voluntary, independent and maintained sectors. [123346]

The Parliamentary Under-Secretary of State for Education and Employment (Ms Margaret Hodge): All four-year-olds now have access to free nursery education, and for the first time in Britain, because of a Labour Government, we are specifically funding the expansion of free places for three-year-olds. By March 2002, we shall have funded 190,000 free nursery places and two out of three of our young three-year-olds will have access to a free place.

Fiona Mactaggart: The House will want to know how many extra places for three and four-year-olds have been created in the past two years. May I congratulate my hon. Friend on the diversity of provision, which stands in stark contrast to the Conservatives failed nursery voucher system?

Ms Hodge: I know that my hon. Friend takes a great interest in the issue and I congratulate her on that. We have a fantastic record on expanding places and ensuring diversity. Eight out of 10 of the new places that we have created for three-year-olds are in the private and voluntary sector. For the first time since funding has been provided for nursery education, there has been an increase in the number of places available for four-year-olds in the private and voluntary sector—a sector that the previous Government did their best to destroy.

Business of the House

12.31 pm

Sir George Young (North-West Hampshire): May I ask the Leader of the House to give the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows:

MONDAY 12 JUNE—Remaining stages of the Criminal Justice and Court Services Bill.

TUESDAY 13 JUNE—Progress on remaining stages of the Countryside and Rights of Way Bill.

WEDNESDAY 14 JUNE—Conclusion of remaining stages of the Countryside and Rights of Way Bill.

THURSDAY 15 JUNE—Debate on European Affairs on a motion for the Adjournment of the House.

FRIDAY 16 JUNE—The House will not be sitting.

The provisional business for the following week will be:

MONDAY 19 JUNE—Debate on the royal commission report on the reform of the House of Lords on a motion for the Adjournment of the House.

TUESDAY 20 JUNE—Opposition day [14th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

WEDNESDAY 21 JUNE—Second Reading of the Children (Leaving Care) Bill *[Lords]*.

THURSDAY 22 JUNE—Debate on the security and intelligence agencies on a motion for the Adjournment of the House.

FRIDAY 23 JUNE—Debate on policing of London on a motion for the Adjournment of the House.

The House will also wish to know that on Wednesday 14 June there will be a debate on European document No: 6230/00: the White Paper on Environmental Liability, in European Standing Committee A. On the same day, there will be a debate on European document No: 7828/00: Broad Economic Policy Guidelines, in European Standing Committee B.

Details of the relevant documents will be given in the *Official Report*.

[Wednesday 14 June 2000:

European Standing Committee A—Relevant European Community Documents: 6230/00, White Paper on Environmental Liability. Relevant European Scrutiny Committee Report: HC 23-xiii (1999-2000).

European Standing Committee B—Relevant European Community Document: 7828/00, Broad Economic Policy Guidelines. Relevant European Scrutiny Committee Report: HC 23-xix (1999-2000).]

Mr. William Cash (Stone): On a point of order, Madam Speaker.

Madam Speaker: I am sorry, but I take points of order after questions.

Sir George Young: The House is grateful for the details of next week's business and an indication of the business for the following week. I welcome the long-awaited debate on the Wakeham report, six months to the day after its publication. We hope that the Government will have something positive to say in that debate, so that they can dispel the widely held view that they wish that that issue would disappear.

Yesterday, the Prime Minister trailed a statement by the Home Secretary on the Burns report on hunting. Can the right hon. Lady confirm that there will be an oral statement, and tell us on which day it will be made?

There is mounting interest, not least among spending Ministers, in the comprehensive spending review. Will the Leader of the House tell us when the Chancellor hopes to make a statement on the outcome, and will she confirm that there will then be a debate on it in Government time?

Might we also have a debate on voluntary organisations, led by the Prime Minister, to give him an opportunity to agree with his hon. Friend the Member for Cannock Chase (Dr. Wright) that the Women's Institute has done a sterling service to the Labour party by proving to the Prime Minister that people will not play a scripted part in choreographed politics?

Can the right hon. Lady find time for a debate on foreign affairs, led by the Foreign Secretary? There are many issues causing concern, not least the tragic death of Brigadier Stephen Saunders in Athens, on which the House will want to express its sympathy to family and friends. While we welcome the recent statements, they are no substitute for a structured full-day debate on foreign affairs. Will she also find time for a debate on the housing Green Paper—a subject that the House has not discussed for some time?

Finally, can the right hon. Lady say anything further about the date of the summer recess, so that our staff and the staff of the House can plan their lives?

Mrs. Beckett: I thank the right hon. Gentleman for his initial remarks, and for welcoming the debate on the Wakeham report and the reform of the House of Lords. He says that it is some time since the report was published, which is true. In fact, we scheduled the debate earlier and moved it at the request of the Opposition. As for the content of the debate, it will be—as I have made clear from the outset—a debate in which the Government wish to hear the views of the House. As for the notion that the Government hope that the issue will disappear, those who hope that it will disappear are those who hoped that it would never be raised in the first place, and they are on the Opposition Benches.

The right hon. Gentleman also asked me about the Burns report, which we anticipate will be delivered soon. I cannot tell him for certain today when a statement will be made, but I expect that the Home Secretary will make a statement. I shall keep him informed through the usual channels. Similarly, I shall draw his remarks on the comprehensive spending review to the attention of my right hon. Friend the Chancellor—but the timing is not yet settled.

I note the right hon. Gentleman's request for the Prime Minister to lead a debate on the issue of voluntary organisations. Participation in general debates by Prime Ministers was not a pleasure that we ever had during the days of Lady Thatcher or her successor. However, I know that my right hon. Friend the Prime Minister would enjoy taking part in such a debate, although the pressures on his time are very great. As for the right hon. Gentleman's remarks about people taking a scripted part in politics,

I have actually read the Prime Minister's speech—I suspect that the right hon. Gentleman has not done so, and I understand if that is the case. It was excellent.

It is surprising that people objected to those unexceptionable remarks about the strength and importance of the health service and the need for reform. To some degree, one does wonder why it happened—*[Interruption.]* That is, of course, a matter for other people to decide. There is certainly some irony in the fact that an organisation that one would have thought would welcome remarks about the importance of traditional values chose, in some small quarters, to object to them.

The right hon. Gentleman also requested a debate on foreign affairs. I know that the whole House will wish to send its sympathies to the family of Brigadier Saunders, who, tragically, was murdered this morning. Fortunately we do not often lose public servants to such a fate, and the incident is much to be regretted. I know that my right hon. Friends the Prime Minister and the Foreign Secretary have made public statements, and the whole House will wish to join in sending our sympathies to the family. I have taken note of the right hon. Gentleman's request for a full day's foreign affairs debate, and I am aware that the Opposition are seeking such a debate. I remind him that I have announced four separate days of debate on various issues and an Opposition Day, so we are finding time to debate issues as well as the Government's legislative programme.

I have also taken note of the right hon. Gentleman's request for a debate on the housing Green Paper. He will know that the consultation on that is still under way, and the Government will respond in due course to the fruits of that consultation.

Mrs. Alice Mahon (Halifax): I wish to draw my right hon. Friend's attention to early-day motion 796.

[*That this House congratulates the Board of Science and Education of the British Medical Association for the publication of its report 'Eating Disorders, Body Image & the Media' which considers the role that the media can play in the causation of eating disorders; notes that eating disorders have one of the highest mortality rates of all psychiatric illnesses, and are an increasing problem in modern western societies; welcomes the Government summit which is to take place on this issue on 21st June; and calls upon the Government to implement the recommendations in the BMA's report which call for clearly defined targets for the reduction in the number of eating disorders through preventative measures, extra resources to be given for mental health services, specifically eating disorder clinics, and increased public education on the connections between dieting, physical activity and health, and the health risks associated with eating disorders and being underweight.*]

It concerns the excellent report by the BMA on eating disorders, body image and the media. My right hon. Friend will be aware that eating disorders, such as anorexia and bulimia nervosa, are on the increase and are affecting ever younger people, especially girls. The Government will hold a summit in the near future, and I am sure that the BMA's report will be discussed there, but can my right hon. Friend make time for a debate on the issue in Government time? There is a worrying trend of growth in such illnesses.

Mrs. Beckett: I know that this is a subject in which my hon. Friend has taken great interest, and it arouses great concern in the House and more widely. She is right that the Government are giving full consideration to the recommendations of the report and very much recognise the seriousness of the issues. I fear that it is not likely that we will be able to find time on the Floor of the House in the near future to debate those issues, although Westminster Hall is another option. However, I assure my hon. Friend that, by that or some other means, the Government will look at the matter very carefully.

Mr. Andrew Stunell (Hazel Grove): First, may I ask to be associated with the condolences extended to the family of Brigadier Saunders? I am sure that that feeling is shared by all hon. Members.

Secondly, will the Leader of the House bring forward the report from the Review Body on Senior Salaries on hon. Members' office costs allowance, and will she be able to find time for a debate on the matter in the next couple of weeks? I draw her attention especially to the very tragic experience of my hon. Friend the Member for Cheltenham (Mr. Jones). Several of my colleagues have received advice from the police and others about adopting necessary security measures in their constituencies so that they can proceed with their normal parliamentary duties.

That is becoming a significant factor in the allocation of hon. Members' resources for the coming year. *[Interruption.]* When it comes to choreography, Conservative Members are better than the WI. Back-Bench Members are precisely the ones who find themselves in the difficult circumstances that led to the tragedy in Cheltenham.

Mr. Cash: Dad's army.

Hon. Members: Get a bodyguard.

Mr. Stunell: I hope that the Leader of the House will consider the matter carefully and bring a report to the House.

Finally, may I draw the right hon. Lady's attention—

Mr. Patrick Nicholls (Teignbridge): You're safe in here, son, don't worry.

Mr. Stunell: May I draw the right hon. Lady's attention to early-day motion 804, which relates to Burma?

[That this House recognises and supports the Committee Representing the People's Parliament in Burma which has been established due to the military junta's refusal to comply with the 1990 election results and allow parliament to convene since that time; notes that the Committee Representing the People's Parliament has already received statements of support from the European Parliament, the Danish Parliament, the Belgian Parliament and the Norwegian Parliament; and believes that international recognition of this kind will serve to strengthen the pro-democracy movement in Burma.]

A number of legislatures in western Europe have offered their support for the People's Council representing the Parliament. Will she find time for the House to do the same?

Mrs. Beckett: I thank the hon. Gentleman for associating his party with our remarks about the death of Brigadier Saunders.

[Mrs. Beckett]

The hon. Gentleman requested a debate on the SSRB report. If I recall correctly, that report was produced before the terrible events that took place in Cheltenham. I recognise that many hon. Members have taken advice as a result, especially for staff members in their constituencies, and that there is some concern about the financial implications. However, the SSRB did not report in the context of those issues, and perhaps the best way forward would be for the hon. Gentleman to draw his remarks to the board's attention. I shall do the same, as I know that the board keeps such matters under review..

Finally, the hon. Gentleman referred to Burma. It has been the policy of successive Governments to recognise states rather than Governments or political parties. The question of recognition is therefore more difficult than it appears at first sight. However, we keep the matter under review, and we continue to put pressure on Burma to improve conditions at home.

Mr. Tam Dalyell (Linlithgow): Is it not rather important that regular reports should be made to the House of Commons when British troops are in action? Would my right hon. Friend consider a statement being made to follow the response made yesterday evening by my hon. Friend the Minister for the Armed Forces to a question that I asked about what had happened with regard to a grenade that caused so much trouble for Brigadier Shirreff of 7th Armoured Brigade and his colleagues?

My hon. Friend said:

> It is certainly difficult at this stage to do so, but people should not automatically assume one particular source.—[*Official Report*, 7 June 2000; Vol. 351, c. 389.]

Obviously, the authorities locally are conducting investigations, but is not it important that the House should know the results, as the broader question concerns what exactly is going on in Kosovo?

Is not it also important for the House to have some explanation as to why significantly more armament is being dropped on Iraq? That was revealed in answers to questions asked in last night's debate by the right hon. and learned Member for North-East Fife (Mr. Campbell).

Mrs. Beckett: Defence Ministers come regularly to the House, both to debate and to make statements. They endeavour to keep the House as fully informed as possible. It is, of course, not always possible to anticipate every issue or air every question that may come up on defence. However, my right hon. Friend the Secretary of State for Defence endeavours to keep the House informed and will, I know, continue to do so through our regular debates and statements.

Mr. John Redwood (Wokingham): Will the Leader of the House, in the forthcoming European debate or in an early statement, ensure that, for the first time, we get an accurate and straightforward account of the Government's European policy? In particular, will she ensure that Ministers answer the question about when they wish to abolish the pound, because they will be speaking against the background of a very successful "Save the Pound" weekend, led by the Conservative party?

Will Ministers also tell us for how much longer they wish the House to have the main power to tax people in this country, given the strong pressures in the draft treaty of Nice to give away huge chunks of our right to independent taxation? Is the right hon. Lady aware, for example, that it is no good defending ourselves in relation to the withholding tax in current negotiations and saying no, because if we sign the draft treaty of Nice in its current form, it could be pushed on us even if we objected to it?

Mrs. Beckett: The House is under no illusions—it knows exactly what the Government's European policy is. It has been repeated ad nauseam in the House, and was repeated again at Prime Minister's Question Time yesterday. Either Conservative Members are wilfully refusing to pay attention or they have difficulty in grasping a simple, straightforward statement of policy. The right hon. Gentleman will know that the Government have clearly indicated that only when the economic tests are met would the question of belonging to a single currency even arise.

As for the power to tax and the withholding tax, the withholding tax famously remained in play, despite claims from the Conservative party that it vetoed it when plainly it did not. The Government have continually made it clear that we will resist attempts to erode our freedom to run our own tax affairs as we choose, and we are doing so very successfully.

Mr. Dale Campbell-Savours (Workington): May I thank my right hon. Friend for her response to my advances over recent months? [HON. MEMBERS: "Oh!"] I do not want to be greedy, but she has now given us the 1999 annual debate on MI5, MI6 and GCHQ, whereas this is the year 2000. When does my right hon. Friend plan to hold the debate after next?

Mrs. Beckett: I am sort of grateful to my hon. Friend for his thanks. I recognise that he has been asking for this debate for some time—but to ask for another one is pushing his luck a bit.

Mr. Patrick McLoughlin (West Derbyshire): May I remind the Leader of the House of the question that I asked her on 27 January, which appears in column 586 of *Hansard*, in which I asked her to initiate an annual debate on road safety? She will be only too aware of the appalling accidents that have happened in Derbyshire. In the year to May 1999, some 17 people lost their lives on roads in Derbyshire; up to the May bank holiday this year, the figure is 35. That is an appalling rise, and I believe that it is also reflected in other counties. It is time that we had an opportunity to discuss this matter in the House.

Mrs. Beckett: I understand and sympathise with the hon. Gentleman's concern. The whole House is conscious of the devastation that such a level of accidents causes to the lives of individuals and to the community. The Government have, as the hon. Gentleman will know, made available substantial increased investment for transport, but it takes time for that investment to bear fruit. However, where road safety is concerned, such statistics cause alarm and require careful investigation and thought.

Mr. David Chaytor (Bury, North): There has been increasing concern about some of the criticisms in Ofsted

reports on individual schools and local authorities, and there is continuing concern about some statements by the chief inspector of schools. Given that the responsibilities of Ofsted are due to be extended into the post-16 sector—the new Connexions service—and have been extended into the inspection of pre-school provision, and in view of Ofsted's unique nature as a Government agency beyond ministerial accountability, does my right hon. Friend think that it would be a good idea not just to have a debate on Ofsted in the near future, but to establish an annual debate in the House on its role and performance?

Mrs. Beckett: Of course I understand that that issue is of considerable importance, and is one in which hon. Members—not least my hon. Friend—take a great interest. However, I fear that his request for a debate in the Chamber is yet another on the list of all those that we simply cannot satisfy. Of course there is the additional facility of debating time in Westminster Hall, to which my hon. Friend might care to direct his attention.

As for annual debates, we once added up the many issues on which Members on both sides of the House had requested such a debate, and came to the conclusion that if we were to grant all those requests, we should never do anything else.

Mr. Stephen Day (Cheadle): The Leader of the House told us earlier of the Prime Minister's enthusiasm to debate the voluntary sector. She may have noted that on Thursday 15 June there will be an opportunity for him to do so; a debate will be held in Westminster Hall on the role of the voluntary sector in national life—recognising and promoting volunteering.

Will the right hon. Lady advise us how many Ministers will be absent next week addressing the Women's Institute? If the number is significant, will that have as devastating an impact on the business of the House as it did on the Prime Minister?

Mrs. Beckett: I remind the hon. Gentleman that this is business questions, and it is not usual to ask for a debate while pointing out that such a debate will, in fact, take place. His question is thus rendered rather superfluous.

It would be a mistake on anybody's part to assume that the Prime Minister was distressed—*[Laughter.]* Like all of us, he is slightly regretful when people do not appear always wholeheartedly to agree with him. However, he is a man who has encountered disagreement in his time, and expects to do so again.

As I have already said to the right hon. Member for North-West Hampshire (Sir G. Young), what the Prime Minister said in his speech was unexceptionable; I should have thought that 99.9 per cent. of the British people would agree with it. Probably, only someone who actively did not want to agree with it would find something to disagree with.

The most disturbing aspect of the comments made after the Prime Minister's speech went completely unnoticed by the media; it is a constant theme, which I have long believed is a besetting sin in British public life—the notion that politics is something that has nothing to do with everyday life. Everybody in this House either does know or should know that it is through the political structure that many of the decisions that most affect people's lives are taken. If people are concerned about the health service, about post offices and a whole range of other issues, that is what politics is about.

Ann Clwyd (Cynon Valley): May I ask my right hon. Friend to use her considerable influence to persuade, coerce or cajole a Health Minister to come to the House to give an explanation about a private cosmetic surgeon, David Charles Herbert, whom I have named several times in the House? He is probably operating today, has actually been accused of mutilating at least 80 women, who have sent their complaints to the General Medical Council and to the Secretary of State for Health, yet the GMC says that it cannot, under current legislation, suspend that cosmetic surgeon. We deserve an explanation.

Mrs. Beckett: I know that my hon. Friend takes a great interest in such matters and has long raised concerns about them—not only with this Government but with the previous Government—on behalf of those who have suffered and been affected by people carrying out plastic surgery. I am aware of her concerns about the role of the GMC. However, I fear that I cannot offer her either time for another debate on the matter or an immediate statement. As she knows, Health questions will take place in the near future, when I am sure that she will continue her many efforts to raise and to press that matter.

Mr. Nicholas Winterton (Macclesfield): The right hon. Lady will be aware that her Government have made dramatic changes to the constitution and to the way in which the House of Commons operates. The one thing that the Government have not done—but which, I believe, they promised to do—is to restore status and authority to the House of Commons and to Back Benchers. Proposals to achieve that have been outlined in a report by the Liaison Committee entitled "Shifting the Balance: Select Committees and the Executive". May I make a plea on behalf of all Back Benchers that the Leader of the House find time for a debate on that important report, so that the House and Back Benchers can have meaningful authority and status and the power of the Executive can be properly held to account? Will she find time for such a debate?

Mrs. Beckett: As the hon. Gentleman knows, and as I have pointed out to the House before, the Government have added to opportunities for scrutiny both through the number of statements that we have made—since the general election, on average, one has been made every two sitting days—and through the opening of Westminster Hall, which allows more time for debates and for the study of Select Committee reports. Of course I recognise the wish for a debate on the Liaison Committee report, and the hon. Gentleman will recognise the fact that I am finding time for some of the many debates that people wish to hold. An interesting and important report has been produced, but it has profound implications for the operation of House—

Mr. Winterton: It does; it would restore some authority to the House.

Mrs. Beckett: The report makes many proposals that would make a substantial difference to all Members of the House and to the roles that they can properly exercise. I

[Mrs. Beckett]

very much hope that many more Members will read the report than I suspect have yet done so. They will then realise the implications of what is being proposed.

Dr. Lynne Jones (Birmingham, Selly Oak): Although today hon. Members will rightly be concerned about the death of Brigadier Saunders, may I draw my right hon. Friend's attention to the plight of another British citizen overseas? He is my constituent, Mr. Mohammed Chaudhry, who is the subject of early-day motion 810, which has been signed by 100 Members from both sides of the House.

[That this House notes with grave concern that Mohammed Chaudhry, a British citizen, has been held without charge by the Saudi authorities since his arrest on 23rd June 1999 following a five month internal investigation first by Colonel Abdullah Al-Mugari of the Military Police and then by Colonel Ali Johani from the Ministry of Defence into variances resulting from stock-take amounting to approximately £1.5 million of medical supplies at Riyadh Military Hospital where Mr. Chaudhry worked in storage and distribution; notes that the stock-take was cancelled in writing by the Chief Executive of the hospital before the variances could be completely investigated; notes that the investigating authorities never carried out a stock-take to establish facts; notes that, despite the fact that no further questioning by the police investigating the case has taken place since the first few days after his arrest, Mr. Chaudhry, who has always denied any wrong-doing, remains in prison, without access to his lawyer, whilst other employees, including his immediate superior, Captain Meshal, are free; believes that a year is more than sufficient time to investigate any crime of this nature, and that the continued detention of Mr. Chaudhry is a breach of natural justice and internationally accepted human rights; and therefore calls on the Saudi authorities to either release him to return home or, in the unlikely event that there is any case to answer, to bring that case forward against Mr. Chaudhry to enable him to defend himself in open court.]

Mr. Chaudhry has been detained without charge and without access to legal advice in Saudi Arabia for nearly 12 months. Will my right hon. Friend ask the Foreign Secretary to come to the House to make a statement about that case, in particular, and about diplomatic relations with Saudi Arabia in general? Further, does she agree that British and European citizens should be advised not to visit or to work in Saudi Arabia while their basic human rights cannot be guaranteed?

Mrs. Beckett: My hon. Friend has been extremely active on behalf of her constituent, with whom the whole House sympathises. I know that she will be aware that the Foreign Office has been extremely active on Mr. Chaudhry's behalf and has continually pressed the Saudi authorities at the highest level to release him and to conclude their investigations as soon as possible. I cannot undertake to ask my right hon. Friend the Foreign Secretary to make a statement to the House on the matter in the near future. However, my hon. Friend will know that Foreign Office questions will take place on 20 June, and I will certainly draw her remarks to my right hon. Friend's attention. I know that he will urge those who are dealing with the Saudi authorities to step up their efforts.

Mr. Edward Leigh (Gainsborough): May we have a debate on the directive emanating from article 13 of the European convention on human rights? It will have a significant impact on Church bodies and Church schools. For example, our counsel's opinion is that if a Church school was to insist that a teacher, other than a teacher of religious instruction, should be of certain denomination, it could be taken to an industrial tribunal. A Church body will be able to insist that a minister is of a certain denomination; it would be bizarre if it could not. However, it will not be able to insist that other members of staff are of a certain denomination. That is significant and important.

Before the Leader of the House says, "Well, we can discuss that next week", I point out that that would be in a general debate on important European issues such as the euro. We need a specific debate on this important directive. The issue has been before the Scrutiny Committee and it has decided, against the advice in the report submitted to it, that other aspects of the directive should not come to the Floor of the House. However, there will be hell to pay if we do not have such a debate on the Floor of the House.

Mrs. Beckett: The hon. Gentleman will be aware that there is a dispute about whether the effect of those proposals is as he described. Indeed, that is precisely why he wants to debate this important matter. I cannot undertake to find time for a debate on such a specific issue on the Floor of the House, but it is suitable for debate in Westminster Hall.

Mr. Bob Blizzard (Waveney): May I join other hon. Members in calling for time to be set aside for a debate on Ofsted, annually or otherwise? That would enable us to examine the need for greater accountability and transparency, and ensure consistency of inspectors' standard of performance.

Two years ago, a school in my constituency suffered badly from the diabolical behaviour of a registered inspector. When the school and I pursued complaints, Ofsted refused to say how many complaints had been made against the individual. Eventually, we were led to believe that the person concerned would not continue to inspect. I was therefore greatly dismayed to read a few weeks ago that the individual, Mr. Piers Bilston, was named as the inspector involved in causing distress to another teacher, which led her to commit suicide. Those are important matters, so we should have a debate on Ofsted.

Mrs. Beckett: My hon. Friend identifies an important and powerful concern as a result of his constituency experience. He will accept that Education and Employment questions have just taken place, and I fear that we shall be unlikely to find time for such a specialised debate in the near future. I therefore recommend to him the attractions of Westminster Hall.

Mr. Cash: The Leader of the House said that the European document on environmental liability was going to European Standing Committee A. She may not be

aware that, yesterday, the Select Committee on European Scrutiny decided that the document should be debated on the Floor of the House. The Minister responsible for such matters in the Department of the Environment, Transport and the Regions has also given a detailed analysis of the document, which highlighted massive changes in United Kingdom law, changes to the burden of proof and extensions of liability, both strict and otherwise.

The consequences of that involve enormous damage to British enterprise and companies, and raise the question of GM technology and biotechnology, so the matter must be debated on the Floor of the House. Will the Leader of the House guarantee that, in line with the decision made properly yesterday by the European Scrutiny Committee, which was correctly convened, the matter will be debated on the Floor of the House?

Mrs. Beckett: No, I cannot confirm that. I was aware of the view expressed yesterday by the European Scrutiny Committee on what I accept is an important matter. The Government did consider the Committee's advice, but it has long been the practice of successive Governments to discuss such issues in the appropriate Committees, which is why the matter is scheduled for debate in European Standing Committee A.

Mr. Andrew Dismore (Hendon): May I draw my right hon. Friend's attention to the three early-day motions that deal with the Stewart report and the siting of mobile phone masts, which are causing a great deal of concern generally and in my constituency? In Edgware and Mill Hill, for example, masts seems to sprout all over the place like oversized weeds, without the benefit of planning consent. Will my right hon. Friend find time to organise a debate so that we can examine the implications of that, especially the safety aspects? When mobile phone masts are sited next to schools or in residential areas, naturally that is worrying for parents and constituents in the locality.

Mrs. Beckett: I am aware that concern has been expressed. Indeed, my hon. Friend has taken great interest in the matter on his constituents' behalf and Members on both sides of the House have received representations on it. Of course, the Government are keeping the issue under careful review and are considering, for example, the fact that, as the hon. Gentleman knows, there is no requirement for planning consent for such masts.

I am afraid that I cannot undertake to find time for an early debate on the matter on the Floor of the House. I believe that it has been debated recently in Westminster Hall, but I am sure that the issues would benefit from a further airing there.

Mr. Owen Paterson (North Shropshire): The question posed by my hon. Friend the Member for Stone (Mr. Cash) raised a strange case. The European Scrutiny Committee was set up to represent the House; it was properly constituted yesterday and decided that document 6230/00 on environmental liability should be considered not in European Standing Committee A, but on the Floor of the House.

The document is of fundamental importance. There is an explanatory memorandum from the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Sunderland, South (Mr. Mullin), which shows that the Government are, for understandable reasons, undecided about what to do. I am a member of European Standing Committee A, and few members turn up to its proceedings, yet night after night, we all go home early from the House at 10 o'clock. This is a golden opportunity for the Government to give the House a chance to go into the detail of the document and to show that the House is paramount.

Mrs. Beckett: The hon. Gentleman said that this was a golden opportunity. The unworthy suspicion has crossed my mind that the golden opportunity was presented to Opposition Members who found themselves in the majority on the Committee and decided to refer the matter to the Floor of the House. The hon. Gentleman makes a powerful case for the importance of the issue. There is an Opposition day on 20 June, as I have announced, and I am sure that he and the hon. Member for Stone (Mr. Cash) will be able to press the matter on their Front-Bench colleagues.

Mr. Dennis Skinner (Bolsover): Why does my right hon. Friend not accede to some of the requests of Tory MPs to have a day's debate on the Floor of the House for this and a day's debate for that? We could delay the beginning of the recess way beyond the start of the grouse shooting season on 12 August, even though the shadow Leader of the House keeps requesting the date of the recess, and I have an idea that he wants an early start so that he can get off.

On a more important matter, will my right hon. Friend bear it in mind that some of us do not believe in the Liaison Committee report? We do not believe in extending the sloppy consensus and in handing over power to three unelected Select Committee Chairs. If we move towards sloppy consensus and away from the class divide, this place will finish up as non-political as the Women's Institute.

Mrs. Beckett: The best thing that I can say is that, as always, I take a close interest in my hon. Friend's remarks. He is right to identify the fact that the Liaison Committee's proposals are profound in their implications and their potential impact on the House. They need to be properly considered and weighed, and no doubt that will happen over time.

Mr. Peter Brooke (Cities of London and Westminster): Pursuant to the right hon. Lady's response to my hon. Friend the Member for Macclesfield (Mr. Winterton) on the Liaison Committee report, is she advancing the novel theory that the House should consider issues with shallow implications before it considers those with profound ones?

Mrs. Beckett: No, I was not making that assertion. A matter that I did not refer to, because it is under discussion, is the fact that the Liaison Committee has invited me to give evidence to it on its report, which I am perfectly willing to do, although it is slightly unusual for a Committee to take evidence after a report has been issued. I have presumed, perhaps incorrectly, that the Committee would want the debate on the Floor of the House to take place after that, rather than before.

Dr. Stephen Ladyman (South Thanet): I am sure that my right hon. Friend is aware that the Home Affairs

[Dr. Stephen Ladyman]

Committee has recommended a weakening of the double jeopardy rules, which go back 2,000 years to Roman law and provide fundamental protection of the rights of the individual British citizen. Weakening those rules might allow us to resolve a few short-term injustices at the expense of having much greater injustice in the long term. Will my right hon. Friend ensure that we can have a debate urgently, and certainly before the Government make up their mind? I give her notice that I cannot envisage circumstances in which I would be prepared to vote for a weakening of the double jeopardy rules.

Mrs. Beckett: My hon. Friend certainly makes an important point in identifying the serious implications involved in such proposals. He will know that that point was a recommendation of the Macpherson report—as ever, taken up on a knee-jerk basis by the Leader of the Opposition—and that the Government are taking the matter seriously and have referred it to the Law Commission, which is considering it carefully. The Government will consider the Law Commission's views carefully when it has finished its deliberations. He will also know that his concerns were expressed by several hon. Members on both sides of the House when the matter was last raised—not least by the then shadow Home Secretary, who suggested that it should be approached with caution. Clearly, the hon. Gentleman's leader unfortunately did not take that advice.

Mr. Nicholls: In a more bipartisan way, can I ask the right hon. Lady to consider a debate into the shambles that passes for the Government's transport policy? Would not such a debate enable us to discover whether there is any truth in the rumours coming out of the Department of the Environment, Transport and the Regions that, once again, the funding of bypasses will take place? Would not that mean that the people of Kingskerswell, which is in my constituency, would know whether they must wait another seven years before they gain any relief, or whether they could remind themselves that under the previous Government's proposals, the building of their bypass would have started by the end of this year? People, probably including Ministers, do not know what the Government's policy is, and it is about time that we had a debate so that we could discover it.

Mrs. Beckett: Was not the hon. Gentleman a Minister in that Department?

Mr. Nicholls: No, I was not.

Mrs. Beckett: The hon. Gentleman was certainly involved in discussions with that Department under the previous Administration. On the building of a bypass in his locality, yes, such proposals were indeed scheduled, but he will know that, given the lamentable failure of economic policy under the previous Government, the chances of funding being available for such things were always very problematic. Under this Government, almost an extra £2 billion has been put into improving roads and local public transport, and we shall continue to do so.

Mr. Tony McWalter (Hemel Hempstead): Does my right hon. Friend accept that there is urgent need for a debate on local government finance for two reasons? First, the inadequacies of the current system are producing much eliminable misery, especially because of the inadequate financial basis for social services departments and others. Secondly, major changes have been brought about in the system, for example, by the change to resource accounting and the ring fencing of certain housing budgets, which could have the effect in my patch of losing Dacorum council some 40 per cent. of its revenue next year. Those matters are sufficiently grave to warrant urgent consideration.

Mrs. Beckett: Of course I understand the concern that my hon. Friend rightly expresses on behalf of his constituency. However, I fear that I cannot find time for a debate on the Floor of the House in the near future, but oral questions to the Department of the Environment, Transport and the Regions will take place next Tuesday and my hon. Friend, too, may find that he can secure a debate in Westminster Hall earlier than he could on the Floor of the House.

Dr. Julian Lewis (New Forest, East): May I ask the Leader of the House a question of which I have given her prior notice because it is not one which she could normally be expected to answer unprepared? Will a Defence Minister make a statement in the House about what investigations, if any, the Ministry of Defence police are making into the circumstances whereby *The Mirror* acquired a stolen laptop computer with military secrets on it, given that fact that my attempts to establish from *The Mirror* whether money was paid to the thieves rather than the police being informed of their identity have been rebutted with a degree of hysteria and abusiveness? It is a serious matter if a national newspaper pays thieves for stolen property to get headlines. Have any investigations been undertaken? I should be most grateful to the right hon. Lady if a statement could be made.

Mrs. Beckett: I am grateful to the hon. Gentleman for giving me notice of his intention to raise the matter as that has enabled me to discover that an investigation—handled in the first instance by the British Transport police—is indeed under way. He will recall that the event took place at Paddington. The Ministry of Defence police are assisting with identification of property and so on. I fear that I cannot undertake to provide a Defence Minister to make a statement in the near future, but I understand the concern that the hon. Gentleman has expressed, and he has shown assiduity in raising the matter. I suspect that it might be possible for the MOD to make some information available to him and I shall certainly draw his remarks to its attention, but I understand that it is not yet in a position to do so.

Shona McIsaac (Cleethorpes): Have Ministers given my right hon. Friend any indication of when they will introduce proposals to reform leasehold regulations, particularly those for the purchase of freeholds? They are of particular importance to thousands of home owners in Grimsby and Cleethorpes who have purchased leasehold houses and whose leases are about to expire. Certain freeholders charge more than the market value of a property for the purchase the freehold and many residents have lost homes for which they have paid mortgages. That

is a scandal and I hope that Ministers will introduce proposals as soon as possible so that no more of my constituents lose their homes.

Mrs. Beckett: My hon. Friend makes an important point and, like all hon. Members, I am sorry to learn of the problems that have affected some of her constituents. The Government wish and intend to publish a draft Bill in the not-too-distant future, which would give the House an opportunity to debate those issues and whether their handling can be improved. As she will know, it would then be a matter of trying to find time for legislation. As she is a regular attender of this event, she will also have noted the many occasions on which Opposition Members have seemed to wish for the Government not to introduce any legislation. She has powerfully made the point that people wish many things in this country to change. That requires the Government to act.

Mr. Graham Brady (Altrincham and Sale, West): It is some three months since the Commissioner for Public Appointments published her report, which found that the Government had engaged in a systematic politicisation of health service appointments, but we have still had no statement or debate in the House on a damning document which criticised them in trenchant terms. As primary care trusts are being set up and appointments to them are being made, is not it particularly important that we should have a statement or a debate? It is essential that the abuses of the process of making public appointments should be stopped and cleared up before those appointments are completed.

Mrs. Beckett: It was made clear at the time that the appointments were made through the proper Nolan process and that no one was appointed who had not come through it. The appointments were not simply made by Ministers. However, when the report was published, the Secretary of State made it plain that he nevertheless felt that there was room for further improvement—the appointments process was, of course, put in place by the previous Government—and he has made those changes.

Miss Anne McIntosh (Vale of York): I thank the Leader of the House for her gracious hospitality in giving Lady Members the welcome opportunity to see Admiralty house this week. [HON. MEMBERS: "Oh!] May I raise a matter with which she is familiar from her days at the Department of Trade and Industry and that is of great interest to the Women's Institute: pylons and the overhead transmission of electricity through the Vale of York and neighbouring constituencies? The Vale of York and particular parts of it such as Tockwith regularly lose their electricity supply and the fact that it is to be further jeopardised by pylons is a source of great concern. Will she make time for an early debate on the Floor of the House so that we can consider the merits of underground transmission?

Mrs. Beckett: I thank the hon. Member for Vale of York (Miss McIntosh) for her kind remarks, although I fear that she has stirred up a demand from those around her. I have taken that on board.

I am aware of the anxiety about electricity supply in the hon. Lady's part of the world. She knows that the issues are technically difficult and have been the subject of much discussion and careful consideration. I fear that I cannot find time for a special debate on the matter in the near future. However, its complexity and relevance to constituencies such as that of the hon. Lady makes it an issue that might well be aired in Westminster Hall. I also point out that Trade and Industry questions will take place on 15 June.

Mr. James Gray (North Wiltshire): Business questions are an important part of the parliamentary week. Is not it therefore a shame that, of the Government's army of 400 Back Benchers, only six manage to stay for the duration? At its peak, only 15 or 20 attended. That may show that the Government are running out of steam. If they are not, will the Leader of the House dismiss press rumours that the state opening of Parliament will be delayed until January or may not occur, and confirm that it will take place, as usual, in November?

Mrs. Beckett: We do not tend to discuss the date of the state opening of Parliament on the Floor of the House at this stage. As ever, the hon. Gentleman should not believe everything that he reads in the papers.

Mr. Nigel Evans (Ribble Valley): I share the incredulity of the Leader of the House about the Women's Institute's lack of gratitude and failure to recognise how lucky, privileged and honoured its members are to be living under this Government. In the light of that astonishing lack of gratitude, do the Government intend to publish their annual report, as they have done in the past two years? If so, when will it be published and how much will it cost the taxpayer? Perhaps they have rightly decided to kybosh the entire project and spend the money on essential services for the people of this country.

Mrs. Beckett: I am afraid that I cannot inform the hon. Gentleman offhand about the status and timing of the next report. However, as the hon. Gentleman will recall from previous exchanges on the matter, some 20,000 British citizens bought the report and paid their own money for it at W. H. Smith. Clearly, not everyone shares the hon. Gentleman's view of it.

Mr. John Bercow (Buckingham): When are we to have the much delayed debate on small businesses? Given that 99.6 per cent. of Britain's firms employ fewer than 100 people, and that they account for 50 per cent. of the private sector work force, produce two fifths of our national output and now face a sea of regulation, which is deeper and more hazardous than at any time in our history, does the right hon. Lady agree that it is important to hold a debate without delay to tackle the anxieties of those enterprises?

Mrs. Beckett: As I have already said, I have found time in the current programme not only for an Opposition day, but for four days of debate on general issues. Although there is an undertaking to consider small businesses on a fairly regular basis, there is no commitment to an annual debate on the subject, for the reason that I identified earlier.

I remind the hon. Gentleman that *The Economist* intelligence unit and the Organisation for Economic Co-operation and Development, which considered separate matters—financial matters, such as taxation and product regulation—pointed out that our light regulation is one factor that makes the United Kingdom one of the best places in which to do businesses.

Points of Order

1.23 pm

Mr. Simon Thomas (Ceredigion): On a point of order, Madam Speaker. Two constituents of mine, Mr. and Mrs. Hughes of Llanon, wrote to the Prime Minister in October 1999 about means testing disabled people in employment for the independent living fund, with special reference to their son, Colin Hughes, who is a producer for the BBC. The Prime Minister's office acknowledged the letter on 10 November 1999 and said that a reply would shortly be forthcoming from the Department of Health. In the intervening months, my constituents have written to the Department of Health several times and have copied the letters to the Department of Social Security. In the past fortnight, I have written again to the two relevant Ministers. To date, no reply has been received to the initial letter, which was sent in October 1999. Eight and a half months have passed without a reply to a letter on a matter of concern to my constituents. Will you deprecate that lack of activity, Madam Speaker, and urge Ministers to be timely in their replies?

Madam Speaker: I most certainly deprecate the lack of positive response to the hon. Gentleman. I can give no ruling on the matter; it is not a matter for me. I simply say to the Ministers on the Front Bench that I hope they will have noted the hon. Gentleman's words and will follow them up.

Mr. Owen Paterson (North Shropshire): On a point of order, Madam Speaker. In her reply to my request for a debate on the European paper on environmental liability, the Leader of the House gave her reason for overruling the majority of the Committee yesterday. The reason was that there was a majority of Conservative members on that day. Is it a constitutional precedent that Select Committee majorities will be—

Madam Speaker: Order. I know that some hon. Members are extremely concerned about the matter, and I see that another hon. Member is ready to raise another point of order on a similar matter. The hon. Members correctly put their questions to the Leader of the House and she responded. They know the Government's position on the matter; it is not a matter for me.

Opposition Day

[13TH ALLOTTED DAY]

Pensions

Madam Speaker: We now come to the first debate on the Opposition motions. I have selected the amendment in the name of the Prime Minister.

1.25 pm

Mr. David Willetts (Havant): I beg to move,

That this House believes that the Government's policy towards pensioners is patronising and confusing; recognises that pensioners want the dignity of receiving social security through their basic state pension as an entitlement and not through complicated special payments; urges therefore that the winter fuel payment, free TV licence, and the age addition, along with funds from abolishing the failed New Deal for Lone Parents and other savings, should all be put into a substantial increase in the basic state pension for 2001/2002 of £5.50 for a single pensioner under 75, £7 for a couple under 75, £7.50 for a single pensioner over 75, and £10 for a couple over 75, together with a commensurate increase in thresholds for benefits and tax allowances, so that the value of the increase is passed on to all pensioners, ensuring that they are better off than at present under this Government's muddled and incompetent policies.

Yesterday, in his now notorious speech to the Women's Institute, the Prime Minister said:

We should put more faith in people's desire to engage in a conversation about the future.

What better way of engaging in a conversation about the future than a Supply day debate in the House?

We called the debate because we wanted pensioners' voices to be heard in the great national conversation called for by the Prime Minister. We want pensioners' voices to be heard because they are saying, loud and clear to all of us in our constituencies, that they are fed up with the Government's patchwork of special measures and gimmicks. Instead, they want money to go into the basic state pension as an entitlement.

The Government's special measures have gone down like a lead balloon—or perhaps we should now say that they have gone down as badly as the Prime Minister at the WI. They have gone down badly with the pensioners whom the Government claim to want to help. The Prime Minister's speech at the WI was received almost as badly as the Minister of State's, when he tried to explain the Government's policies at the National Pensioners Convention the other day. I am sure that he learned what pensioners think about the Government's policies.

Pensioners say over and over again that the Government's schemes are complicated, whereas pensioners want simplicity; the Government's schemes are patronising, whereas pensioners want respect. I shall quote from one of the many letters that I have received from pensioners. The letter arrived in my post this morning from a pensioner in Suffolk, who writes:

I wonder how long it will be for them to get it into their thick heads that pensioners do not want crumbs thrown at them from lord and lady Bountiful Blair's table. . . what they do want is a fair and reasonable pension, and the same amount of pension for all pensioners. We wish to pay our way like everybody else and object strongly when we are made to become forelock touching, cap in hand, second class citizens.

That summarises what millions of pensioners think—not just pensioners, but their representatives. The director general of Help the Aged described the hand-outs as

a patronising pat on the back

and continued:

What older people want is a decent weekly income which they can spend as they wish, and with dignity.

Dr. Lynne Jones (Birmingham, Selly Oak): The hon. Gentleman quotes from organisations such as Help the Aged. He knows that those organisations are calling for a large increase in the state pension and a restoration of the link to earnings. Does the hon. Gentleman intend to change Conservative policy from the past, when the party broke that link, and restore it now?

Mr. Willetts: I recognise that many pensioners want the restoration of the earnings link, but neither the Opposition nor the Government are offering that. Pensioners must choose between the options before them. We believe that our option is superior to the only alternative, which is what the Government are doing.

Mr. Patrick Nicholls (Teignbridge): Bearing in mind the call that has just been made for the restoration of the earnings link, will my hon. Friend confirm that although the last Labour Government introduced an earnings link, for the last four years of the Labour Government they refused to implement it in practice? When their Secretary of State, who later became Lord Ennals, was quizzed by *Pensioners' Voice* about his statutory obligation, he sneeringly replied:

I have an obligation to take the figures into account. I do not have an obligation to get the figures right.

Mr. Willetts: My hon. Friend is right in his recollection of the history of that incident.

It is not just pensioners who are critical of the Government's schemes. Labour's activists and supporters say the same thing. Labour councillors lost 600 seats after the last local elections. A survey of Labour councillors who had lost their places on councils revealed that pensioners overwhelmingly preferred to get money straight into their pockets directly from their pension.

That is what even some of the Secretary of State's colleagues have been saying in the privacy of unattributable briefings in the Lobby. One Labour MP was quoted as saying:

It's like a poor employer who robs his workers every week, then gives them a turkey for Christmas.

Perhaps one of the Labour Members who are present today said that. Perhaps it was the Minister of State, speaking unattributably; who knows? [HON. MEMBERS: "Deny it."] I will not ask Labour Members to deny it. That would be too embarrassing for them.

Another Labour MP said:

It's terrible. The Tory leader is saying in public what we have been saying in private for months.

That is what Labour Members think. The Secretary of State has even got his former ministerial colleagues saying it. A former Defence Minister has said that pensioners believe that winter fuel payments and concessionary television licences are diversionary measures and that pensioners want an increase, week on week, in the basic pension.

Mr. Steve Webb (Northavon): Why, then, did the hon. Gentleman tell the House:

We have no plans to remove the winter fuel payment.—[*Official Report*, 7 February 2000; Vol. 344, c. 33.]

Mr. Willetts: I was very careful. We have listened, we have learned, and we have now announced our policy. The hon. Gentleman's party fought the last election on a manifesto that pledged it simply to linking pensions to prices; subsequently, it changed its mind and said that it wanted to link them to earnings after all. That is a wild and uncosted policy, so that was a dangerous intervention.

Mr. John Bercow (Buckingham): Does my hon. Friend think that opposition to the Government's policies on pensioners explains the drop of over 1,000 in membership of the Sedgefield constituency Labour party, the recent emergence of a rebel breakaway group, and its decision to distribute a subversive newsletter that excoriates the Prime Minister's record?

Mr. Willetts: I am sure that my hon. Friend has made a powerful point. I am only surprised that he said "1,000" rather than "1,007 precisely", in the style with which we are so familiar. Anyway, he is entirely correct.

The fact is that pensioners do not support what the Government are doing, Labour councillors do not support what the Government are doing, and the Secretary of State's own Back Benchers do not believe in what the Government are doing. The question is why the Government plough on with such an unpopular and ill-considered policy, when everyone in the country apart from the Secretary of State and his Cabinet colleagues knows that it is a nonsense. That is the real question to which we would like to hear the Secretary of State's answer.

Kali Mountford (Colne Valley): Is it not the case that state pensions have been paid for through national insurance contributions? Is the hon. Gentleman now advocating paying for pensions in some other way, given that his sums do not add up?

Mr. Willetts: I will take the hon. Lady through the sums in a moment, if she wishes me to do so. The fact is, however, that we are talking about a carefully costed package that involves no increase in total social security spending. The national insurance fund is in surplus. Pensioners want a charge on the national insurance fund as part of a contributory entitlement, and it could easily be afforded.

Mr. Edward Leigh (Gainsborough): May I gently chide my hon. Friend? He talks about the Secretary of State. One thing that is really frustrating in life is, having dreamt up a good policy, finding that someone much cleverer has come up with it first. Could that explain the petulance behind the Secretary of State's remarks? Perhaps he was planning to introduce the policy, but my hon. Friend got there first.

Mr. Willetts: Who knows? It would be interesting to find out. The Government have been busy briefing away on all sorts of options. It would be fascinating to learn whether they have listened to pensioners as we have.

[Mr. Willetts]

Let me tackle the sort of arguments that we may hear from the Secretary of State. I am sure that he will not want to answer the question that has just been put. I suspect that he will say that the Government are doing the right thing, because they are targeting help on the pensioners who need it most. That is what he has been claiming. However, his claim does not stand up to scrutiny.

What we are doing is replacing the various special payments with a consolidated increase in the basic pension. The Secretary of State's special payments are very ill targeted. He has put much more money into the special payments than he has into the minimum income guarantee. This year, £1 billion more is going into the special payments than into the minimum income guarantee. Next year, £0.5 billion more will go into special payments than the guarantee. The money that the Government have put in has gone, above all, into the special schemes that we are consolidating into the basic pension. Nothing in our proposal affects minimum income guarantee expenditure. It is all about consolidating those gimmicks.

I was surprised by some of the Secretary of State's claims about the targeting of his measures. On 16 December 1999, in a press notice from his Department, he said:

> The annual Winter Fuel Payment will be payable to everyone over 60.

I invite him to say whether that is an accurate and true statement on access to the winter fuel payment scheme. He knows that that is not an accurate statement of the way in which the scheme works. He knows very well—if he did not know when he issued that press release, he should have—that winter fuel payments are not available to pensioners in residential accommodation or nursing homes who are on income support. They are available to pensioners who are in nursing homes or residential accommodation who are not on income support, but they are not available if pensioners are on income support. There are 200,000 pensioners on income support who do not receive the payment, whereas more affluent pensioners in residential accommodation do receive it. It is nonsense.

Either the Secretary of State did not understand his policy when he made that statement, or he was deliberately misleading. The fact is that what we are doing, putting the money into the basic pension, is better targeted than the measures that it replaces. It is better targeted because the quirks, oddities and unpredictable effects of those schemes—which, to be honest, I do not think the Secretary of State fully appreciated when they were introduced—will be replaced by a steady, reliable simple system. Better than that, we are giving the extra money to the over-75s in particular. We all know that older pensioners tend to be the poorer pensioners.

Mr. Phil Hope (Corby): I have listened to the hon. Gentleman for the past 10 minutes or so and I have not heard one word of apology for the 18 years that resulted in 1 million pensioners living below the poverty line in 1997—*[Interruption.]* The Labour Government have targeted and tackled that, much to my pleasure and much to the annoyance of Opposition Members. Will he now apologise to the 1 million pensioners whom he betrayed for more than 18 years? *[Interruption.]*

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. We cannot have a situation where hon. Members are shouted down.

Mr. Willetts: The hon. Member for Corby (Mr. Hope) is rash enough to make that point. Let me quote some figures. During our years in office, there was an average increase in the net income for pensioners of 64 per cent. on top of inflation. Total public spending on pensioners as a proportion of gross domestic product was higher in our last year of office than it is under the present Government. During our time in office, there was a reduction in the number of pensioners dependent on means-tested benefits. Compared with the present Government, what we achieved is a jolly sight better. Pensioners are suffering.

Mr. Hope: Will the hon. Gentleman give way?

Mr. Willetts: No. I will get on. I will not waste any more of the House's time on that matter.

The claim that it is all to do with targeting the money better does not stack up. The real reason why we have all those special gimmicks lies at the door of 11 Downing street. It is all to do with the Chancellor.

This is a Chancellor who, a week or two before any Budget or any major economic statement to the House, suddenly thinks, "I need a gimmick. I want a special scheme. I need to announce that I am transforming the tax and benefit system." No Budget statement is complete without a radical change to that system.

We have debated already the impact of that on families. We have the working families tax credit, the child care credit, the children's tax credit, the integrated children's credit, and the employment credit. The Chancellor called the Budget that introduced all that lot a Budget for stability. I do not know what a Budget for a bit of change would look like.

When it comes to pensioners, the Chancellor does the same thing. We have a different scheme, changes in the rules on entitlement, different amounts of money. It is unfair on pensioners, who want simplicity and reliability. They do not want Labour gimmicks.

Mr. Hope: Will the hon. Gentleman give way?

Mr. Willetts: I do not think so; no.

Hon. Members: Give way.

Mr. Willetts: Oh, all right.

Mr. Hope: I am grateful to the hon. Gentleman for giving way. Quite clearly, he is prepared to answer questions about his own policy. Is he prepared to accept that the criminal act that he is announcing as part of his policy entails walking up to pensioners, taking out their wallets or purses, taking money that has been given to them by this Labour Government, putting that money into an envelope, and giving it back to them? Does he also

accept that that cons no one, particularly not the pensioners in my constituency, and that it would not make the poorest pensioners a single penny better off?

Mr. Willetts: Even if there were not a single extra penny for pensioners in our package, it would still be the right thing to do—because it would be part of the guaranteed, contributory basic pension, instead of all those complicated gimmicks. Actually, however, we are putting £320 million extra on top of the Government's provision and financing that by making savings elsewhere in social security. Nevertheless, even if we were not making that extra provision, our package would still be the right thing to do, because pensioners want the money as part of a guaranteed, weekly entitlement.

Mr. Andrew Dismore (Hendon) *rose—*

Ms Claire Ward (Watford): Will the hon. Gentleman give way?

Mr. Willetts: No. I want to make a bit more progress, and then I shall give way to the hon. Lady.

I do not want to leave the impression that all the blame is being heaped on the head of the poor, wretched Chancellor. [HON. MEMBERS: "Why not?"] Because the blame has to be shared between No. 11 and No. 10 Downing street. The Prime Minister cannot be allowed to escape responsibility for the situation. Pensioners are so angry about the 75p increase not only because of its financial effects, but because of what it tells them about new Labour and new Labour's attitude to older people. One pensioner said that the Prime Minister

> thinks people like me are old has-beens, who aren't important or glamorous, people who they think can go to the back of the queue.

The quote describes new Labour's modernising, young Britain attitude to pensioners. The Government have no respect for pensioners and no understanding of them, and that is why they have made such a mess of their pensions policy. That attitude goes to the heart of the Government. That is the attitude of the Prime Minister and those who surround him.

Mr. Dismore: Will the hon. Gentleman confirm that the effect of his proposals on a pensioner's income would be a change of 42p per week?

Mr. Willetts: All pensioners will be better off under our proposals. Even if there were not a single extra penny, as I said, it would be the right thing to do; but there are gains for pensioners on top of that. The size of the gains will depend on the personal circumstances of the pensioner. They will vary also because the schemes that our proposals will replace are so complicated. We are providing a reliable weekly payment instead of all the special schemes.

Ms Ward: Will the hon. Gentleman give way?

Mr. Willetts: No; I want to get back to the point that I was making about the Prime Minister.

We know from the people surrounding the Prime Minister what Labour really thinks of pensioners. We know what the Secretary of State for Northern Ireland said at a private meeting. *The Sunday Times* reports:

> Mandelson appeared to have written pensioners off as a group who were not worth cultivating.

He said that there was "no mileage" in them.

The chairman of the parliamentary Labour party, at the same meeting, is alleged to have said that pensioners are "racist". I do not know whether that is true, but it is certainly true that—as he said—they are "predominantly Conservative". We certainly know that that is true.

Ms Sally Keeble (Northampton, North): Has the hon. Gentleman seen the most recent edition of Age Concern's magazine, which states that my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Soley) said nothing of the sort? That was stated in the pensioners' own publication—which the hon. Gentleman, like me, should have received this morning.

Mr. Willetts: I thank the hon. Lady. I am grateful for that point, which I shall consider carefully.

Let me just deal with something that seems to epitomise the new Labour approach to pensioners and why, at No. 10, they have got it so catastrophically wrong and are so out of touch with the views of pensioners across the country.

There is a report entitled "Ministers want trendy name for pensioners", which states:

> Ministers want to "rebrand" pensioners with a trendy name that will appeal to younger people . . .
>
> Ministers believe words like "pensions"—

perhaps that is why they do not put them up enough—

> or "elderly" carry a grey imagine which deters younger people from thinking ahead.

So, what have Ministers done? The report states:

> Some of Whitehall's finest minds are working on the problem, while the Government is also seeking outside help to try to come up with a new title.

While the Government's finest minds have been thinking about the naming of pensioners, Conservative Members have been thinking about how we can help pensioners. Our package is about substantial increases in the basic state pension.

Ms Ward: Does the hon. Gentleman really believe that is the right thing to do and that it will benefit pensioners? Is he suggesting that he will increase the amount of money that will go to pensioners year on year? If he is, perhaps he will tell us where that money is coming from.

Mr. Willetts: The increase in the basic state pension will be part of that pension, and uprated in line with prices thereafter. That is the right way to do it, and we make no apology.

As there are some Labour Members in the Chamber, I shall briefly clarify our position for a few of them, so that when they are in their constituencies they do not perpetrate the lies about our policies that have been perpetrated over the past 10 days.

Several hon. Members *rose—*

Mr. Willetts: No, I shall not give way. I want to make some progress.

[Mr. Willetts]

Two important points were made clear in the original announcement by my right hon. Friend the Leader of the Opposition. They relate to two understandable concerns of pensioners, which were tackled at the beginning when we announced our policy. First, there is the concern—I understand the basis for it—that the special payments are tax exempt and the basic state pension is taxable. Some pensioners have asked, "Does that mean that we shall pay more tax as a result of this proposal?" It is not our intention that the proposal should include some special behind-the-scenes arrangement to collect more tax from pensioners. We do not believe in stealth taxes and it is the Government who have introduced them, not us. That is why my right hon. Friend said in his original statement:

> We would also adjust tax allowances for older people to compensate pensioners for any extra that they might otherwise pay.

It is not the purpose of our proposal either to increase—*[Interruption.]* There is no increase or reduction in tax. The tax position will be unaffected and neutral.

Secondly, the Secretary of State has claimed recently—perhaps it is one of the reasons why the Prime Minister received the slow handclap by the Women's Institute when he tried to make the same point, but I do not know whether he managed to deliver that part of his prepared speech—that 2 million of the poorest pensioners would lose out because they would have an offsetting reduction in their entitlement to means-tested benefits.

The package is clearly costed, simple and straightforward. There is no messing about. It is costed on the basis that the money will go to all 10.5 million pensioners. There are no offsets or reductions in entitlement to means-tested benefits. Again, I shall quote the original statement, which says that

> we would adjust means tested benefits to ensure that the poorest pensioners gain at least as much as other pensioners.

That has been clear all along. The Secretary of State should stop pretending that he does not know that that is our policy.

Dr. Lynne Jones: Will the hon. Gentleman put his hand on his heart and tell the House that had the Government not put in extra money for pensioners, he would still be advocating his proposal—in a way, very welcome—to increase the basic state pension? Furthermore, the next time that we have low inflation—as a result of the state pension being linked to inflation, the result is an increase of the state pension by a paltry few pence—will he argue that he will increase the pension by more than those few pence?

Mr. Willetts: I think that hidden in that intervention there was a tribute to the wisdom of the Conservative policy on pensioners. I shall take that in the spirit in which it was intended.

As in so many areas of policy, we are clearing up a mess that was created by the Government. They are the people who have created muddle and confusion. They make the benefit system more complicated every time that they make a new statement and introduce a new policy. We are offering pensioners respect for their ability to manage their own money and their own entitlements in the way that they wish. We are offering them the dignity of an entitlement to a contributory benefit. The Prime Minister was rumbled yesterday, and the Secretary of State has been rumbled. Pensioners have rumbled the Government.

1.50 pm

The Secretary of State for Social Security (Mr. Alistair Darling): I beg to move, To leave out from "House" to the end of the Question, and to add instead thereof:

'condemns the Opposition for making no commitment to the welfare of either today's or tomorrow's pensioners, opposing every step the Government has taken to help pensioners and producing proposals for next year's basic pension uprating which amount to bribing pensioners with money which is already theirs; recognises the legacy of increasing pensioner poverty left by the last Government; applauds the Government for doing more to help all pensioners, spending £6½ billion more than planned by the last Government, but most for those who need help most by concentrating half the additional money on the poorest quarter of pensioners; congratulates the Government for tackling poverty directly with the Minimum Income Guarantee, helping take-up through better publicity and simplified claims procedures; supports the Government's plans to help those pensioners who just fail to qualify for the Minimum Income Guarantee by raising the capital limits to £12,000 from April 2001 and committing itself to bringing forward proposals for a Pensioner Credit which will reward thrift; congratulates the Government for helping all pensioners with their costs, including Winter Fuel Payments and free television licences for people aged 75 and over; and applauds the Government's strategy for ensuring that, in the future, nobody who has put in a lifetime of work or caring need retire onto means-tested benefits, including a commitment to the basic state pension, a state second pension which does more for 18 million people including those on low and moderate pay, with caring responsibilities or broken work records because of disability, and new flexible, low cost, stakeholder pensions.'.

What was rumbled within hours of its announcement was the Conservative policy on pensions. It did not stand much examination before it became perfectly obvious that the Conservatives, having opposed every extra penny that we were spending on supporting pensioners, were taking that money and offering to spend it in a different way. There was no new money. The public and the rest of us should beware of Tories bearing gifts, because we have some experience of what happened during the 18 years that they were in government. They were not noticeably the pensioners' friend or on the pensioners' side. They left 2 million pensioners living in poverty. The gap in incomes between the better-off and the poorest pensioners was as great in 1997 as it had been 40 years earlier, and one third of people working today were heading for a retirement in which they would be dependent on benefits from day 1 because of inadequate second pension provision. Of course, we also all remember the millions of people who were mis-sold personal private pensions—something that the Conservatives encouraged when they were in office.

Today we have heard the first big idea from the hon. Member for Havant (Mr. Willetts). The Conservatives are trying to bribe pensioners with money that they were going to get anyway from the Labour Government. The Conservatives are giving money with one hand and snatching it away immediately with the other.

Let us look at what the Tories are promising this time. I remember taking part in an interview with the hon. Gentleman on the "Today" programme on the morning of his great announcement. He said that he was going to give £5 more to single pensioners. It did not take long to find out how he had reached the sum of £5. It is quite easy:

£3 from the winter fuel payment, which we introduced and the Conservatives opposed, plus at least £2 from the inflation increase. The hon. Gentleman is trying to tell pensioners that he has £5 of new money, which he knows full well they were going to get anyway.

However, the hon. Gentleman's policy did not last for very long before it began to fall apart. When I heard him say that the House of Commons Library had helped him, I began to get suspicious. During the 13 years that I have been in the House, I have often found that when people start praying in aid the House of Commons Library, it is as well to see exactly what the Library said. As we know, it is a reputable and scrupulously impartial research organisation.

I asked the House of Commons Library—or, to be absolutely accurate, because I do not want to mislead the House, I got my parliamentary private secretary to ask the House of Commons Library—what it had said to the hon. Gentleman. The researcher said:

> Taking into account his proposals to abolish Winter Fuel Payments, free TV licences for the over-75s, and the Christmas Bonus these increases would leave single pensioners under 75 £0.42 per week better off.

There we have it. Within hours of the announcement being made, it turns out to be not £5, not £7 and not £10, but 42p. That is what the Tories are promising pensioners. The Tories should bear in mind the fact that one reason they lost office after 18 years was that people did not believe a word that they said. Today we have heard yet another attempt to con people into believing that the Tories are offering more money, when the truth is that they are offering 42p. As the Library helpfully goes on to say:

> No account is taken of income tax effects.

The figure also fails to take account of the fact that many pensioners will lose benefits.

Mr. Patrick McLoughlin (West Derbyshire): I should like the Secretary of State to clear up what he has just said, for the sake of accuracy. Did he say that he asked his PPS to ask the Library to provide the same information that was provided to my hon. Friend the Member for Havant (Mr. Willetts)? Is he aware that the Library is usually very strict in how it presents information to individual Members? If the Secretary of State is saying that the information that was given to my hon. Friend by the Library was also given to his PPS, I hope that he is misleading the House.

Mr. Darling: I do not know the proper procedure for this situation, but I am more than happy to place in the Library the information that my PPS—my hon. Friend the Member for Stockport (Ms Coffey)—obtained. It was a proper inquiry, and before the hon. Gentleman gets on his high horse, he should remember that when the Tories were in government they frequently asked the Library what information it had provided to Opposition Members.

The letter starts by saying:

> You asked about David Willetts' plans for increases to the Retirement Pension, which he has stated as being based on work by the House of Commons Library.

It continues by making the point that the answer is 42p. Lest the Tories think that I am being unreasonable, or that the Library was being unreasonable in telling us what it has done, I shall explain why the sum of 42p has some credibility. About five hours after the hon. Member for Havant appeared on the "Today" programme, his colleague the shadow Chancellor appeared on "The World at One". [HON. MEMBERS: "Where is he?"] It is no wonder that he is not here, because I am about to tell the House what he had to say. When he was asked about the policy, which hon. Members will recall had been spun across every newspaper the night before, he said:

> We are making quite a limited announcement today.

He was certainly right about that. He continued, with refreshing candour:

> We are not over selling this at all; it is a one-off policy.

Of course it is a one-off policy, because there is no way that, with their tax guarantee, the Tories can find more money for pensioners in the future. The shadow Chancellor went on to say:

> It is money which is already being spent.

We have had smoke and mirrors from the Tory party.

The shadow Chancellor made other revealing points, which bring me on to the point made by the hon. Member for Havant about losers. Under the hon. Gentleman's proposals, some 2 million of the poorest pensioners would lose out because the Tories will not give an undertaking to increase the minimum income guarantee in line with earnings. Indeed, the Tories are against the minimum income guarantee, or at least they were until two weeks ago. The shadow Chancellor was revealing on that point, because when he was asked about an extension of the MIG and whether it would, in time, be linked to earnings, he said:

> You are leading me now into a policy area in which we haven't yet made a statement.

He continued:

> all other announcements about our attitude towards pensions and the minimum income guarantee and so on are a matter for the future.

There we have it. The shadow Chancellor made it clear that the Tory party was performing a smoke and mirrors trick, by promising money that was already being spent. He said that it was not a big deal, because the net effect, after all was said and done, was 42p extra.

Mr. Willetts *rose—*

Mr. Darling: I shall give way to the hon. Gentleman, because I notice that he said on a subsequent television appearance when he was asked about the minimum income guarantee:

> In the long term, how you uprate the value of income support, the minimum income guarantee, is indeed a matter for decision.

Perhaps he will tell us his decision now.

Mr. Willetts: The Secretary of State well knows that he has made no commitment to guarantee the earnings uprating of the minimum income guarantee beyond the life of this Parliament. I ask him to endorse the statement in his pamphlet entitled "Are you just getting by when you could be getting more?", which is the latest guide for pensioners. It describes the minimum income guarantee as

> the name we give to Income Support for pensioners.

It is our old income support for pensioners that the Government have just renamed after a Soviet fighter aircraft.

Mr. Darling: If that is the best that the Tories can do, pensioners will soon see what the Tory party is all about.

[Mr. Darling]

We have increased the amount of money that goes to the poorest pensioners, because—as I said at the outset of my speech—one of the problems we inherited was the fact that 2 million pensioners were living in poverty, and no decent society should tolerate that.

Mr. Bercow: Will the Secretary of State give way?

Mr. Darling: I will in a moment. I am coming to a subject that I have no doubt is near to the hon. Gentleman's heart, but for entirely the wrong reasons.

The hon. Member for Havant has said that he will save money elsewhere in the social security system. We know that the Conservatives would scrap the winter fuel bonus, free television licences and the Christmas bonus, but they have two other proposals as well. They would raid the social fund, from which money goes to people who are absolutely poor and sometimes destitute, and scrap the new deal for lone parents—and all for 42p.

Shona McIsaac (Cleethorpes): My right hon. Friend said that the Opposition plan to scrap the winter fuel allowance. Does he agree that that would be very serious, as men between 60 and 65 would lose an allowance that has just been extended to them? The Tory proposals would not give any extra help to that group of people, who would be much worse off if they voted Conservative.

Mr. Darling: My hon. Friend is right. When the Conservatives announced the 42p increase proposal, they were less keen to emphasise that they would scrap measures that help many people in this country.

With regard to the new deal for lone parents, we have been able to spend £6.5 billion more on supporting pensioner incomes in part because we have cut the bills of economic failure, as we promised to do at the general election when we inherited high levels of unemployment. One of the ways we have achieved that is through the new deal for lone parents.

Last week, the hon. Member for Havant announced, for I think the third time, that he would scrap the new deal for lone parents. The Government are acting to cut the numbers of people who are out of work but could be in work. So far, 150,000 people have joined the new deal for lone parents, and 50,000 of them have found jobs. In addition, nearly 15,000 have gone into education or training. The cost of that is £1,300 a job, or about 10 weeks' worth of benefit. The programme helps people get into work.

The Conservatives plan to scrap the new deal for lone parents and to remove income support the minute a child reaches the age of 11. After that, there would be absolutely nothing. The hon. Member for Havant should remember that another legacy of the previous Conservative Government was the more than 1 million lone parents on benefit. At Tory party conference after Tory party conference, in order to give delegates some cheap thrills those lone parents got nothing but abuse.

Mr. Graham Brady (Altrincham and Sale, West): Will the Secretary of State confirm that only about 5 per cent. of those invited to take part in the new deal for lone parents have emerged from the programme with a successful conclusion? What estimate has he made of the percentage of those lone parents who would have got jobs without the intervention of the new deal?

Mr. Darling: First, 90 per cent. of people who are eligible join the new deal. From next April, a condition of receiving benefit will be that all lone parents—and several other categories of people—must take part in compulsory interviews for training. The economy has 1 million vacancies, and there are 1 million more jobs than existed when we took over government. We are determined to ensure that everyone who can work should work. We are achieving that through active intervention in the labour market because we know that, left to its own devices, the market provides no help at all.

Mr. Bercow *rose—*

Mr. Darling: I had better give way to the hon. Gentleman before he gets too excited.

Mr. Bercow: The breakdown of the NIRS2 computer system deprived hundreds of thousands of pensioners of their just entitlements. Fully 21 months have passed since the Secretary of State told the House that the matter would be sorted out within weeks. Will the right hon. Gentleman confirm that 280,000 pensioners are still waiting for their rebates, and that £140 million of compensation has still to be paid?

Mr. Darling: The hon. Gentleman is wrong on one point. The computer did not break down—it never worked in the first place, and the bill for that should be sent to Conservative central office. *[Interruption.]* The hon. Gentleman was daft enough to raise this matter, so I shall tell him that the contract to replace the national insurance recording system was entered into in 1995, and had to be completely rethought a year later. When the time came to switch the computer system on, it did not work. It was yet another mess that we had to clear up. The position has now been stabilised, no one is losing their money and we are clearing up the mess that the Conservative party left us.

Mr. Brady: Will the Secretary of State give way?

Mr. John Greenway (Ryedale): Will the Secretary of State give way?

Mr. Deputy Speaker: Order. I hear shouting from both Back Benches. Right hon. and hon. Members cannot do that—they must listen to the Secretary of State.

Mr. Darling: That is very good advice, Mr. Deputy Speaker. I will give way to the hon. Member for Ryedale (Mr. Greenway) now. Why not?

Mr. Greenway: This is a very serious point. I want to bring the Secretary of State back to the intervention of the hon. Member for Cleethorpes (Shona McIsaac). It was my constituent, Mr. John Taylor, who took the Government to the European Court of Justice over the winter fuel payments for men over 60. I resisted the notion that this was a good idea. Will the Secretary of State tell me whether, but for the court case, the Government would

have extended the winter fuel payment to men over 60, and whether doing so represents good value for money for the social security budget?

Mr. Darling: The hon. Gentleman can tell his constituent that we will be giving him the money but the Conservative party will be taking it away. I am sure that that will be a great comfort to him.

Mr. Greenway: Will the Secretary of State give way?

Mr. Darling: No, I have already given way to the hon. Gentleman. *[Interruption.]* Look how excited the Conservatives get once we expose their policies for what they are.

Mr. Gerald Kaufman (Manchester, Gorton): My right hon. Friend has demonstrated that to make this bogus pensions increase offer, the Conservatives have been recycling money already spent. Is it not also interesting that the Conservatives have recycled Front Benchers and Whips on to the Back Benches to intervene, in an effort to disguise the fact that hardly any of their MPs have bothered to turn up for what they say is a major issue? It is their debate.

Mr. Darling: I understand that that is indeed the case. If the Conservative party policy was so good, surely some Back Benchers might have turned up to cheer on their colleagues. Instead, we have the unpaid payroll vote sitting behind them. Now I want to make some progress.

Scrapping the new deal for lone parents would be a false economy. If we allow more and more people to remain unemployed, there will not be money for the health service, pensions or anything else. The hon. Member for Havant was desperate to make his sums add up. He needed to raid something else from the social security budget, so he went for a measure that would be entirely self-defeating, as well as raiding the social fund. The social fund is necessary because, unfortunately, there are people who have no money and could be destitute. Presumably the Tories would just say to them, "Tough luck."

The House of Commons Library has confirmed that as a result of the hon. Gentleman's proposals, the best that a pensioner could hope for would be 42p—before tax, of course. However, he forgot to mention that his party also has an interesting policy with regard to pensioners and the national health service—with their 42p, they would have to fund expenditure that is presently free on the national health.

The Conservatives' health policy is that hip and knee replacements and hernia and cataract operations should be covered by private medical insurance. This is an extraordinary turn of events. As my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) said, there are a lot of Front Benchers sitting opposite but here they are, trying to distance themselves from their party's policy.

I thought that it would be interesting to find out exactly how much those operations would cost. I looked at information from BUPA and other private health care providers, and found that a cataract operation costs between £1,800 and £2,400. A knee replacement—

Mr. Brady: Will the Secretary of State give way?

Mr. Darling: Perhaps we have a BUPA salesman here who will tell me how much it will cost.

Mr. Brady: I am sorry to disappoint the Secretary of State, but I am not a BUPA salesman. However, he ought to realise that the Labour Government are the private health industry's best ever salesmen. Since they took office, 150,000 people have been forced to pay for their operations because NHS waiting lists are so long. That is happening under the right hon. Gentleman's Government, not under the Conservatives.

Mr. Darling: We are actually increasing spending on the NHS by a third—something the Conservatives oppose. Obviously, the matter causes the Conservatives much distress. However, at the next election, when our two parties set out their stalls before the electorate and the Conservatives say they will give pensioners 42p more on their pension, I hope they will also say that, under their proposals, according to their health spokesman, conditions such as

hip and knee replacements, hernia and cataract operations

should be covered by private, medical insurance. If people do not have £7,800 for a hip replacement, they will have to try to get insurance for such conditions—but just try to do that as a 60-year-old.

What we have from the Conservative party is a complete con. It should surprise none of us, because they tried to con people for 18 years before they were finally rumbled.

Dr. Stephen Ladyman (South Thanet): It may have escaped my right hon. Friend's attention that, when it was cold enough for long enough—usually when it was too late—even the Tories used to make some cold weather payments. Are they not now proposing to scrap the winter fuel allowance without making any compensatory arrangements for the cold?

Mr. Darling: All of us who are familiar with the cold weather payment scheme were struck by the fact that it had to be cold for an awfully long time before it was triggered. The nature of the British climate made that quite difficult. One did not receive much and when one did, it was long after the event.

The advantage of the winter fuel payment is that it is tax free; it is not taken into account for benefits and it arrives just at the time when pensioners begin to worry about whether they can turn up the heating. That is not something that has ever bothered a large number of those from whom we are hearing this afternoon.

Mr. Ian Davidson (Glasgow, Pollok): The Secretary of State is correct to dismiss the cynical approach of the Tories, but does he agree that the benefits that we are providing could be better targeted? I draw to his attention the fact that recent studies from Bristol university show that only 51 per cent. of people in my constituency are expected to live until they reach the age of 75, whereas in Eastwood the figure is 66 per cent. and in some of the better-off parts of England it is more than 70 per cent. That means that free television licences, targeted at the over-75s, actually miss out half the people in my constituency—*[Interruption.]* They will die before those licences are available. Would it not be better to re-target the provision at those in greatest need?

May I say that I was very glad—

Mr. Deputy Speaker: Order. The hon. Gentleman has certainly been able to say a lot during an intervention.

[Mr. Deputy Speaker]

I call Mr. Secretary Darling—*[Interruption.]* Order. Before I call the Secretary of State again, I appeal once more to hon. Members. We cannot have shouting across the Floor of the House—*[Interruption.]* Order. I am not addressing my remarks only to the Opposition, but to all hon. Members. We cannot have shouting across the Floor of the House.

Mr. Darling: I think my hon. Friend the Member for Glasgow, Pollok (Mr. Davidson) would readily admit that not all his constituents die before the age of 75. However, the report to which he referred identifies the problems that occur when people are born into low-income households and live on low incomes throughout their working life. As sure as night follows day, they will die on a low income. That is precisely why the Government have introduced a range of strategies to increase the amount of money going into households with children. That is why we increased child benefit by so much and why we are introducing the integrated child credit. We are helping parents into work through the working families tax credit and a variety of means—all of which are set out in our annual report "Opportunity for All" and all of which are opposed by the Conservative party.

That leads me to another point I wanted to make. The contrast between the Labour Government and the Conservative Opposition is that we are tackling the problems we inherited, some of which had not developed during the previous 18 years but had been around for longer than that. However, if we do not sort them out, we shall prolong a wholly unacceptable situation.

First, we need a pension strategy so that in future everyone can retire on a decent income after a lifetime of hard work. Secondly, we must ensure that pensioners do not live in poverty. That is why we are spending an extra £6.5 billion on pensioner incomes during this Parliament—£2 billion more than it would have cost to restore the earnings link. It is important that half of that £6.5 billion will go to the poorest third of pensioners. We are spending more because we believe that we should be doing so and, as a first priority, we are spending that money on those pensioners who need it most.

As a result of what we are doing, all pensioners will be £3 a week better off because of the winter fuel allowance. The free television licence for the over-75s is worth a further £2 a week. However, because we want to tackle pensioner poverty, we are ensuring that the poorest pensioners, who receive the minimum income guarantee, will have at least £8.40 a week more, and up to £10.65 a week more for the oldest. That makes them better off than under the Tories—£8 and £10 a week better off, with more than that for couples. That money is over and above inflation. It is a real gain for those people.

I make no apology for making that our first priority. It is quite wrong that, at a time when many people retire with a good state second pension or an occupational pension, other people still live on a pension that is lower than income support. That is why we increased pensions by so much for the 1.5 million pensioners who lost out as a result of the situation we inherited.

Mr. Laurence Robertson (Tewkesbury) *rose—*

Mr. Geoffrey Clifton-Brown (Cotswold) *rose—*

Mr. Darling: I shall give way to both hon. Gentlemen in a moment. I am conscious of the fact that it is their Opposition day, so I do not want to take up too much time, although even after their Whips and Front-Bench spokesmen leave the Chamber—I may be wrong, but I suspect that it will not be long before they do so—there may not be many Opposition Members who want to speak. However, just to show how generous I am, I give way to the hon. Member for Tewkesbury (Mr. Robertson).

Mr. Robertson: I am grateful to the Secretary of State for giving way to a humble Back Bencher. He must be the only Member who does not receive lots of communications from pensioners, all saying that they want not gimmicks but a decent pension. Surely, that is the basis of our proposal.

Mr. Darling: I have no doubt that the hon. Gentleman's Front-Bench team will have noted his plea not to remain on the Back Benches for much longer.

I will deal with his second point. What pensioners want any Government to do is to increase the amount of money available to them. However, many pensioners accept the fact that the first priority must be to deal with those pensioners who were living in absolute poverty as a result of the situation left to us by the Tories. The second stage is clearly to help those pensioners who have modest savings or modest amounts of capital and who also lost out under the Conservatives.

As a first step, we have doubled the capital limits. The Tories did nothing about that for most of the time they were in government. We have doubled the capital limits that entitle more people to receive the extra help they need.

For the longer term, we are ensuring that a system will be in place to enable people to build up a decent pension in future. It is worth noting that, in 30 years' time, nearly a quarter of the population will be retired. That is why we need proper debate and an understanding of the need to save more, so that people can retire on decent pensions.

Ms Keeble: Does my right hon. Friend agree that although the hon. Member for Havant (Mr. Willetts) said that he was going to talk about the future of pensions, he said nothing about that? He failed to address the pension needs of women, including the many women who work part-time, married women who have no pension rights of their own and those women who choose to stay at home and look after their families or disabled relatives and who currently lose their pension rights. Will my right hon. Friend say something about all that we are doing to support women—especially those who choose to stay at home and look after their families?

Mr. Darling: My hon. Friend's intervention is timely. The minimum income guarantee helps a large number of people who retired without a full contribution record and whose basic state pension is much lower than £67. The minimum income guarantee gives them help that was not available in the past, because the Conservative party was never that bothered about the matter.

Furthermore, we are putting in place pension reforms that will last in the longer term. When the basic state pension was introduced, it was always intended that people would have a second pension in addition—either from the state or an occupational or works pension. Indeed, one of the reasons that the average pensioner income is £132 at present—well above the basic state pension—is that many people are retiring on occupational pensions that they took out 20 or 30 years ago. That is why it has gone up. We want to add to that.

It has long been recognised that there never was a golden age in which the basic state pension was worth enough on its own. It has always been looked on as a foundation. One reason that the Labour Government of the 1970s introduced the state earnings-related pension scheme was that they recognised that both state and funded pensions had a role to play in increasing pensioner income.

The problem we have today is that, although many people have good occupational pensions, too many people have retired on the basic state pension alone or just above that.

Mr. Clifton-Brown: Will the Secretary of State give way?

Mr. Darling: No, because I want to make some progress

We have introduced the new stakeholder pension because it will give flexible low-cost pensions to nearly 5 million people who until now had nothing other than personal private pensions that were probably inappropriate for many of them. As has been said, we are reforming SERPS to give more security in retirement for 18 million people—carers and disabled people with broken work records—who did not receive enough help under SERPS.

I repeat the example yet again. Under SERPS, someone who earned less than £6,000 would get about £14 a week. Under the new state second pension, the sum rises to £54 a week. It is heavily redistributive—if I may use that term—towards those people who lost out in the past. We are helping pensioners today; we are tackling the appalling Tory legacy of pensioner poverty and we are also making sure that, for the future, people can retire on a decent income.

What we heard two weeks ago and what we have heard this afternoon—I notice that the hon. Member for Havant did not dwell too much on what exactly he was promising—have made the issue abundantly clear. As the right hon. Member for Kensington and Chelsea (Mr. Portillo), the shadow Chancellor, said the Conservatives' policy does not constitute a big announcement. Essentially, it amounts to 42p. The Conservatives seek to spend the same money that we are already spending. We are tackling pensioner poverty and ensuring that people can retire on a decent income. We are making sure that 18 million low-paid carers and disabled people receive more. We are rebuilding the NHS, not trying to shuffle pensioners into private care. We are spending far more than the Conservative party ever would or ever will. I urge the House to reject the main motion.

2.22 pm

Mr. Steve Webb (Northavon): I am delighted that the Conservative Opposition have chosen the subject of pensions. We have spent much of the past three years wondering what they would do if they were in office, and we have now heard the first instalment. We have heard what they would do on day one, but we are still hazy as to what would happen after that.

As the Secretary of State for Social Security rightly pointed out—I heartily agree with him—42p will be the net benefit of the Conservatives' proposal. Where the Government will be associated with being the party of 75p for pensioners, the Conservatives, when they go into the next election, will be known as the party of 42p for pensioners. Although we have not finalised the Liberal Democrats' manifesto, I assure the House that our pledge on the basic state pension will substantially exceed 42p and 75p.

Mr. Bob Russell (Colchester): That is why Ronnie is retiring.

Mr. Webb: Indeed, my hon. Friend the Member for Southport (Mr. Fearn) is looking forward to benefiting from our pledge.

The speech that we have just heard from the hon. Member for Havant (Mr. Willetts) and Conservative literature say different things to different people. [HON. MEMBERS: "Oh!"] I find that shocking. The Conservatives have put in their leaflets that 75p is inadequate for pensioners and the hon. Gentleman described the sum as paltry. However, when I challenged him on 7 February and asked him what he would do if he were Secretary of State, he said:

> We would carry on increasing the basic pension in line with prices.—[*Official Report*, 7 February 2000; Vol. 344, c. 33.]

In other words, the increase would have been 75p if he had been in power. Today, he said that, once the Conservatives have given pensioners their own money back in a different way, the pension would continue to be linked to prices. As I understand it, that is the Conservatives' policy

If pensioners vote Conservative, they will receive the money that they are getting already delivered in a more sensible way, and I have no problem with that. I have made that point in the House on several occasions. Long before the hon. Gentleman said that the Conservative party had no plans to remove the winter fuel payment, I asked whether it was an administratively sensible way to provide the money, given that it costs £10 million to £15 in administration costs.

My hon. Friend the Member for Kingston and Surbiton (Mr. Davey) received a letter from a constituent saying:

> Dear Ed . . . I have an Honours Degree from Cambridge and was an Under Secretary in DHSS. I find the page of "Winter Fuel Payment Notes" just about as dense a 600-700 word essay as one could imagine. And yet I am required to sign

that I have read and understood the leaflet. Those notes are just one example of the bureaucracy involved in the system.

I have no problem with the principle of delivering money to pensioners through the basic pension. We have been consistent on that point. Our amendment on the

[Mr. Webb]

Order Paper objects to the pretence that, by voting Conservative, pensioners will receive £5 of new money that will make them better off, and not just by 42p

Mr. Willetts: We are making a bit of progress. Faced with the choice simply between what is happening under this Government's proposals and our proposals for the consolidation of the money, which does the hon. Gentleman think is better?

Mr. Webb: The Conservative party's package contains several elements. The first is to pay the winter fuel payment through the pension, and I do not have a problem with that. However, we do not support the abolition of the free television licences for those aged over 75 or the abolition of an age addition.

Ms Keeble: I appreciate the hon. Gentleman's criticism that the Conservatives' policy means all sorts of different things. I looked up the Liberal Democrats' policy on their website and clicked on the word "policy". The page that flashed up said "No documents."

Mr. Webb: The hon. Lady is very welcome to check my personal website.

The critical point is that—to coin a phrase—pensioners were not born yesterday. They can see through the Conservative party's offer, which will mean that they would get back their own money.

Ms Ward: I appreciate the comment of my hon. Friend the Member for Northampton, North (Ms Keeble). However, let us consider traditional manifestos that are set out in writing. If I recall it correctly, the Liberal Democrats' policy at the last election was to retain the basic state pension's link with prices. Have they now changed their policy? The policies that they expound in the House are very different from the ones that they expound outside.

Mr. Webb: If the hon. Lady attended debates on pensions a little more often, she would know that, for some years, we have advocated a better deal for pensioners than that contained in our previous manifesto. Politicians are often criticised for failing to live up to their manifesto promises. I doubt that a single pensioner in my constituency will criticise me for doing more than I promised when they elected me. I suspect that they will welcome that.

Miss Julie Kirkbride (Bromsgrove): In the interests of his constituents in Northavon, will the hon. Gentleman spell out exactly how much better off they would be if, by some extraordinary fluke, the Liberal Democrats won the next election?

Mr. Webb: The Conservative party makes policy in an intriguing way.

Miss Kirkbride: I asked about the Liberal Democrats' policy.

Mr. Webb: I will explain our policy to the hon. Lady. However, when a new Conservative shadow Chancellor took over, he reversed within a few days substantial tranches of party policy. That is not how the Liberal Democrats work. Our policy is determined at our conference by the delegates. We have just completed a policy document, "Policies for an Ageing Population", which contains proposals for substantial increases in the basic state pension across the board and particularly for older pensioners. We have advocated that for a long time, and the Conservatives will now have to vote for that to facilitate their proposal for an extra £2 for the over-75s. They were ambivalent about that move, but now have to support it to implement their policy. We shall vote on our proposals at our September conference and they will become party policy. That policy will be published in the coming few months, so the precise figures, together with a statement of where the money will come from, will be available.

Mr. Darling: The hon. Gentleman mentioned extra money for older pensioners. Does he recall that he proposed to fund that by dismantling SERPS?

Mr. Webb: No, that is not how we propose to fund it. If the Secretary of State contains himself for a few weeks, he will be able see our proposals in a policy document which explains where the money comes from, although that will not be from the abolition of SERPS. By contrast, the Government stood on a manifesto that said that SERPS would remain for those who wanted it, but the right hon. Gentleman is abolishing it.

The key point is that if the Conservative party were in office, it would give pensioners the 75p that they deride as paltry. It has sought to make political capital out of that 75p, but pensioners have long memories and know that they would get nothing better from the Conservatives. It is not just their record in this Parliament that we have to worry about—we must also examine the record of 18 years of Conservative Government, which sends a clear signal about why pensioners do not trust the Tories on pensions.

In 1980, the Conservative Government broke the earnings link. The hon. Member for Teignbridge (Mr. Nicholls) commented on that link and rewrote history by implying that it had never been properly honoured. However, the history of the pension shows that its real value increased significantly relative to earnings in the 30 years after the war and that successive Governments, despite difficult economic situations, did more than simply retain the earnings link. I therefore reject the suggestion that, in a relatively prosperous nation, the link is totally unaffordable.

The Conservatives broke that link, thereby allowing the basic state pension for each generation that retires to fall further behind what it received when it was in work. If the role of a pension is to help people maintain living standards from work into retirement, letting the basic pension lose touch with what people are earning, whatever the mechanism, means that the state pension fails to fulfil that role.

Conservative proposals on winter fuel payments would make no difference to pensioner incomes over the lifetime of a Parliament. Once the Conservative party had done that, what would it do next? If inflation was at 1.1 per cent., it would give pensioners 75p, so nothing would change for pensioners. I strongly suspect that the hon.

Member for Havant was influential in Conservative policy-making circles when the previous Government devalued the basic pension and slashed SERPS. The real value of SERPS entitlements was more or less halved in legislation in 1986 and halved again in the Pension Act 1995. That is the Conservative record on state pensions, which pensioners remember.

Mr. Desmond Swayne (New Forest, West): The key phrase used by the hon. Gentleman was that the state pension was meant to help pensioners maintain their living standards. Does he agree that linking the pension to earnings would diminish the incentive for people to make additional provision, which was always the intention of the old age pension system under Beveridge?

Mr. Webb: The hon. Gentleman make a fair point. If we had only an earnings-linked pension and a price-linked means test, there is a risk that people would start to rely more on state pensions and less on their savings. However, we are not in that position, as we have an earnings-linked means test designed to ensure that today's poorer pensioners at least keep pace with the working age population. We do not oppose that. We do not oppose keeping those on income support out of touch with those of working age. However, doing that means that one cannot let the basic pension fall, which is the difference between the Conservative and Liberal Democrat positions.

The Secretary of State seemed to imply with a gesture that we had not said that before. Our criticism concerns letting the basic pension cut itself adrift from the means test, which creates the savings disincentive raised by the hon. Member for New Forest, West (Mr. Swayne).

Mr. Clifton-Brown: Does not that scenario give rise to the present problem? The Government's minimum income guarantee for pensioners is a minimum income guarantee only if those pensioners draw income support. It is disgraceful that any pensioner should have to rely on drawing any benefit to get a minimum income. That applies to some of the poorest pensioners in the land.

Mr. Webb: The hon. Gentleman has a short memory. For most of the period in which the Conservatives were in government, 1 million pensioners were getting income support, which is the same thing. The hon. Gentleman's party seemed to have no problem with that in office. Indeed, occasionally it made above-inflation increases to income support for pensioners in the same way that the present Government link it to earnings. The policy is the same, and the election did not bring any change to it. What was true when the hon. Gentleman's party were in office is certainly true now.

The critical point is that the Conservative package would be of negligible value to pensioners and they can see through it. Just as across the land the Secretary of State is known as Mr. 75p, the Opposition spokesman will be known as Mr. 42p. There may be a gain of 42p, but there would be a significant number of losers—to whom fleeting reference has been made, such as the men aged 60-64 mentioned by the hon. Member for Cleethorpes (Shona McIsaac) who think they will get the winter fuel payments, but in fact will lose them.

The motion for debate states that funding will come from

abolishing the . . . New Deal for Lone Parents

and elsewhere, which glosses over the £90 million or so that will come from the social fund. I should be happy to give way to the hon. Member for Havant if he wants to explain on what parts of the social fund he would draw. Would he draw on crisis loans for people whose domestic circumstances are in crisis and who need money for a desperate situation, or would he draw on budgeting loans for people on a pathetic income who need a few pounds to buy a cooker or fridge? Perhaps he would draw on funeral or maternity grants. What cuts would he make on the most vulnerable people in society? The motion is smoke and mirrors and does not explain how the Conservatives would find 42 pence for pensioners. That is what they are really about: they are attempting to deceive pensioners.

Shona McIsaac: The hon. Gentleman speaks about deceiving pensioners. If I understood him correctly, he does not support the winter fuel allowance, which the Liberal Democrats would get rid of. The Labour party is the only party to maintain the winter fuel allowance for pensioners and men aged 60 to 65. Those men would therefore lose out under Liberal Democrat policy.

Mr. Webb: There is no question but that we would honour existing entitlements—but the Conservatives would rip them up. However, it makes sense to feed those entitlements into the pension, as we have always argued. In the 60 to 64 group, people already expecting to get that payment, such as those in the income support category, should continue to do so. However, it is not necessarily sensible to keep that going in perpetuity. All existing promises, however, must be honoured.

Kali Mountford: Will the hon. Gentleman give way?

Mr. Webb: No.

The hon. Member for Northampton, North (Ms Keeble) mentioned married women and pensions. The Minister of State and I had an exchange in an Adjournment debate on the position of married women who pay the reduced rate of national insurance, many of whom are the poorest pensioners in the land. Indeed, one of them wrote to me recently because she was receiving a pension of 8p a week. I suppose that 42p would be good news for her, but that is not so for most pensioners.

Having examined the history of the matter, I learned that the Leader of the Opposition was a pensions Minister in about 1993, when nearly 1 million married women paid national insurance at the reduced rate and therefore depriving themselves of future pension entitlements. A significant number were wrongly advised to pay national insurance at the reduced rate. Some of them were on such low pay that they could have paid less national insurance if they had gone into the full system. However, the then pensions Minister failed to draw that to their attention. The Leader of the Opposition is therefore partly responsible for today's pensioners being on such poor pensions.

The Minister of State kindly invited me to offer him individual cases. I have written to every pensioner who has written to me, passing on that invitation so that they

[Mr. Webb]

can respond through their own MPs. I am gathering information, and hopefully the Minister will also shortly receive information from pensioners throughout the land.

I shall not follow the precedent set by the hon. Member for Buckingham (Mr. Bercow) yesterday when he spoke for 45 minutes in a Liberal Democrat Opposition day debate. I shall shortly draw my remarks to a close, but first I shall set out the alternative Liberal Democrat vision for the basic state pension. Two or three key principles distinguish our approach from that of the Conservative party and the Government.

First, we believe that the basic state pension has a central role and there should not be additional money for gimmicks and schemes. To that extent, there is common ground. However, we believe that the pension has been allowed to fall much too far behind means-tested benefits. The basic state pension is just over £67 and the means test is worth £78, so there is already a yawning £11 gap, and by the time of the election it will be larger still. Our commitment is to reduce that gap and, to respond to the point made by the hon. Member for Cotswold (Mr. Clifton-Brown), our goal is to ensure that no pensioner over 75 has to rely on means-tested benefits such as income support.

Our goal is to raise the basic state pension with particular emphasis on older pensioners, who tend to be women, to be poorer and to have run down their savings. Our approach is universal in that all pensioners will receive the pension and will not have to be means-tested, but it is targeted because the pension will increase substantially with age and will therefore reach those most in need. That is the right balance, and the Government's obsession with means-testing and the Opposition's approach, which recycles existing cash, are not. Our targeted approach will ensure that pensioners most in need—those who are entitled to the means test but who do not claim the benefit—get the money to which they are entitled.

We believe that the pensioners of this country have been insulted once by being given 75p, and they will be insulted again if offered 42p by the official Opposition. Only one party at the next general election will pledge a substantial, real increase in the basic state pension, and pensioners know who their friend is.

2.42 pm

Mr. Gerald Kaufman (Manchester, Gorton): Studying the subjects that the Tories have chosen for today's debates leads me to an inescapable conclusion: it took the Labour party 18 years of opposition to become fit to form a Government; on this form it will take the Tories a lot longer than that to become fit to form an Opposition.

For the second debate—obviously, Mr. Deputy Speaker, I shall not discuss that subject—the Conservatives have chosen genetically modified crops, a matter that divides the sovereign's consort from the heir to the throne, and the heir to the throne from the Princess Royal. Yet the Conservatives want to make political capital out of it.

For this debate, the Tories have chosen a subject on which their record is so appalling that one would think that they would never presume to open their mouths about it. The Opposition spokesman, the hon. Member for Havant (Mr. Willetts), in a speech that managed simultaneously to be both conceited and inadequate, told the House that he offered pensioners respect—and respect is all that the Conservatives are offering pensioners. Even if they offer that, we should remember that one of their Prime Ministers used to refer to the retirement pension as a "donation".

Let me make my position clear. I think that the Government were seriously mistaken to put up the pension by only 75p this spring. I have a right to say that because months beforehand, I wrote to my right hon. Friends the Prime Minister and the Secretary of State, telling them that it would be a blunder to bring in an increase of that size. Furthermore, although I welcome the free television licences for those aged 75 and over, I have said repeatedly that the policy should extend to all pensioners. So I have a right to tell the Government to do even better, while praising them for all that they have done for pensioners—the £150 winter fuel allowance, the £10 Christmas bonus, the free eye tests, the free TV licences for older pensioners and the cut in VAT on fuel.

The Conservatives do not have the right to utter a peep about pensions. We must remember that they legislated for the link between the basic pension and the prices index, and that is the basis for the 75p increase that the Tory leader has the nerve to denounce. In their 1997 manifesto, the Tories promised to

> continue to protect the value of the basic state pension against price rises.

That is Hague-speak for "75p", which is all that the Conservatives would have provided this year.

By ending the link between pensions and pay in 1980, the Tories were responsible for the fact that today's pension is £31.40 a week less for the single pensioner and £50 a week less for a married couple. Ending that link meant that over their years in office the Tories stole £115 billion from pensioners, in return for which they are now offering 42p.

The Tories are now trying to make up for that, or at least pretending to do so, by promising a single £5.50 top-up on the pension. The hon. Member for Havant admitted this afternoon that that would be a once-and-for-all increase, before they went back to increasing pensions solely on the basis of the price index. As my right hon. Friend the Secretary of State has pointed out, the shadow Chancellor has admitted that the £5.50 top-up would not involve a penny of new money. It would all be paid for by money already committed, most of it to pensioners. This must be a first: the only self-financing bribe in the history of political peculation.

However, the situation is even worse than that because the £5.50 top-up would be for one year only, but the cuts—the end of the winter fuel payment, the Christmas bonus and the free TV licence for those aged 75 and over—would be for ever. If the Tories ever came to power, they would budget to spend far less money on pensioners than Labour does. They would not spend a penny more on the pensions increase, as they have admitted, but they would end the winter fuel allowance, which would save the Treasury £1,300 million a year. The end of the Christmas bonus would save the Treasury £85 million a year. The end of free TV licences would save £364 million a year. So in exchange for that

self-financing bribe for one year, the Tories would take away £1,750 million, and rising, from pensioners every year.

Mr. Greenway *rose—*

Mr. Kaufman: I shall deal with the hon. Gentleman in a moment; I have him well in mind.

On the one hand, there is 42p, with no new money, and on the other, £1,750 million will be taken from pensioners every year. No doubt if the Tories ever got the chance, they would give that money away to the top taxpayers who benefited during their years in office.

A funny thing about the free TV licence is that the Tory leader announced his intention to abolish it on 24 May, but only the day before, when the House passed the legislation facilitating the free TV licence, the Tory Front-Bench spokesmen were confirming their "warm, enthusiastic, welcoming support" for the measure. On 23 May, they said that free TV licences were wonderful; on 24 May, they said that they had to be abolished. That is not so much a U-turn as a hairpin bend. For reasons that I have always failed to understand, the hon. Member for Havant has been referred to as "Two Brains"—two faces would be a better description. Madam Speaker has ruled it out of order to describe the Conservatives as hypocrites. That is just as well, for hypocrite is too kindly an epithet to apply to that party.

The Liberal Democrats, from whom we have just heard, should rename themselves the lachrymose crocodiles. During last month's local elections, that grubby leaflet "Focus" sought to stir up discontent in my constituency about what the Liberal Democrats called the "75p pensions insult", but what is their policy on pensions?

The Liberal Democrat amendment states:

the Conservatives have admitted that, had they been in office in April 2000, they would have increased the basic state pension by just 75p . . .

True, but so would the Liberal Democrats. That was official Liberal Democrat policy, and it will remain so until the phantasmagorical document that the hon. Member for Northavon (Mr. Webb) endorses and promises will be published.

My hon. Friend the Member for Cleethorpes (Shona McIsaac) was unable to find the Liberal Democrats' policy on the website, but my hon. Friend the Member for Watford (Ms Ward) quoted it from memory. I do not need to quote their policy from memory; I looked it up in their 1997 manifesto, which states:

The basic state pension will remain indexed to prices.

That is Lib Dem-speak for 75p. The hon. Gentleman has admitted that that continues to be their policy until that wonderful document, for which we cannot wait, comes out later this year. No doubt—the Liberal Democrats being what they are—it will tell us not only what they would pay pensioners, but how they would pay for it in increased taxation, national insurance contributions, or both. A significant absence from all Liberal Democrat spending commitments is how they intend to find the money to pay for them. I shall return to that matter not in this speech, but in future speeches in the House, if I catch the eye of the occupant of the Chair.

Pensioners would have been worse off this year under Liberal Democrat policy, because the party had no policies to introduce winter fuel payments or free TV licences in its election manifesto. The Liberal Democrats battened on to those, but they are our policies, and—as my hon. Friend the Member for Cleethorpes said—ours alone. Not only would pensioners have been worse off this year under Liberal Democrat policy because of their 75p increase without a winter fuel payment or free TV licence, but the hon. Member for Northavon has admitted that they would have been even worse off. Using strange phraseology, he has said that the Liberal Democrats would honour the current commitments. I do not know what that means, especially as their intention would be to incorporate them into the pension. That would mean that the money would be taxable, as distinct from not being taxed as now. The hon. Gentleman has not committed his party to continuing the winter fuel payment as such. He sits there giving a twitch of his head, which I cannot interpret, but he is certainly not springing to his feet to deny what I say.

We have no guarantee whatever that the Liberal Democrats will continue with the free TV licence, even for over-75s. Furthermore, they claimed in one of their other "Focus" leaflets, which was circulated in my constituency, that the Labour Government would force pensioners to collect their pensions through bank accounts, although they knew—if they did not know, they should have done—that the Prime Minister personally promised that pensioners would continue to be able to collect their pensions from their local sub-post offices weekly and in cash. The "Focus" leaflets have turned lying and deception into such an art form that any minute now, the Liberal Democrats will apply for a lottery grant for them.

In a recent asylum debate, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) gave

an undertaking, on behalf of my party, that we will seek to deal with any matter in our party that other people are concerned about.—[*Official Report*, 12 April 2000; Vol. 348, c. 447.]

More than a month ago, I tabled early-day motions drawing attention to Liberal lies and deception, and we are still waiting to hear from the hon. Gentleman. The Labour party can and should do better for pensioners, and Labour Back Benchers will keep up their pressure for that better deal, but we will take no lessons on pensions, or anything else, from the opposition parties, which compete with each other in empty promises and political prestidigitation.

2.56 pm

Miss Julie Kirkbride (Bromsgrove): I am especially pleased to follow my colleague, the right hon. Member for Manchester, Gorton (Mr. Kaufman), who is the Chairman of the Select Committee on which I serve. I have considerable respect for him, but on this occasion, he has used his formidable intellect to distort Conservative party policy on pensions. He suggested that we proposed to condense the winter fuel payment, the Christmas bonus and other payments made to pensioners into one weekly payment. He knows full well that that will not last for one year; it will be continuous. The increase in money that we will give pensioners will be sustained. That is more than the Government propose now because of the administrative savings and money from other Government programmes, which will be added to the overall amount that will be given to pensions.

Given the right hon. Gentleman's considerable intellect, I am surprised that he did not mention—perhaps because of partisan politics—that as well as pensioners receiving

[Miss Julie Kirkbride]

a higher weekly payment, on which future upratings will take place, the money will also be index linked in a way that I presume the £10 Christmas bonus and other payments have not been for some years. He distorts our party policy on such matters—*[Interruption.]*

Mr. Deputy Speaker: Order. The hon. Member for Colne Valley (Kali Mountford) must not interrupt the hon. Lady while she is speaking.

Miss Kirkbride: Thank you, Mr. Deputy Speaker. I am grateful to you for calling me after the right hon. Member for Gorton, so that I can swiftly put those matters right for the record.

I do not wish to speak for too long because this is, sadly, a short debate on an important policy matter which affects a huge proportion of our citizens, who clearly feel strongly given the amount of publicity and news attention surrounding pensions during the past few weeks. However, I am proud to stand on the record of what the Conservative party did for pensioners in our 18 years in office and what we propose to do. Sadly, our proposals are subject to distortion by Labour Members. They distort what happened to pensioners and their incomes during those 18 years.

A third of pensioners now have incomes that are in the top half of all incomes in the country. That is a considerable achievement, for which we deserve some of the credit in so far as we encouraged occupational and private pension schemes. I wish that more than a third of pensioners were in that position, but back in the 1970s and before, pensioners were almost universally poor. That is not so nowadays and they mirror the rest of the population: some are well off, some are fairly well off and, sadly, some, like other people, are poor.

It is Conservative Members' duty to point out that all pensioners, given their service to this country and their status as senior citizens, should be allowed to live in dignity and decency, and should have enough money to do so. I accept that all Members want to achieve that objective, although it will be expensive in so far as others will have to pay.

Kali Mountford: Will the hon. Lady give way?

Miss Kirkbride: I will, but I hope that the hon. Lady does not make more partisan points.

Kali Mountford: I am grateful to the hon. Lady for giving way on the point of pensioner poverty. Given that her party—and, it seems, the Liberals—does not support the £150 winter fuel allowance, I am intrigued to know how she would tackle the problems of those who have suffered from hypothermia in winter. That payment has made a significant difference to pensioners' use of heating over the winter months and could save lives.

Miss Kirkbride: I am sorry to have to say that the hon. Lady's question is extremely ignorant and completely misses the point: we propose to give pensioners that money weekly rather than annually. They will still receive it, so her point is ridiculous as it lacks any intellectual credibility whatever. I am sorry that I gave way.

I was developing the point that we improved pensioner incomes and increased income support for poorer pensioners during our 18 years in power. The Government have introduced measures on similar lines, but given them different names. For example, they call family credit the working families tax credit. On the whole, the policies are similar and, in a civilised society, it is right and proper to help poorer pensioners. I take great comfort from the fact that many people drawn from the spectrum of 10.5 million pensioners—getting on for 20 per cent. of our citizens—can live out their lives in some financial security. That is good news on which we want to improve. To that end, the Government have a case to answer.

We all accept that pensioners' incomes are vulnerable because they can no longer work. They are not in the marketplace and feel insecure because they are unable earn more—their incomes are static. People fortunately live longer, but inflation may erode the money that they receive, which is a worry. Therefore, it was extremely mean of the Labour Government to create a position in which pensioners can no longer get back the tax on their dividends. That smacks of the class envy that we have seen in the past few weeks.

Pensioners who happen to have a few shares in British Gas, BT or any other stock portfolio are not necessarily rich. The tax that they get back is a significant part of their income and they are entitled to it, especially given the vulnerability of their income position. It was mean and spiteful of the Government to stop pensioners claiming back their tax, and that measure contrasts markedly with the new proposals for the tax regime: whereas the tax man would have taken £40 million from a dot.com multi-millionaire who made a profit of £100 million, fat cats, as the Government used to call them, will now be able to keep £90 million and hand the Treasury just £10 million. That sits uneasily with depriving pensioners—who by no conceivable definition are the rich in society—of a legitimate part of their income.

The same goes for the Government's sins of omission as for their sins of commission against the pensioners—they have done nothing about annuities. Many pensioners who, in good faith, set up a financial portfolio under which they would be obliged to buy an annuity at 75 face a serious situation that has perhaps been made much worse because the Government will not be involved in the gilt market as much as they once were. That is welcome in many ways, but pensioners will be adversely affected and face relative penury because the Government simply will not act. They should do something for those pensioners, a number of whom from my constituency regularly write to me, pleading for the Government to act. As one does as a Member of Parliament, I send those letters to the Treasury, only to get the usual blanket, stonewall answers. The Government have committed a gross sin of omission. If they want to claim that they are the pensioners' friend, they must consider that issue urgently.

I support what my party proposes to do with the state pension after the next election and I am pleased that it looks increasingly likely that we might win.

Mr. Swayne: We will win.

Miss Kirkbride: My hon. Friend encourages me to tempt fate, but one must never do that in politics.

However, the political landscape has changed dramatically over the past few weeks. I enjoy speaking to the Women's Institute in my constituency and must report to the House, as a matter of record, that I have never been slow handclapped by the Bromsgrove WI. I congratulate the WI on its view of the Prime Minister.

One reason for the change in the political landscape is that pensioners prefer the dignity of the pension being paid under the contributory principle, which we shall offer them at the next election, and like the idea of people being entitled to that money because they earned it during their working lives. Our proposals are not a gimmick and they do not represent a handout. That money could not be taken away at the whim of a Chancellor who thought that it was no longer a good idea to continue with any extra payment such as those introduced by this Government.

The Government's public relations used to be so sure-footed, so I cannot understand why the Chancellor has been foolish enough to give more money to pensioners—we accept that he has done so—in a grossly offensive way. That has backfired in terms of the pensioners' view of the Government: 75p was given on a contributory basis, but other money was given in the form of gimmicks and handouts. The sooner they learn their lesson, the better. Labour Members have been so excitable today because, in their heart of hearts, they know that too.

I commend our pension plans to the House. They are right for pensioners, some of whom would benefit by much more than the 42p claimed by the Government and the Liberal Democrats. Not all pensioners get free television licences; some do not even have to buy one. Those people would be helped by our policies. As my hon. Friend the Member for Havant (Mr. Willetts) said, pensioners on income support who live in nursing homes do not benefit from the winter fuel payment, but they would get our extra money for the basic state pension. Several groups would benefit from the straightforward principle of giving pensioners what they deserve—an enhanced weekly pension.

3.9 pm

Ms Claire Ward (Watford): I welcome this Opposition day debate because it highlights further the hypocritical opportunism of the Tories, which is at the core of their party. In choosing the subject for today's debate, Conservative Members seem to have forgotten their record when in office. It shows that they have no interest in pensioners. The previous Government abolished free eye tests for pensioners; they also abolished the link with earnings. That made pensioners poorer and resulted in the Government's introduction of the 75p increase for pensioners in April this year.

Mr. Swayne: Does the hon. Lady favour the restoration of the earnings link? If so, has she made representations to the Government Front Bench?

Ms Ward: I shall comment on the way in which the Government could do much better later. I assure the hon. Gentleman that I shall reach his point, if he will have a little patience.

I am currently considering the previous Government's record. They allowed winter fuel payments to be made only if stringent conditions, about which we heard earlier, were satisfied. They made pensioners poorer so that between 1979 and 1997, the gap between the richest and the poorest pensioners increased. The incomes of the richest pensioners rose by 80 per cent., while those of the poorest increased by only 30 per cent.

Through their plans to abolish parts of the social fund, the Tories have demonstrated again that they are not interested in pensioners or anybody who is on low pay and in need of help. When Conservative Front-Bench Members make their winding-up speeches, I hope that they will identify the exact benefits, which are currently available through the social fund, that they would abolish, and the sections of the community that would not have access to that important fund.

Despite such a track record, Conservative Members have the cheek to try to con pensioners by proposing a handout, for which money that they already receive in a different form, would pay. Pensioners will not be deceived by that. It is an insult to a generation that deserves much better from all politicians to be used by the Tories for a cheap headline. Pensioners would not benefit from Tory policy.

As for the Liberal Democrats, the hon. Member for Northavon (Mr. Webb) is no longer in his place. That shows that not only their policies have disappeared. If the hon. Gentleman returns while I am speaking, I shall consider the points that he made in his speech.

The Government's actions for pensioners to date should be applauded. The minimum income guarantee ensures that the income of the poorest pensioners is increased so that they are able to live in some dignity. The winter fuel allowance acknowledges that, in winter, pensioners worry about the cost of heating. The allowance of £150 will be paid to all pensioner households from December this year. It ensures that pensioners will not have to choose between heating and other necessities. Restoration of free eye tests for pensioners and the introduction of free television licences for those aged over 75 are important. The Government should be commended for that.

The hon. Member for Northavon has now returned. That gives me the opportunity to comment on his speech. It is no wonder that his colleagues have deserted him. If I were a Liberal Democrat Back Bencher, and had witnessed the hon. Gentleman's inadequate performance, I would also desert him. No Government Front-Bench Member has achieved such a low standard. The hon. Gentleman said that, in 1997, he and his colleagues were elected on a manifesto commitment that no longer exists. I listened carefully to his speech, but he did not outline the new policy. When I return to my constituency and talk to pensioners, I now understand that Liberal Democrats had a policy that they no longer support, but have no policy to replace it. There is a policy vacuum. I am glad that the hon. Gentleman made matters as clear as mud.

Mr. Webb: The hon. Lady has not followed our pension debates closely. Otherwise, she would know about our policy for age additions to the basic state pension, increases across the board for all pensioners and our alternative budget, a costed document, which is produced every year. That is the latest statement of our policy, and it provides precise figures, including those for the increases and the age additions. If the hon. Lady is in any doubt, I am happy to send her a copy.

Ms Ward: That will be a riveting read. The hon. Member for Northavon made it clear in his speech that

[Ms Ward]

the Liberal Democrats' policy had not been determined and that that would happen during a future policy conference. I therefore conclude that if he no longer supports the policy on which he stood for election in 1997, and will not have a confirmed replacement policy until the end of the year, he, like all Liberal Democrats, is in policy limbo.

Mr. Bill Rammell (Harlow): My hon. Friend is right to describe the Liberal Democrat position as a policy vacuum. Does she know that the costed alternative budget contains no costed commitment to the restoration of the link between pensions and earnings? Does she therefore agree that it is dishonest of the Liberal Democrats to claim around the country that they are in favour of restoring the link when they have not costed their commitment to do that?

Ms Ward: It is obvious that my hon. Friend has also faced the difficulties of local Liberal Democrats making claims that are not supported by their national policies or spokespersons.

Mr. Swayne: I, too, have a difficulty.

Ms Ward: Perhaps the hon. Gentleman will allow me to make a little more progress, which will give him even more reason to intervene.

The Government have done a lot for pensioners, but we can do much better. We must do more in the rest of the Parliament. Some people may justify the increase of 75p by comparing it with the retail prices index as it stood. However, while the price of a basket of goods may not have risen significantly, pensioners have faced other increases, even in the past few months, which have not been taken into account. In my area, the council tax and council rents have increased. That may cancel out the benefit of the new money for a section of our pensioner community in the middle-income group, and those who do not rely solely on a state pension, but have a small occupational pension, which takes them over the threshold for entitlement to additional support. Those pensioners could not be described as well off, but they are no longer in the third of the pensioner group that is entitled to additional funding to allow them to live in some dignity.

Unlike the Tories, our aim should be to retain the benefits that we currently pay to pensioners, and to increase the state pension as well. The debate has revealed the focus of the Tories' argument on pensions—not that pensioners should have more money, but that the money that they are already being given by the Government should be given to them in a different fund, from a different source. I approach the matter from a different point of view. I believe that pensioners should continue to receive the benefits that they are gaining from the Labour Government, and that they should have an increase in the basic state pension.

Mr. Swayne *rose—*

Ms Ward: I give way to the hon. Gentleman. He is so persistent.

Mr. Swayne: I thank the hon. Lady. She is young, intelligent and articulate. There are many other compliments that I would pay to her, but I ask her to fancy herself as an aged lady, beyond the age of, say, 75, and to ask herself whether she would rather receive a free television licence or the value in cash. Surely it is better to have the cash: if she wanted a television licence, she could purchase one, or she could spend the money on something else that was preferable.

Ms Ward: I am ever grateful for any comments received, even from the hon. Gentleman, although I am not quite that desperate yet. He asks me to picture myself another 50 or 60 years from now. Should he still be on this earth at that time, I would be surprised. He asks me to choose between being given just over £100 or getting a free television licence.

If I pay £101 or £103 for a television licence, I want to receive the equivalent sum. If the licence is given to me free, that is a benefit to me, because it is just over £100 that I do not need to spend from my savings or the income that I receive in a state pension.

Yet again, the Tories have missed the focus of the pensions issue. I say to my right hon. Friend the Minister of State that we need to do a lot more to help pensioners. There is no doubt in my mind that next year, pensions should be uprated significantly—not just by the £2 or £3 that we have heard is likely to come in the increases next April, but by much more than that. The £2 or £3 is linked to prices, so pensioners are already facing those costs.

I want more pensioners to gain more money from the Government. I want the Government to ensure that pensioners get the benefits to which they are entitled. Many hon. Members come across pensioners who do not realise that they are entitled to various benefits and the minimum income guarantee. We need to do much more to take that campaign out to pensioners and to ensure that they get their entitlement.

I welcome the increase in the limit on savings and capital that was introduced in the statement by my right hon. Friend the Chancellor earlier in the year. That limit should be linked, so that we are not reliant on the Government to decide that the limit is out of date. The Tories left the limit at a very low level over a long period.

Pensioners' savings may be money for their funeral or money for a rainy day. It is their security in life. These days, £3,000, £4,000 or £5,000 is not a lot of money for pensioners to have, considering that that may be their only savings and their only support for difficult times.

We should extend some of the other benefits at present under consideration. As my right hon. Friend is aware, in the Transport Bill that has been before the House we are introducing a national concessionary fare scheme. Unfortunately, the terms of the scheme mean that pensioners will gain the minimum of half-fare travel on buses, and only within their own local authority area. Should my granny decide to travel from Scotland to visit me in Watford, she will get a half-fare concession in her own area in Scotland, but she will not be entitled to a half-fare when she comes to Watford.

There should be a truly national concessionary fare scheme, allowing pensioners who travel throughout the country to pay a minimum half-fare, wherever they are. I hope that my right hon. Friend will use his powers of persuasion with our colleagues in other Departments.

We should not take part in the debate with the Tories about existing benefits, arguing over money that pensioners are already getting. Our target should be to do even more for our pensioners. I make no apology for wanting us to do more. We have done a great deal for pensioners in three years—much more than the Tories did in their 18 years in office—but that does not mean that we cannot do more for pensioners in the remaining time of this Parliament.

Pensioners do not have time to wait. Those who have given their lives to this country cannot wait for us to consider what further benefits we feel they are entitled to. This week, we saw the character and the courage of the generation marking the anniversary of Dunkirk.

I know that pensioners in my constituency will not be taken in by the Tories' con, and neither should we be. We should move away from the debate about whether money should be paid through the winter fuel allowance or through pensions. Pensioners should be entitled to both the winter fuel allowance and an uprating in their pension. I urge my right hon. Friend to stand firm on the benefits that have been paid by the Labour Government and opposed by the Opposition. We are still not sure of the Liberal Democrats' views about some of our benefits.

My right hon. Friend should have a strong word with our right hon. Friend the Chancellor about more money for pensioners, to emphasise further the difference between the Government, who really care for pensioners, and the Tories, who are interested only in conning them.

3.28 pm

Mr. Desmond Swayne (New Forest, West): It is always a pleasure to follow the hon. Member for Watford (Ms Ward), even if I could not follow entirely her logic.

There are casualties of the policy announced by my hon. Friend the Member for Havant (Mr. Willetts) from these Benches, but those are proper casualties. The first casualty is the new deal for lone parents. My own lack of enthusiasm for it is largely a consequence of the fact that it does not work. The pilot schemes for the new deal for lone parents showed that marginally more lone parents acquired employment where there was no scheme in operation than where there was a scheme. It is therefore entirely appropriate that we should do away with the scheme and put the money into pensions, where it is more deserved.

With respect to the social fund, I have never been a fan of it. There are elements of the social fund that are attractive and desirable, but one element has always struck me as undeserving. I am glad that the Secretary of State for Education and Employment has come to share that view, and also to believe that where consumer durables or items of furniture are required, there should be a greater expectation of the family and other social networks to stump up, instead of an application being made to the social fund, with the expectation that benefits will provide for those needs.

I know about this, because my wife is heavily involved with a charity that aims to provide precisely those items. It caters particularly for the needs of expectant parents. I have always thought it odd that parents, and expectant parents, should exhibit such resistance to second-hand equipment, especially at the lower end of the income scale. The relatively well off are generally happy to receive such equipment; the poorer people are, the greater their resistance seems to be. I think that that should be deprecated, and I am therefore not particularly exercised by the possible impact of our proposals on the social fund.

As time is limited, I shall deal with only one issue. I believe—and my belief is confirmed by my interpretation of the deliberations of the Social Security Committee—that we were right to break the link with earnings. If the state pension scheme were funded the desire to restore that link would be unanswerable, but I feel that the state pension should continue to provide a minimum standard of living, so that people are encouraged to make other provision.

The Government have put a great deal of thought into developing policy on that. They have launched many initiatives to encourage people to make arrangements for second pensions. I welcome those initiatives. Although many may have been misdirected, I think that the intention was proper and clear. I feel, however, that that intention has been undermined by the determination to uprate the minimum pension guarantee in line with earnings, which is an obvious disincentive. The main thrust of the policy was to encourage people to make their own arrangements to acquire second pensions, particularly lower down the income scale.

There was one point on which I tended to agree with the hon. Member for Watford. It is clear to those of us who do not resile from the breaking of the link with earnings that the decision to continue uprating in line with prices must be tempered with a better understanding of what constitutes the retail prices index for pensioners. It is obvious to me that the current arrangement for uprating pensions does not affect pensioners' real cost of living.

Kali Mountford: I have some sympathy with the hon. Gentleman's view that we should think again about whether there should be a pensioners' price index. Does that form any part of his party's policy?

Mr. Swayne: As I enjoy the freedom of the Back Benches, I think it proper for me to draw attention to what I consider to be problems, in the hope that my party's Front Bench will consider and address them. That, I think, is the proper role of Back Benchers.

This is one problem that I would like to draw to the attention of those on the Front Bench. I do not believe that our current arrangements take adequate account of the real costs of living for pensioners. If we continue to uprate pensions in line with prices—especially in the case of pensioners at the lower end of the income scale—we must take into account the real increases in their living costs. Otherwise, we shall face outrage every year.

3.34 pm

Kali Mountford (Colne Valley): We have been confronted with a conglomeration of views and an examination of pension history that are beyond belief. There has been a complete misunderstanding of the way in which social security budgets are stacked up, how important they are, and why they should be as they are.

I am particularly concerned about two issues. One is the "robbing Petra to pay Paul" syndrome—a policy requiring babies to have second-hand prams and cots to pay for a pension scheme. I would not wish to subscribe to such a policy. I thought that the state pension should have a firm foundation, but the foundation for the proposals that we

[Kali Mountford]

have heard today does not seem at all secure. They are based on taking away parts of the social security budget, and replacing them from elsewhere.

The hon. Member for Havant (Mr. Willetts) did not give a clear answer to our questions about the national insurance fund. If we are to change the basis of national insurance, let us be honest about it and have a proper debate about whether the national insurance fund should fund state pensions. The hon. Gentleman did not say that this was the new position, but if we examine the figures closely it is clear that state pensions would have to be financed by general taxation.

The figures simply do not add up. We are considering a package of measures aimed at those who need help most. It cannot make sense to say that the package does not, in the main, come from the national insurance fund—because it is paying for state pensions—and that we could somehow roll it up together and thus make a big increase in state pensions.

We are not even being honest and recognising that fact. Those who have drawn attention to it have been told that there are surpluses in the national insurance fund. Every time I have looked at the fund, I have concluded that the alleged surpluses are there for a good reason. They are there because that is how the social security budget must be accounted for. It must cover a range of matters—matters that the House has debated repeatedly. People simply will not accept that a short-term surplus cannot, in perpetuity, finance increases in the state pension, unless we review national insurance contributions.

The Opposition have not even said what they would do with the national insurance fund. They think that they can just tinker with the figures, but such tinkering will fool no one. It certainly will not fool those who will find £150 on their doormats in November, when they need it most. It is diabolical to suggest that it is patronising to give the poorest people the help that they need when they need it most, and it is also misleading. The aim seems to be to drag people into a debate based on fear.

Mr. Barry Gardiner (Brent, North): Is the suggestion not also financially illiterate? If the poorest pensioners receiving the winter allowance had received the money in the basic pension, they would have lost it pound for pound through income support.

Kali Mountford: My hon. Friend is right. The Opposition claim that that is incorrect, but we have heard no firm statement because the figures do not add up.

Time is short, but I want to point out how vital it is to continue the winter fuel payment. Both opposition parties are opposed to that. Clearly they have not noted the views of Age Concern and Help the Aged, which have consistently said that hypothermia is claiming lives year on year. They say that it is a question of respect, and not patronising people. How patronising is it not even to provide extra measures that would help those people?

It is all very well for the hon. Member for Northavon (Mr. Webb) to say that some people could retain the benefit, but they may not be those who need it most. The people who need it most are those in receipt of the minimum income guarantee. The Opposition have decried the minimum income guarantee as something that has not been special, although increases in it, year on year, have been far above any increases paid to pensioners in the past. Although some pensioners have not experienced the benefit, it has gone to those who have needed it most.

3.40 pm

Mrs. Jacqui Lait (Beckenham): It has been a telling debate. For our side, it has been telling to watch the massed ranks of the Government because the problem is that the opposition is on the Benches behind Ministers. To be able to say that their supporters were po-faced while the Secretary of State was, not terribly effectively, defending his own policy was a joy and pleasure to us all. *[Interruption.]*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to interrupt the hon. Lady. I hope that outbreaks of sedentary comment will cease. It does not help the debate.

Mrs. Lait: I am always happy to get supportive comments.

We watched the Government's supporters not being able to support their own Front-Bench team and the Secretary of State. In fact, every contribution that we have had, other than the fairly technical one from the hon. Member for Colne Valley (Kali Mountford)—we do not have time to debate the technicalities, much as I would like to—and a part of the speech by the hon. Member for Watford (Ms Ward), basically said, "You have got it wrong. You have to do better." We have done precisely that. That is what the problem is. The Government's supporters and, indeed, the Government are thoroughly rattled by the very sensible proposals that we have made.

It is interesting. The first speech that I made at the Dispatch Box was—to give them credit—during a debate that was initiated by the Liberal Democrats, who tabled a motion suggesting that the 75p increase was not enough. I remember saying at that time that it was a measly increase, but it is interesting to note that their amendment today goes no further than their motion at the beginning of the year. They say, "We will pay pensioners more." Now we have the promise that they will tell us in a few weeks where the money is coming from. We all hold our breath, but we all know that the Liberal Democrats say one thing and do another, should they ever be given the opportunity, which I doubt.

We, however, have been listening very hard to pensioners. We have listened to the organisations that represent them. We have listened to our constituents comments in letters and at our surgeries. My goodness, I have a heap of letters, as I am sure every Member does—

Mr. Gardiner: Will the hon. Lady give way?

Mrs. Lait: I am terribly sorry; we are desperately short of time. If the hon. Gentleman had been here for most of the debate, I might have been more tempted.

What we have heard from pensioners is consistent and clear. They are saying, "We do not like being patronised. We do not like being told how to spend our money. We think that the plethora of allowances and benefits is confusing. We do not like the nanny state." We listened and we acted.

It was my hon. Friend the Member for Bromsgrove (Miss Kirkbride) who, in an excellent exposition, outlined exactly what we have proposed. Despite the shortness of time, I will run through it quickly. It is important that we get it on the record because so many wild accusations are floating around, including the one from the Secretary of State, who, I am delighted to see, is back in the Chamber and who persists in saying that our increase is £5. It is £5.50. I would be grateful if he tried to get that fixed in his brain.

We took the Government at their word that the state pension would next rise by between £2 and £3 a year. We then took the money that they are spending on winter heating and on free television licences. We added the age addition for the over-80s and the Christmas bonus. We looked at the savings that we could achieve from abolishing those gimmicks. We added the money to be saved from winter fuel payments to men aged between 60 and 64, which the Government did not plan originally to give them. We took some of the extra money that the Government have put into the social fund and we used the money from the failed new deal for lone parents.

We were then able to promise—

Mr. Darling: It will add 42p.

Mrs. Lait: I am afraid that the Secretary of State is too devoted to "The Hitch Hiker's Guide to the Galaxy". That is not the answer to everything.

We were then able to promise all pensioners the increases that—

Mr. Darling: Will the hon. Lady give way?

Mrs. Lait: I would dearly love to give way to the Secretary of State. It would be a huge—

Mr. Darling *rose—*

Mrs. Lait: I give way.

Mr. Darling: Clearly, the Conservative party has been on a hitch hiker's guide to the galaxy. It has come up with exactly the same answer, which is 42p.

Mrs. Lait: What we have come up with is the answer that pensioners want. Pensioners want to get rid of the gimmicks that the Government have been buying them off with. They want the dignity and self-respect to pay their own way on their own budget on a weekly basis. They know that if they receive the money weekly, any future increases will be based on that increased state pension. Many Members are trying to portray it as a one-off increase. It is not. It will increase and roll on year by year. The base rate has gone up.

Mr. Greenway: Will my hon. Friend give way?

Mrs. Lait: I will give way briefly because I am aware that my hon. Friend wanted to speak.

Mr. Greenway: In the catalogue of things that we propose to save money on to pay for the package, does my hon. Friend include the more than £20 million a year that it will cost to run the bureaucracy to give the free television licence?

Mrs. Lait: That is, indeed, part of the savings increase. My hon. Friend tried hard to get into the debate, but was not able to.

Mr. Kaufman: Will the hon. Lady give way?

Mrs. Lait: I am sorry. I will not give way again as I have only four more minutes.

Mr. Kaufman: On a point of order, Mr. Deputy Speaker. Has the hon. Member for Ryedale (Mr. Greenway) approached you to have *Hansard* corrected in view of the fact that *Hansard* reports him as warmly and enthusiastically supporting the free television licence that he now nods at as a gimmick?

Mr. Deputy Speaker: The right hon. Gentleman is an experienced Member and knows that he is trying to pursue a point of debate under the guise of a point of order.

Mrs. Lait: We were able to make those promises two weeks ago. My right hon. Friend the Member for Richmond, Yorks (Mr. Hague), our leader, made the promise at that time. I shall read the relevant paragraph from his speech because, clearly, many people have not read it. He said:

> We would also adjust tax allowances for older people to compensate pensioners for any extra that they might otherwise pay.

It is practically in words of one syllable. He went on:

> we would adjust means tested benefits to ensure that the poorest pensioners gain at least as much as other pensioners.

That is in the costings. It was said by my right hon. Friend. It was said by my hon. Friend the Member for Havant (Mr. Willetts); indeed, it was said by any Conservative who was briefing on that day. It is why the Secretary of State and other Ministers in the Department of Social Security are petrified by what we have suggested. Indeed, the hon. Member for Stockport (Ms Coffey), the Secretary of State's PPS, is giving a very good imitation of someone who is having a nervous attack at the success of what we have proposed.

Many pensioners are telling us that our proposal gives them dignity and choice. We have been able to give them what they require to feel that they are decent, honourable and upstanding members of society, unlike the Government, who continue to patronise, to confuse and to dish out sums of money to meet their political ends, not the requirements of pensioners who are our first priority.

3.49 pm

The Minister of State, Department of Social Security (Mr. Jeff Rooker): Is that it? Opposition Members have finished speaking, Mr. Deputy Speaker, and you have called me to speak, but I have not really heard anything yet. However, looking at the Order Paper I was struck by the fact—I am a bit superstitious; I do not walk under ladders or do anything like that—that, as my right hon. Friend the Member for Manchester, Gorton (Mr. Kaufman) said, the Opposition have chosen, on their 13th allotted day, to debate pensions. They have told us nothing new about pensions, other than that they will

[Mr. Jeff Rooker]

spend exactly the same money on pensions as is now being spent on them. No one will ever remember the Opposition's motion, but everyone will remember the substance of it: this is the 42p pension debate. That is what Opposition Members have talked about today. That is what it amounts to.

We have not heard anything of substance that is new from Opposition Members, and they know it. They also know that their proposal is a con. That is why they were so angry with my right hon. Friend the Secretary of State for finding them out so quickly. As the hours passed, they changed their position and squirmed about their so-called policy initiative.

There have been some interesting speeches from both sides of the House, and some of them were thoughtful. The hon. Member for Bromsgrove (Miss Kirkbride) covered a range of subjects, some of which were partisan. However, I think that there is a meeting of minds that, in the years since the war, the House has not exactly shone with glory in addressing the issue of pensioners' incomes. As I said, there have been various attempts—by Richard Crossman, Boyd-Carpenter, Barbara Castle and even Keith Joseph—simply to get to grips with the fact that the basic state pension was never intended to be the sole source of income.

Since 1948, that has been the basic tenet in the pensions debate, and the Labour and Conservative parties have both made attempts to deal with that fact. Regrettably, so far, of all those attempts not one has come to fruition in the House. Legislation was passed on one proposal, but it was never implemented. Other proposals have been modified over the years. However, the basic underlying fact is that we have to do something to get pensioners a second income, and preferably not one that relies on the vagaries of Governments, Chancellors and the national insurance fund. If people can have access to a separate, funded scheme, they will be better provided for. The consequence of that fact has been growth in occupational pension schemes and the creation of the stakeholder pension system, which will be funded.

Nevertheless, we must always—I make no apology for this—bear in mind the total income that pensioners receive, and we should not centre the entire debate on the basic state pension. For one thing, many people do not receive the basic state pension because they have not paid enough into the national insurance fund. There have been quirks in the national insurance system since it began, and they are grossly unfair to many pensioners. If people do not, for example, accrue 25 per cent. of a pension, they receive nothing—*[Interruption.]* Hang on; I am making a speech on behalf of the Government. I am not going to be told by Opposition Front Benchers what to say.

The underlying thrust of the Opposition's motion is that the basic state pension is the be-all and end-all of pension provision, and that we must never talk about other aspects of the matter. Opposition Members think that, by manipulating a debate on their own terms—just on the basic state pension, as if that is what people live on—they will appeal to pensioners.

As my right hon. Friend the Secretary of State for Social Security said, in 1997-98 the average pensioner income was £132, which is twice today's basic state pension amount. That sum includes SERPS, occupational pensions and personal pensions. It is also an average, and many people receive a much higher sum.

We make no apology whatsoever for targeting our extra resources on the poorest pensioners. We came into office and discovered that when the previous Labour Government left office, 40 per cent. of pensioners retired on to means-tested benefit. Today, the percentage is much lower—28 per cent. The fact is that those who do retire on to it, relative to those who do not, are much poorer than they were in 1978. In 20 years, the income differential between the top fifth and the bottom fifth of pensioners has changed from 2.5:1, to 3.5:1. We cannot close that gap without getting more money, and faster, to the poorest pensioners in relation to the general population. That is the reality, and increasing money across the board simply will not work.

Mr. Willetts: What about the winter fuel payment?

Mr. Rooker: I am coming to that. We make no apology at all for our other manifesto commitment—it was in the rest of the sentence—on pensioners sharing in the nation's prosperity. No one has ever said that the winter fuel payment and the free television licence for the over-75s—as the hon. Member for Havant (Mr. Willetts) said, the older the pensioner, the poorer he or she is—is means tested. It is right that those should go to the over-75s. The provision also helps to ensure that those pensioners share in the nation's greater prosperity.

As I said, we need to get more money, faster, to poorer pensioners. The Opposition, however, have come along and said that some of our schemes are gimmicks. One of the most upsetting aspects of this debate is that we have still not been told—we have asked the question more than once; I am sorry that the hon. Member for Beckenham (Mrs. Lait) did not answer it—exactly which part of the social fund they will abolish. Who will be affected by the abolition? We are talking about real people, not statistics.

I accept that, in the grand order of the sums Governments deal with, £90 million is chickenfeed. However, Conservative Members need that £90 million just to make their sums add up. They need it to get the 42p—just to get ahead of the game. However, they owe it to themselves to know exactly which group they will target in the social fund. They need to know that so they can sleep at night with a clear conscience. They should know which group of the poorest people in the country they will attack. It is a great pity they have not said anything about that today.

Conservative Members were also very coy in the way in which they presented their policy. They mentioned the Chancellor of the Exchequer's statement on Budget day. We have not argued about that statement. We realise that the announcement on pension increases did not make headlines, but it was in *Hansard*. The Chancellor said that, on current forecasts, the increases would be at least £2 and £3. We are not committed to those increases—but they are minimum figures. Conservative Members were very coy in dealing with that. They did not want to quote the Chancellor. They could have quoted *Hansard*, with a column reference, to back up their figures, but that would have destroyed their argument in a flash. It would have shown that the money they are promising has already been promised by a Labour Chancellor, in the House, not in an outside press conference.

Pensioners have welcomed the winter fuel allowance and the free television licence as cash sums. A few hon. Members have quoted letters from people criticising the Government. Ministers and hon. Members receive such letters every day, and we try personally to read and respond to as many of them as we can. It should be said, however, that members of the public agree with what we are doing. It is only right that we should hear from some pensioners who have written to the Government to say, "We think that it is a good idea to have winter fuel payments and free television licences."

I have a letter from Mr. Harry Berry, and I have his permission to quote the letter and mention his name. He is not a constituent of mine, or even from a Labour constituency—he lives in Bury St. Edmunds. He is a former worker in the Post Office and has offered some positive suggestions. At the end of his letter, he said:

> Despite the unwarranted complaint by many of my contemporaries may I say thank you to a government who by offering me a free TV Licence and £150 Christmas Bonus—
>
> for winter fuel—
>
> has given me what amounts to a £5 pound a week increase in my pension.

That is what 77-year-old Harry Berry actually said. People are saying, "Thanks very much—it is a good way to do it."

I also want to share with the House a letter that we received earlier this week. The letter typifies the need for the winter fuel payment better than I am able to do. If ever the Government had tried to encapsulate in an advertisement, television slot or photograph the message in this letter, we would have been told, "That is not true in Britain in the 21st century." I should add that I shall not be much longer in speaking, because I do not want to steal too much of the Opposition's time.

The letter is from a couple. As I do not have their permission to say their name, I shall not do so. However, they live in a village near Marlborough, in Wiltshire. As 6,000 people live in the village, they cannot be identified from their letter. It reads:

> Please may I thank yourself and your party for the fuel allowance that we as pensioners were awarded last winter? My husband and I have only the state pension, topped up by income support. For many years, before we became pensioners, we bought a wooding permit from our local forestry commission in order to keep our home warm as coal was so expensive. This became harder—gathering wood in rain, cold, ice and snow—as we reached pensionable age. The fuel allowance was a life saver, and we straightaway ordered £100-worth of coal, enjoying every second of the warmth it gave. I am sure we can't be the only ones to appreciate your allowance. Thank you once again. I dread to think about future winters if we had had to struggle home with the wet wood.

I rest the Government's case.

Question put, That the original words stand part of the Question:—

The House divided: Ayes 121, Noes 301.

Division No. 222] **[4.1 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brazier, Julian
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Heald, Oliver
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Major, Rt Hon John
Malins, Humfrey
Maples, John
Mates, Michael
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. John Randall and
Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allan, Richard
Allen, Graham
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Baker, Norman
Ballard, Jackie
Banks, Tony
Barron, Kevin
Bayley, Hugh
Bell, Martin *(Tatton)*
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Breed, Colin
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond

Buck, Ms Karen
Burgon, Colin
Burstow, Paul
Byers, Rt Hon Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Ewing, Mrs Margaret
Fearn, Ronnie
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Andrew *(St Ives)*
George, Bruce *(Walsall S)*
Gibson, Dr Ian
Gidley, Sandra
Gilroy, Mrs Linda
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grogan, John
Hain, Peter
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hancock, Mike
Hanson, David
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hope, Phil
Hopkins, Kelvin
Howells, Dr Kim
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
Olner, Bill
O'Neill, Martin
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Rammell, Bill
Rendel, David
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruane, Chris
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Shaw, Jonathan
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vaz, Keith
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Mike Hall and
Mr. Don Touhig.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments), and agreed to.*

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House condemns the Opposition for making no commitment to the welfare of either today's or tomorrow's pensioners, opposing every step the Government has taken to help

pensioners and producing proposals for next year's basic pension uprating which amount to bribing pensioners with money which is already theirs; recognises the legacy of increasing pensioner poverty left by the last Government; applauds the Government for doing more to help all pensioners, spending £6½ billion more than planned by the last Government, but most for those who need help most by concentrating half the additional money on the poorest quarter of pensioners; congratulates the Government for tackling poverty directly with the Minimum Income Guarantee, helping take-up through better publicity and simplified claims procedures; supports the Government's plans to help those pensioners who just fail to qualify for the Minimum Income Guarantee by raising the capital limits to £12,000 from April 2001 and committing itself to bringing forward proposals for a Pensioner Credit which will reward thrift; congratulates the Government for helping all pensioners with their costs, including Winter Fuel Payments and free television licences for people aged 75 and over; and applauds the Government's strategy for ensuring that, in the future, nobody who has put in a lifetime of work or caring need retire onto means-tested benefits, including a commitment to the basic state pension, a state second pension which does more for 18 million people including those on low and moderate pay, with caring responsibilities or broken work records because of disability, and new flexible, low cost, stakeholder pensions.

Genetically Modified Crops

Mr. Deputy Speaker (Sir Alan Haselhurst): Before I call the hon. Member for South Suffolk (Mr. Yeo), I must tell the House that Madam Speaker has selected the amendment in the name of the Prime Minister.

4.14 pm

Mr. Tim Yeo (South Suffolk): I beg to move,

That this House deplores the Government's mishandling of the consequences of the presence of GM seeds in a batch of conventional oil seed rape seeds imported to Britain from Canada, which were subsequently planted for commercial purposes; and condemns the Minister of Agriculture, Fisheries and Food's response which has led to a collapse in public confidence and unnecessary difficulties for the agricultural industry.

The motion is deliberately narrow in its focus. It deals with a subject of deep concern to the public, to all consumers of food and to farmers. Today's debate is not about the merits of genetic modification, although there is a proper and lively discussion about that, even among the highest families in the land. The debate is not about the crop trials, the principle of which we strongly support, although we have reservations about some aspects of their conduct.

I greatly welcome the review of separation distances. We have repeatedly called for those distances to be increased, most recently three weeks ago, when the Minister made his statement to the House. Once again, it has taken a debate in the House organised by the Conservative party to force the Minister to act. I hope that the review will be swift, before yet more damage is done to conventional and organic farmers.

As hon. Members will not have had time to consider the terms of the consultation paper issued today about separation distances, I am sure that the Minister agrees that it would be wrong to try to use this debate to discuss its details, although I hope that the House will have an early opportunity to do so. This debate is about the way in which the Minister ignored warnings that he was given, failed to contact farmers who were innocent victims in the crisis, and failed to advise consumers whose ability to choose GM-free food was threatened. It is about how the Government kept secret information that should have been published; about claims made by the Minister in Parliament that turned out not to be true; about the dithering, confusion and, finally, panic that gripped the Minister; about how individual farmers now face bills running to thousands of pounds that could have been avoided; and about the destruction of public confidence in a potentially valuable technology.

Professor Malcolm Grant—the Government's choice to head the latest advisory body on biotechnology—said this week:

The episode has not been spectacularly well-handled.

To avoid developing a reputation for understatement, he continued:

The public are confused, bemused, underinformed and feel disenfranchised in this whole debate.

After such straight-from-the-shoulder comments, Professor Grant will doubtless soon join the other distinguished experts whom the Government appoint to advisory bodies and then refuse to consult in case their advice is inconvenient or embarrassing.

[Mr. Tim Yeo]

Professor Grant was right about the disfranchisement of the public and right too, if his words were accurately reported in *The Times*, to believe that the public and farmers affected by the contaminated seed should have been told much sooner.

This latest and worst example of ministerial blundering and cover-up over genetically modified crops began seven weeks and three days ago on Monday 17 April, when Advanta Seeds warned the Ministry of Agriculture, Fisheries and Food and the Department of the Environment, Transport and the Regions, that GM-contaminated oilseed rape seeds had been imported to Britain from Canada. At that stage, the company that imported the contaminated seeds, the Ministry of Agriculture, Fisheries and Food and the Department of the Environment, Transport and the Regions, were all aware of the facts. The public, of course, were not and neither were the farmers—some of whom at that date had bought seeds but not yet planted them—or the seed merchants whom Advanta had supplied with contaminated seed and who may unwittingly have continued to sell it to their customers.

Under those circumstances, time was of the essence, but the Minister remained silent. No public statement was made for more than four weeks. Then, on 17 May, a junior Minister replied to a planted question that was so innocently worded that nobody could have guessed its true significance. The answer said very little, but it confirmed that genetically modified crops were being grown commercially in Britain—something that Ministers had promised time and again over the past 12 months would not happen until the current programme of crop trials had been completed and analysed.

If Ministers thought that they could get away with sneaking out an important and damaging announcement by making it late in the afternoon, they soon discovered how wrong they were. Such was the outcry that evening that the Minister was forced to come to Parliament the next day and make an oral statement—something that he should have done in the first place.

The Minister's reluctance to come clean on such a sensitive issue may have been due to the flimsy basis of many of the claims that he made in Parliament that day. Let us look at what he said. He said:

> We moved quickly to establish the facts.

Just how quickly we shall find out in a moment. Later, in answer to a question of mine, he said:

> We established the facts and put them in the public domain.

The truth is that the facts were not put in the public domain for four and a half weeks after MAFF officials first knew of them. No explanation has yet been given for that long delay. We shall examine those four and a half weeks in a moment.

First, let us consider another of the Minister's claims. He said:

> In this whole matter, the Government are proceeding on the basis of professional advice provided . . . to my right hon. Friend the Secretary of State for the Environment . . . on the environmental issues.

What the Minister did not say was that that advice was obtained from somewhat limited sources. English Nature, the Government's statutory adviser on nature conservation and an independent body funded by the taxpayer, might have been thought to have a view about the matter. However, during the whole four-and-a-half week period of silence from the Minister, English Nature was not consulted. Nobody at MAFF or DETR even bothered to pick up the phone and have a word with one of the highly qualified scientists and environmentalists on the public payroll at English Nature.

Of course, by ignoring English Nature the Minister followed a precedent set by the Prime Minister, whose assertion in Parliament in February last year that the Government were proceeding on genetically modified issues on the basis of sound science was contradicted, within 24 hours, by the chairman of English Nature, herself a recently created Labour peer.

Mrs. Anne Campbell (Cambridge): Can the hon. Gentleman confirm that the genetic modification involved, known as RT73, was approved for food use in crop trials by the previous Government?

Mr. Yeo: The hon. Lady will receive a brownie point from the Whips for reading out the planted brief, but I am happy to confirm that the Conservative Government approved that particular crop for use in crop trials, a part B approval which under the law is fundamentally different from the part C approval that is needed for the commercial growing of that crop. As the hon. Lady might remember, had she been in the House on the day the Minister made his statement, I suggested that the Government could treat all the accidentally planted crops as crop trials, and that would avoid the pressure that subsequently grew for the destruction of the crops.

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): We could not do that. The crop trials are for genetically modified crops. The problem involved conventional crops with a small degree of GM contamination.

Mr. Yeo: It would still have been possible for the Government to apply the same conditions and monitoring procedures to those crops to prevent an illegal activity from continuing. Let us return to what the Minister said on 18 May. He claimed that the Advisory Committee on Releases to the Environment—ACRE—had

> looked at this specific incident and concluded that there is no risk.

When the Minister made that claim, the incident had not even been discussed at a meeting of ACRE, nor was it on the published agenda for the next meeting of ACRE on 25 May. However, I understand that members of ACRE were contacted individually. A Minister who recognised that public confidence in genetic modification will be restored only if the Government are more open in their decision making might have explained how the ACRE advice was obtained, especially as there was a discrepancy between what DETR told ACRE members and what the Minister told Parliament.

The advice note produced by ACRE on 17 May, without the benefit of any collective discussion, said:

> In conclusion, ACRE considers that the risks to human health and to the environment are very low. However, the Committee welcomes the precautionary steps proposed by DETR to verify and monitor independently the situation in the field and report back to the Committee.

Hon. Members should note that DETR had obviously told ACRE members that the situation was being monitored in the field. However, one day after ACRE issued that advice, the Minister told the House:

> The advice that the Government collectively have received is that it is not necessary to trace . . . the crops.—[*Official Report*, 18 May 2000; Vol. 350, c. 473-75.]

The advice from ACRE contradicts what the Minister said. How could the crops be monitored in the field, as DETR told ACRE members, if they were not even to be traced?

A week later, at Agriculture questions, the Minister made an astonishing claim. He said:

> I am not keeping any information secret. I have gone out of my way to be candid with the House.—[*Official Report*, 25 May 2000; Vol. 350, c. 1101.]

Equally seriously, five and a half weeks after the Minister first learned that GM oilseed rape was being grown commercially in Britain, he still had no advice to offer the farmers on whose land those crops were growing. Another two days passed, during which the French Government ordered their farmers to destroy the equivalent crops in France.

In London, the Minister continued to dither. Finally, on 27 May, advice of a kind was given to farmers. It was pointed out that that GM crop did not have approval to be sold, and the Minister suggested that farmers could destroy the crops now and replant—a suggestion that would have been rather more useful if it had been made five weeks earlier—or they could continue growing the crop up to the harvesting stage. Even then, the Minister shrank from actually advising farmers directly to pull up those crops.

What changed, other than the pressure of public opinion and the usual slide by the Minister from confusion into panic, between 18 May, when the Minister made his first statement to Parliament saying everything was fine, and 27 May, when he pointed out that the crops were unsaleable—a pronouncement that many farmers felt left them with no option but to destroy their crops? What new information became available to the Minister during that time? If the answer is none, the whole five-and-a-half week delay becomes even more puzzling.

Mr. Brown: That issue is probably at the heart of the debate and we might as well get it cleared up now. The important new development was the continuing legal advice that was coming to me and other Ministers. Once we had established the legal position, we acted immediately to put the best advice we could give to farmers into the public domain.

Mr. Yeo: People will not draw much comfort from the fact that it took five and a half weeks for the lawyers at MAFF to discover whether a law passed in 1990 was being broken.

Mr. Brown *rose—*

Mr. Yeo: I have given way once. The Minister will get his chance. *[Interruption.]* I have repeated exactly what the Minister said. I shall give way in a moment, but I wish to establish exactly what happened during that period.

During the four-and-a-half week period of silence after Advanta contacted MAFF on 17 April, we know that the Minister did not consult English Nature. We know that he did not call a meeting of ACRE. As agriculture is a devolved issue, it might have been thought that the time was used to consult the Minister's Scottish and Welsh counterparts, especially as even MAFF might have realised that planting of the crop was still taking place in Scotland after 17 April. However, apparently, the Scottish and Welsh Ministers were not informed until 15 May, four weeks after the Ministry in London had learned the truth, and just two days before Parliament was told. Whether the Minister will now tell us that he needed legal advice before informing the Scottish Minister is something that I expect he will explain later in the debate.

Mr. Brown: Will the hon. Gentleman give way?

Mr. Yeo: No, the right hon. Gentleman will have a chance in a moment. The Scottish Minister for Rural Affairs told Members of the Scottish Parliament of his deep anger and annoyance at being kept in the dark. He said:

> I'm even more annoyed there was a total lack of communication between MAFF and ourselves . . . We are writing to them to make it clear that this is unacceptable.

Mr. James Gray (North Wiltshire): Should not the Minister have consulted his newly established Food Standards Agency very early on in this four-and-a-half week period? Does my hon. Friend know whether he did so?

Mr. Yeo: As far as I know, the FSA was consulted, although I do not know on exactly what date.

What is certain is that, after 17 April, some farmers who had purchased contaminated seed from Advanta in good faith proceeded to sow it. In a letter to *The Times* on 25 May, the Marquess of Lansdowne made it clear that the contaminated seed was sown on 65 hectares in Perthshire two weeks after MAFF knew that it had been sold to farmers. He wrote:

> It must be asked why those who had purchased the seed were not informed immediately and, secondly, instructed by the ministry to destroy the seed (or the crop, if it had already been planted) to ensure GM plants are contained in research environments only.

Why indeed? Before I answer that question, I want to examine the position of the importer, Advanta Seeds UK.

Apart from the Minister and his civil servants, the company was alone in knowing about the contaminated seed. It knew to whom it had been sold, so why did the company not contact its customers after it had contacted the Minister? If it had done so, it might have been able to minimise its liability.

Last Friday, the general manager of Advanta, Mr. Mike Ruthven, told me that the company would have liked to warn its customers. The only reason that it did not do so was that it was asked by MAFF officials to keep the whole matter secret. [HON. MEMBERS: "Cover up."] When Advanta went to the Government to make a clean breast of its blunder, it was asked not to say a word about the matter to anyone else. It was MAFF advice to Advanta, and nothing else, that ensured that farmers were kept in the dark after 17 April. It was the Ministry's advice that allowed farmers to go on planting GM seeds in Britain in the period after 17 April. That makes a complete mockery of all the assurances from Ministers that commercial planting of GM crops would not take place.

[Mr. Yeo]

What on earth is the point of all the carefully monitored crop trials when, knowingly and willingly, MAFF allows the planting and growing of GM crops on sites that are not even identified, let alone monitored?

Mr. Brown: I am grateful to the hon. Gentleman for giving way. There is a clear obligation on Advanta to tell its customers that it had sold them a defective product, as soon as it knew that it had done so. It received no advice from Government not to tell its customers what had happened.

Mr. Yeo: I hope that documents eventually will prove who is right in this matter. I noted that the general manager of Advanta last Friday said to me exactly what he said to a reporter from *The Guardian*, as a report in this morning's newspaper confirms.

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food (Mr. Elliot Morley): It does not confirm that.

Mr. Yeo: From a sedentary position, the Parliamentary Secretary says that the report does not confirm that, so I shall read it to the House. Mr. Ruthven states that MAFF told him

> that they would want to make some tests themselves and not to say anything about it until they had sorted that out. I took a lot of comfort from that and as a result did not take any action to inform farmers or seed merchants.

Mr. Brown: There is no instruction to the company not to tell its customers that it had sold them a defective product. Clearer than that I cannot be.

Mr. Yeo: The Minister appears to be saying that what Advanta told *The Guardian* last night is inaccurate. If so, I am surprised that officials from MAFF or DETR did not also give a quote to *The Guardian*, as they were invited to.

Mr. Tom King (Bridgwater): The Minister appeared to choose his words carefully, but of course every employee at MAFF is part of the government. Would it not be interesting to know whether the Minister is seeking to absolve Ministers from responsibility by isolating officials and trying to hide behind them, and whether any public body was involved in the advice given to Advanta?

Mr. Yeo: My right hon. Friend makes a most important point. The way in which this matter is developing means that the documents, notes and records of the meetings that took place—even those involving only Ministry officials and the company—must be placed in the public domain.

Mr. David Heath (Somerton and Frome): I, too, was struck by the candour of the quotation from Mr. Ruthven. Is it possible that the civil servants to whom he refers belong to DETR and that the Minister is answering only for his own officials? It seems clear that wholly unhelpful advice was given.

Mr. Yeo: The hon. Gentleman is right. It is possible that the officials who spoke to the company belong to DETR. I understand that the first meeting took place at DETR, with a MAFF official also present.

I suspected that the Minister might take this line of response, so I attempted to speak to Mr. Ruthven before coming into the Chamber for this debate to make absolutely sure that *The Guardian* had reported what he said accurately. Unfortunately, he was not available, but I have no doubt that we will get to the truth of the matter shortly.

Given the Labour Government's appalling record of secrecy and media manipulation over GM issues, many people will suspect that MAFF may have hoped, on 17 April and during the days and weeks of silence that followed, that the issue would go away, that no one would find out and that an embarrassing problem could be covered up.

The Minister has had six and a half weeks to think about the matter. He owes the public a full and detailed explanation of what happened and why, and this afternoon's debate gives him the chance to start that explanation. We know that he understands the seriousness of the issue now, because two weeks ago he told the House:

> To knowingly corrupt seed products is of course an offence in this country, as is knowingly releasing them into the environment.—[*Official Report*, 25 May 2000; Vol. 350, c. 1099.]

From 17 April onwards, until the Government came clean on 17 May, unauthorised releases of contaminated seed into the environment continued to take place. However, although those releases were unauthorised, they were not entirely unknown. One of the people who knew about them was the Minister. He knew about them and could have stopped them, but chose not to do so.

From reports in the press now, it appears that at first the Ministry's officials may not have realised the full gravity of the situation. However, it staggers belief and strains credulity that it should take five and a half weeks for civil servants to find out the true seriousness of the problem. Not even civil servants at MAFF or DETR could be as incompetent as that.

I hope that the Minister will explain precisely what advice his civil servants gave to Advanta. I hope that he will publish the minutes of the meetings that his civil servants had with Advanta. I hope that he will tell the House when he first knew that GM seeds had been planted. I hope that he will say when he first realised that an offence might have been committed. I hope that he will explain what the tests were that his officials told Advanta that they wanted to carry out. Will he now publish the results of those tests?

On 18 May, the Minister told the House that officials had been in continuous contact with the company. When did he or his officials warn Advanta that the situation was even more serious than was first thought?

Mr. Brown: The hon. Gentleman calls on me to be candid, and I always try to be candid with the House—as, deep in their hearts, Conservatives Members know. I shall therefore share in full with the House the note that has just been given to me. It says that officials at the Department of the Environment, Transport and the Regions and at the Ministry of Agriculture, Fisheries and Food at that meeting gave no instructions to Advanta not to contact farmers or merchants. Nor did officials say they were going to do tests—Advanta was going to do further

tests. If you will allow me, Mr. Deputy Speaker, just for the sake of absolute transparency, I am quite happy to cross the Floor and give this note to the hon. Gentleman.

Mr. Yeo: I welcome this new spirit of candour.

Mr. Owen Paterson (North Shropshire): Will my hon. Friend give way?

Mr. Yeo: In a moment.

I note that the Minister has contradicted specifically the report in today's edition of *The Guardian*, and I am aware that the reporter concerned gave an opportunity to spokesmen from both MAFF and DETR to comment last night on that report. I believe that this sequence of events makes it even more important that the Minister should place in the public domain the contemporary records of the meetings concerned. Given that he is willing to share with me the scribbled advice given by him to the civil servants in the box, I trust that he will publish those minutes as soon as possible after this debate.

I repeat my last two questions: when did the Minister or his officials warn Advanta that the situation was more serious than first thought, and when were lawyers first consulted? If the Minister is unable to answer those questions fully, the suspicion will grow that he and his officials may indeed have been aware that there was a risk that a crime was being committed. In case anyone believes that that crime was just a technicality—a sort of environmental parking ticket—let me point out that contradicting the relevant section of the Environmental Protection Act 1990, if tried in a Crown court, carries a maximum penalty of five years in prison and an unlimited fine.

I hope that the Minister will explain both his actions and his inactions in this matter. I hope that his statements will be supported by documents available to the public. He must understand that his previous statements have reduced trust and increased suspicion. The Government's abject failure to keep their promises about not allowing commercial planting of GM crops until the trials were completed, their dithering and inaction in the face of knowledge that the law might be being broken, their lack of openness and candour in dealing with farmers, the public and Parliament, mean that if the Minister confines his reply today to announcements about yet more advisory bodies, future random checks on seed imports and consultation over separation distances, he will be admitting his own negligence. He will be condemning himself as a man who cannot be trusted, whose weakness and incompetence put farmers and the environment at risk and who, even by the abysmally low standards of this Labour Government, is not fit to hold office.

I commend the motion to the House.

4.43 pm

The Minister of Agriculture, Fisheries and Food (Mr. Nick Brown): I beg to move, To leave out from "House" to the end of the Question and to add instead thereof:

endorses Her Majesty's Government's approach to the development of GM technology in agriculture; believes that the Government has responded in a responsible, open, considered and proportionate way to the recent discovery of the adventitious presence of GM seed in conventional oilseed rape seed; supports the priority the Government has given and continues to give to the protection of public health and the environment, and its continued determination to act on the best available scientific advice; applauds the creation of the new, independent Agriculture and Environment Biotechnology Commission to provide strategic advice on GM issues; welcomes the announcement by the seed company Advanta, following discussions with the Minister of Agriculture, Fisheries and Food, that they will provide a fair and equitable compensation package to affected farmers; and commends the Government for the action it is taking at both national and international level to minimise the risk of a similar incident occurring in the future.

The last remarks of the hon. Member for South Suffolk (Mr. Yeo) were particularly personal and offensive. If he really believes that I should not hold the office that I hold, there is a parliamentary procedure that he can adopt. I notice that he has not done so. However, it reflects credit on the hon. Gentleman—I almost said "horrible"—that he is so ashamed of his speaking material, with its grotesque misrepresentation of events, that he was reluctant to take interventions.

Right hon. and hon. Members will be familiar with the plays of Robert Bolt, particularly "A Man for All Seasons", in which Thomas More is framed by his enemies. After a particularly indefensible and implausible charge is put against him, More says:

That's a horse that won't run, Master Secretary.

Thomas Cromwell replies:

There will be others.

So it is with Agriculture Ministers.

We have had a succession of complaints from the Conservative party, suggesting that the Government are doing things wrongly. Only a few months ago, all the hedges were going to be ripped up in this country and farmers would be denied their arable aid payments, pork chops would have to be de-boned, the shepherds' crooks industry would be closed down, the beef on the bone ban would be reintroduced, our pets would have to be boiled before going abroad, and so on. This is the latest attempt, and it is more pathetic than most. The over-riding point that the Government established early on, and which the hon. Member for South Suffolk has not challenged, is that there is no risk to public health or to the environment in this accident.

I am glad that the hon. Gentleman referred to *The Times*, because on Wednesday 7 June it contained a very good commentary on GM crops issues by Nigel Hawkes. He observed, although it was not his main point, that the hon. Gentleman

was raising fears rather than addressing the issue.

Mr. Yeo: Will the Minister give way?

Mr. Brown: I will give way in a moment, but let me just finish my introduction.

It is very telling that the key charge made by the Opposition, as I pointed out on 18 May, is about process, not substance. The Government have responded in a responsible, measured and proportionate way to this incident. Therefore, I commend the amendment to the House.

Mr. Yeo: The right hon. Gentleman referred to an article in *The Times*. He will be familiar, as we all are, with the consequences of being quoted out of context. The quotation referred to in the article was taken from a

[Mr. Yeo]

remark I made to explain the difference in concept between genetic modification and ordinary plant breeding. It was taken out of context by the journalist concerned.

Mr. Brown: I accept the hon. Gentleman's explanation. Nevertheless, the point remains that his attack on the Government is about the process, not the substance. *[Interruption.]* It is impossible to interpret his speech this afternoon any other way. So let me remind right hon. and hon. Members of the key facts as I set them out for the House in my statement on 18 May.

The Government were advised by Advanta Seeds on 17 April that some of its supplies of conventional rapeseed sold and sown in 1999 and 2000 might have contained a small proportion of genetically modified seed. This seed had been sold and sown in several European Union member states, possibly including the United Kingdom. The full facts were not known at that time.

It now appears that the seed was sold in France, Germany, Sweden and Luxembourg, as well as the UK. This is a problem with EU-wide and international implications, and it requires a common solution.

On learning of the potential problem from the company, the Government took action to investigate the implications for public health and the environment, as well as to assess the legal implications, so that appropriate action could be taken. The Government established that the genetic modification in question—RT73—had previously been approved in the UK for food use in 1995 and for field trials in 1997.

The expert committees specifically tasked with examining the food and environmental safety of genetically modified products—the Advisory Committee on Releases to the Environment and the Advisory Committee on Novel Foods and Processes—had both cleared it. The Government asked both ACRE and the Food Standards Agency to look at the circumstances of that specific incident.

Sir Robert Smith (West Aberdeenshire and Kincardine) *rose—*

Mr. Gray: Will the Minister give way on that point?

Mr. Brown: I want to make my presentation. If Opposition Members think that it is incomplete, I am willing to take interventions at the end. I ask the House to hear me first. I shall take interventions later.

Those committees confirmed—initially and subsequently in formal advice—that the product presented no risk to human health or to the environment. That advice has been placed in the Library.

Having established those facts, the Government were in a position to provide balanced and proportionate advice on the implications of the incident and on how to deal with it. My Ministers of State accordingly did so in both Houses on 17 May, when they set out the steps that the Government are taking to address the wider issues on seed purity highlighted by the incident.

The Government have been criticised for delay. However, as I have already made clear, our approach throughout has been to establish as many of the facts as possible so that we can give accurate and responsible guidance to farmers and consumers. Given the uncertainties of the incident when it was first reported to us, it would have been premature and potentially alarmist to have published incomplete information. In any case, we were reassured at an early stage—that is a crucial point—by the knowledge that the GM product in question did not pose a threat to health or to the environment. Of course, we had the 1995 and 1997 technical assessments to guide us.

Mr. Gray: The Minister heard from Advanta on 17 April. On what date did he first consult English Nature and the Food Standards Agency?

Mr. Brown: The FSA was consulted at a very early stage—almost immediately. I shall come to the point on English Nature in a moment.

Mr. Tom King *rose—*

Mr. Brown: I shall give way to the right hon. Gentleman and to the hon. Member for West Aberdeenshire and Kincardine (Sir R. Smith) and then I ask the House to let me make the presentation.

Mr. King: The Minister is making a clear and understandable case that, when Advanta produced that information, there were good reasons to investigate the matter further so that it would not give rise to concern. On those grounds, it would have been extremely sensible for officials to advise that Advanta should be asked not to say anything at that time. Yet the Minister strenuously denies that they did any such thing. It seems to me that the matter could easily be cleared up. In the interests of openness, do I understand that he is undertaking to provide the minute of the meeting between officials and Advanta, so that we can read what was actually said?

Mr. Brown: The right hon. Gentleman has served in government. He knows the position on providing written records of meetings. I have to rely on the assurances given to me. I was not at the meeting. I do not even know whether there was a written record.

Sir Robert Smith: Obviously that matter creates some concern. The Minister talked about not publishing the information. Will he explain why he could not share it with other rural affairs Departments in the United Kingdom? When Members of this place write to MAFF about certain issues, their letters are passed to those other Departments for reply. How can we have confidence that those Departments know what MAFF knows when they write such replies?

Furthermore, although the Minister minimises the risk to health and to the environment, there was certainly a commercial risk to those people who bought the seed.

Mr. Brown: The territorial Departments should have been drawn more fully into the discussions at an early stage. For that, I apologise on behalf of the Government.

Mr. Paterson: Will the Minister give way?

Mr. Brown: I should like to make some progress, but I shall come back to the hon. Gentleman later.

Consideration of all these issues takes place against a background of already heightened public concern about GM products. Our approach, which was paralleled by other affected countries—the decisions are not unique to the UK—was first to seek the advice of our experts. Because the matter is complex, that includes legal advice as to the legal situation, as the right hon. Member for Bridgwater (Mr. King) hinted in his intervention on his hon. Friend the Member for South Suffolk.

Officials from the FSA and the Department of the Environment, Transport and the Regions were involved in discussions as soon as the incident was reported to the Government. The process of consulting the expert committees was, of necessity, a continuing one, because the early information we received was incomplete. The Government obtained early and informal reactions from the secretaries to the committees on the basis of the first and incomplete information. Subsequently, the secretaries consulted committee members and were able to convey their advice to the Government.

The hon. Member for South Suffolk tried to make much of the fact that English Nature was not consulted by the Government. The fact is that English Nature advises on nature conservation issues. The key questions in this incident related to environmental and human health implications. Those are for ACRE and for the Advisory Committee on Novel Foods and Processes, whose specific remit is to look at the implications of genetic modifications.

Efforts have been made to portray English Nature as being at odds with the Government over this incident. That is simply not the case. The chairman of English Nature has confirmed that English Nature does not think the affected crops need to be destroyed. English Nature has offered advice on the nature conservation aspects of the incident—as would be expected, because that is its statutory function. An English Nature expert, Brian Johnson, said publicly—on the BBC—that any risk of GM pollen from these plants pollinating native plants was "vanishingly small". The hon. Member for South Suffolk referred to dangers to the organic farm movement. He did not say where the organic oilseed rape was located and he did not say whether there was any; it would be extraordinary if there were. The advice that Brian Johnson has given is consistent with the advice that we have received from ACRE.

The Government have been accused of allowing farmers unwittingly to plant the crop by delaying an announcement. If there were anything in that charge, it would be a serious one.

Several hon. Members *rose—*

Mr. Brown: Let me deal with this issue before I give way to the hon. Gentlemen and to anyone who may be queuing up behind me. I see that at least part of the House is satisfied.

Mr. Malcolm Moss (North-East Cambridgeshire): The right hon. Gentleman has no support from those behind him.

Mr. Brown: Come the Division, the hon. Gentleman will find that he is wrong.

The fact is that the Government were first notified by the seed company once the planting season for the variety was already well under way. I have already explained, exhaustively, that we needed to establish the facts and the technical and legal implications before we could make any sensible announcement. If anyone doubts my motive before I made the announcement, let me make it clear that I wanted to find a workable way forward for this country's farmers who, after all, are the innocent party in this case. That is what we were striving to do. I shall have something to say that will interest those who care more about our farmers rather than making political mischief.

The Government have followed up the announcement of 17 May with further action on the practical and legal implications. The legal advice to Ministers is that we have the power to order the destruction of a crop in specific circumstances. Let me make this clear: if there were a threat to human health or the environment, we would order the destruction of the affected crops. There is not such a threat, so the legislation cannot be invoked. That is the legal advice to Ministers.

Therefore, as the advice I and my right hon. Friend the Minister for the Environment published on 28 May made clear, it is for individual farmers to decide whether to destroy or to maintain the crops. However, the disposal options for the harvested crop are likely to be extremely limited—this point was perfectly properly raised—as there is no consent for the GM element of the crop to be marketed.

To offer farmers greater flexibility in this difficult situation, I negotiated a special derogation to the rules for EU crop subsidy payments. That allows farmers to claim subsidy payments on crops planted up to 15 June, instead of 31 May, as normal. Farmers therefore have two options as the position stands. Thanks to the extended EU planting deadline, some farmers may have the option of destroying the affected crop and planting another crop in its place. Others will wish to maintain the crop as normal to qualify for EU subsidy payments.

The expert advice to Government is that these crops present no danger to the environment. However, in discussion with the National Farmers Union and the seed company Advanta, I have explored the possibility of negotiating a further derogation to the EU subsidy scheme rules to allow farmers to mow or destroy the crop straight away rather than to maintain it to maturity. They will still qualify for the subsidy payments.

Mr. Jon Owen Jones (Cardiff, Central): Will my right hon. Friend explain why farmers need to look to European subsidies to make up for the losses that they may incur? Why is the company not liable? It sold a product that was not what it was claimed to be.

Mr. Brown: This issue is fraught with legal peril, including points about the mitigation of loss, and it has taken time to find a way through it. I hope that we have found a clear-cut way and I shall explain it to the House.

I must stress that what I am about to explain is not legal as things now stand, but my officials are in urgent discussion with the European Commission to see whether it is a possible option. I believe that it is the most desirable way forward. I and Ministers in other member states are pressing for the outcome and a decision is due to be voted on today.

[Mr. Brown]

If we have a clear outcome by the end of today or tomorrow, the House and the industry, including the farmers affected, will be told. I believe that the proposal offers the best way forward, which is also the view of Advanta and the National Farmers Union.

Mr. William Cash (Stone): Does the Minister's legal advice include an analysis of the damages that could become liabilities under the principle that the polluter pays in both the Environmental Protection Act 1990 and arrangements in Community law that are being extended under the proposed directive on environmental liability? Yesterday, the Select Committee on European Scrutiny voted for a debate on the Floor of the House on the directive, but, regrettably, that decision was overturned by the Leader of the House this morning.

Does the Minister agree that if the Government are to be open and transparent, we should be able to see all the legal advice and have access to all the material in the Library? The Government should be more candid and open in debating such questions, so that the British people and the farmers—whom we rightly say are innocent—do not find themselves at a severe disadvantage.

Mr. Deputy Speaker: Order. That intervention is too long.

Mr. Brown: My days as a Government business manager have ceased, and I have moved on to a happier billet. I am therefore afraid that I am not able to respond as I might otherwise have done to the hon. Gentleman's request. Hon. Members will be aware that Ministers are not supposed to interpret the law inside or outside the House.

I have been working to try to find a reasonable way through the matter which is fair to the company, mitigates the losses and means that farmers who are innocent victims do not suffer resultant financial hardship.

Mr. Paterson: The Minister admitted to the Select Committee on Agriculture that he was responsible only for the seed aspects of genetically modified crops. Environmental matters are dealt with by the Department of the Environment, Transport and the Regions, food matters by the Food Standards Agency, and presentation, I believe, rests in the hands of the Minister for the Cabinet Office, who in May told "Today" that she was not happy with the presentation in connection with such crops.

Who is in charge? Would it not be sensible to have someone in overall control of all GM matters, to stop those extraordinary muddles involving the Department, its sister Departments and the devolved Assemblies?

Mr. Brown: The delay that is occurring while the issue is fully considered does not mean, as the hon. Gentleman is trying to suggest, that there is a muddle. Such matters are co-ordinated by a Cabinet Committee, of which my right hon. Friend the Minister for the Cabinet Office is in charge.

Mr. Gray: The Minister for the Cabinet Office, whom the Minister has prayed in aid, said on "Today" on 22 May that the Government had made a mistake in not telling the public about the contamination. Will the Minister respond to that? A moment ago, he dismissed his noble Friend, Baroness Young, when he said that English Nature had nothing to do with the matter because it is concerned with animals. Baroness Young said:

> The UK statutory nature conservation agencies must be consulted

about similar incidents in future. What is the Minister's response to his colleagues' remarks?

Mr. Brown: I did not dismiss the views of English Nature. Its statutory responsibilities are for nature conservation and it has offered us helpful advice on such matters. I fully agree with the views of my right hon. Friend the Minister for the Cabinet Office. I hope that is helpful to the hon. Gentleman.

Several hon. Members *rose—*

Mr. Brown: I would like to make progress, but I shall give way to my hon. Friend the Member for East Carmarthen and Dinefwr (Mr. Williams).

Mr. Alan W. Williams (East Carmarthen and Dinefwr): I suggest that we contrast our debate with the dozen or more debates on the serious problem of BSE that we had in the early 1990s. We are nit-picking about insignificant dates in April and May and about a crop that was not a threat to human health or the environment. Uprooting those crops would cost about £3 million, whereas the problems that occurred in the decade in which the Conservative party was in office involved a cost of £4 billion, and are still with us.

Mr. Brown: My hon. Friend is absolutely right to point out again to the House that there is no threat to human health or the environment. There are important issues, including legal issues, involving the supply chain, and the Government have been working hard to resolve those so that there is ultimately no economic loss to farmers, and the seed company is treated fairly. We will take steps to make sure that we minimise the possibility of such an incident occurring in future. I give way to the hon. Member for North-East Hertfordshire (Mr. Heald).

Mr. Oliver Heald (North-East Hertfordshire): The Minister was asked whether advice had been given to Advanta not to give information to its customers. His reply was that no instructions had been given to Advanta to tell its customers about the seeds. There is a difference between advice and instructions. Is there no question that the Minister is using weasel words, and that advice, but not an actual instruction, was given to Advanta that it should not tell its customers about the seeds? I hope that there is no question of that, because the Minister is under a duty to be full and frank with the House.

Mr. Brown: I do not think that there is a Minister in this Government who tries harder to be candid with the House, and I could not have been more candid with the explanation that I have given; I handed it to the hon. Member for South Suffolk, who speaks for the Opposition

on such matters. I know of no semantic differentiation of the sort that the hon. Member for North-East Hertfordshire mentions. I cannot be more open than that.

Several hon. Members *rose—*

Mr. Brown: I give way to the hon. Member for Salisbury (Mr. Key).

Mr. Heald: On a point of order, Mr. Deputy Speaker. It is made clear in resolutions of the House that Ministers should be as open as possible. There is a difference between advice and an instruction, and the House needs to know which was given because this is an important point—

Mr. Deputy Speaker: Order. I have got the gist of what the hon. Gentleman is trying to say, and it is not for the Chair to interpret words or advice that are being debated. This is a matter for the debate, and I am sure that the hon. Gentleman will find other ways of pursuing the point.

Mr. Brown: I offered to give way to the hon. Member for Salisbury, who is an old sparring partner of mine, although in those days he was the Minister and I was the Back-Bench MP making a nuisance of himself.

Mr. Robert Key (Salisbury): I am certainly not making a nuisance of myself. If the right hon. Gentleman was convinced that there was no danger in the crop being planted, on what grounds did the French Government instruct farmers in France to destroy their crops?

Mr. Brown: It is not for me to interpret the law in France, but apparently the French Government have the power to do that under their legal code. We have the power to do that under our legal code, but only in very specific circumstances that are defined in the Environmental Protection Act. Like me, the French Agriculture Minister would have had in mind the fact that there is no marketing consent, so the issue for Ministers is to find a way to safeguard arable payments to farmers.

As those who follow such matters will know, the European support mechanism is an important element in growing oilseed rape, so we want to preserve farmers' rights to European aid, but we have to find a way within the law to deal with the lack of marketing consent. That is what we are trying to do here; Jean Glavany is trying to do that in France; Karl-Heinz Funke and Margareta Winberg are doing the same in Germany and Sweden respectively, and the Minister in Luxembourg has the same task. We all face a common problem, and we have, I hope, arrived at a common solution, which will work for farmers and be fair to the industry.

That brings me to compensation for farmers' losses, which is essentially a matter between the farmers affected and the seed company. However, the House will want to know that I have had a constructive meeting with representatives of Advanta Seeds last week, and the Government welcome the company's announcement on 2 June that it will provide a fair and equitable compensation package for the affected farmers.

Opposition Members are trying very hard, and completely unconvincingly, to pin the blame for the incident on the Government and to argue that taxpayers' money should be used to deal with the consequences. It was not the Government who produced the seed and sold it to farmers; the Government's role in this incident is limited to dealing responsibly and proportionately with the consequences once the company had come forward to notify the Government of the problem. This we have done and will continue to do.

The precise circumstances that resulted in the presence of GM seed in the non-GM batches are still being investigated. My officials are in contact with the Canadian authorities and the seed company to establish the details. One of my technical advisers has visited Canada to liaise with the authorities, and one possible factor in the incident may relate to the separation distances used to produce the seed crop. We are investigating that issue.

In line with the response that I gave to my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock) on 18 May, I can tell the House that the Government are undertaking a review of separation distances, including a scientific review of the relationship between separation and crop purity. We shall consult farmers—both conventional and organic producers—and other interested groups and see what lessons may be learned from the Advanta incident.

Mr. David Drew (Stroud): I have made similar points before, but the other matter that must be explored is the importance of every country signing up to the Montreal biodiversity protocol because until all countries do so, segregation will remain a difficult issue, as the Select Committee on Agriculture proved. The very least that we can expect is that each country will police its own production.

Mr. Brown: My hon. Friend makes a powerful point. Underpinning all this is the inescapable fact that the seed business is international, and if we intend to regulate it, standards must be set. There are currently gaps in European Union and international law.

The incident has highlighted the importance of putting in place up-to-date regulatory systems to reflect the implications of the worldwide development of GM technology for the seed industry. That includes the need for clear and explicit product descriptions for consumers. An important objective of the British Government is to protect consumer choice. As my hon. Friend says, the seed trade is international.

The regulation of seed purity is an EU and international issue, and action is required at EU and international level. That is why we have raised the subject as a matter of urgency with the European Commission and our EU partners, and in the Organisation for Economic Co-operation and Development. I have written to Commissioner Byrne urging him to accelerate the setting of new EU standards for seed purity. I have discussed that matter with my colleagues at the recent informal meeting of EU Agriculture Ministers, and there was general agreement that it should be addressed urgently. Technical work has already begun, and Ministers will discuss it again at the June Council.

Mr. Lembit Öpik (Montgomeryshire): On the consultation and the inquiry, can the Minister confirm that farmers will be given a brief résumé of the findings

[Mr. Lembit Öpik]

whenever they are finally made available? Many farmers would be grateful for the kind of guidance that could result.

Mr. Brown: As soon as we have something further to say to farmers, we will ensure that they are notified as fully as we can, but I do not know where the affected farmers are, so we will put the information in the public domain. I am sure that by doing that, and also through their union, we will get the information to the farmers.

On agreed international standards, we have taken immediate action in the United Kingdom to minimise the chance of the problem recurring. My Department is carrying out a study into seed sourcing and the possibility that GM presence may occur in seeds. The report of the study's preliminary findings is being published today and has been placed in the Library. Members will have a chance to consider it.

The report will inform the system of seed import spot checks that my right hon. Friend the Minister for the Environment has introduced as part of the existing inspection and enforcement arrangements for GM organisms.

Officials in my Department and in the Department of the Environment, Transport and the Regions are working with the UK seed industry to develop an industry-wide code of practice on issues relating to the sourcing of seed and monitoring GM presence. I am glad to say that the industry has responded positively to that initiative.

It is unfortunate that Opposition Members are trying to make political capital out of an accident. Of course that accident is worrying for the farmers who, unfortunately, have been caught up in it, but I am trying to resolve their fears without their suffering financial loss.

Mr. Yeo: Damage to the farmers is what the Opposition are concerned about; that is why we tabled the motion. The Minister said that he might not be able to publish a minute of the meeting that took place between his officials and Advanta, because it might not exist. If a minute does not exist, it is difficult to understand how he can be so sure that certain things were not said. Be that as it may, he told the House that his officials were in continuous contact with the company for a month. There must be some minutes of some of those meetings. For the purpose of clearing up the doubt that my hon. Friend the Member for North-East Hertfordshire (Mr. Heald) rightly raised about the difference between advice and an instruction, will the Minister at least undertake to publish all the minutes that exist of those meetings, so that the House and the industry can be clear about exactly what advice or information was passed to and from Advanta?

Mr. Brown: Subject to advice that I receive from officials once this exchange is over, if the information exists and if I can put it in the public domain, I am willing to do so. However, there may be some reason why I cannot keep that pledge. If there is such a reason, I shall explain it. A good explanation would be that there is no written record, for example. I want to be open and candid, and if there is something that I can put in the public domain I will do so, although there are no precedents from the previous Government to guide me in that direction.

Mr. Paterson: Following on from that point, if there are no written records, can we see a diary of the telephone conversations in which each of the other Departments and the devolved Departments were informed of these events?

Mr. Brown: Those Departments were first informed at official level—but as I have already told the House, the devolved territories should have been involved earlier. I apologise for the fact that they were not. My Department's involvement with the devolved Administrations is greater than that of many others, and we have developed good working relationships with the devolved authorities in Northern Ireland, Scotland and Wales. I want to maintain relationships built on candour, and I regret that we did not get the information to them quickly enough.

Mr. Heald: Does the Minister agree that it would be worrying if the company and/or the Government were aware of the problem, but let farmers go ahead and sow the seeds, causing all that damage and cost, which could have been avoided? Is not that one of the most serious aspects? Can he assure the House that that is not what happened and that the Government did not say, "Oh, let's keep this quiet while we do the tests."? Logic seems to suggest that that might have happened, so can the right hon. Gentleman give us the clear facts?

Mr. Brown: I can do better than that. As well as confirming that I can put the minutes of the early meetings in the public domain—I understand that there is no reason why I should not; therefore I shall do so, as I want to be candid—I can also announce to the House that the European Union committee has met, voted on the scheme that I described and approved it. As of now, a new option is available to UK farmers, and, indeed, to farmers in other parts of the EU. It is now possible for farmers to take the tops off the affected crop and still claim the arable aid payment under the rules. That is the best way forward, and I am pleased to tell the House that that option is available, because it will go a long way to resolving the issues. All Members, whatever their political point of view, will be pleased with what I have said, as it is welcome news for the farmers affected.

Mr. Colin Breed (South-East Cornwall): That is welcome news, but has there been any discussion of the potential for consequential loss and damages—not specifically for those who have sown the rape, but because the destruction of so much rape, and the consequent lack of it in the market, may push up the feed price?

Mr. Brown: Many perils threaten the common agricultural policy, but an immediate lack of oilseed rape is not one of them. I can give the hon. Gentleman the assurance that he seeks.

It is my contention that the Government have acted throughout in a responsible, balanced and proportionate manner. We have investigated the facts and the legal and scientific implications, and have issued information and advice accordingly. We have taken the lead in pressing for action at EU level and have secured the result that we

were looking for. We have made our representations at international level and have also taken interim measures in the UK to minimise the possibility of recurrence, pending EU and international agreement on the wider issues.

The House will have taken a hard look at the motion and the amendment, but before hon. Members make a final decision, I invite them to take a hard look at the latest eco-warrior, the Swampy of South Suffolk. The hon. Member for South Suffolk has tried to present himself as a green consumerist, who is anxious only to discover the facts. Before falling for his words, I ask the House to consider his contribution on a different matter. It displays a different swing of the famous Tory "yeo-yeo" on a debate about a real public protection issue: BSE.

On 25 March 1996, the hon. Gentleman said to the right hon. Member for Charnwood (Mr. Dorrell), who was then Secretary of State for Health:

> Does my right hon. Friend agree that it would have been an act of gross irresponsibility on his part to overreact to the hysterical demands coming from Labour Members?

We were considering BSE, not oilseed rape. The hon. Gentleman continued:

> Does he further agree that if the British beef industry is destroyed as a result of that hysteria, voters in the rural economy, which will have suffered a devastating blow, will know whom to blame?

As it turned out, they did. The hon. Gentleman's words were prophetic. He went on:

> Does my right hon. Friend also agree that if billions of pounds of extra public money were suddenly to be available for the purposes of protecting children's health, it would certainly not be sensible to use that money to pay for the slaughter of millions of healthy British cattle?—[*Official Report*, 25 March 1996; Vol. 274, c. 720.]

Those were the words of the hon. Member for South Suffolk about a public protection measure. Yet the Conservative Government found it necessary to spend what will ultimately be £4 billion on it. Given the hon. Gentleman's views on BSE, why should any hon. Member rely on his views on oilseed rape? I urge my hon. Friends to support the amendment.

5.22 pm

Mr. David Heath (Somerton and Frome): The Minister is right to say that he has a reputation for openness, frankness and candour. That reputation is hard won, hence our disappointment in the Ministry's reaction to the episode that we are considering. The delay in making details available to the public does not reflect well on the arrangements in the Ministry or between Departments. Even if it does not reflect reality, an impression has been given of complacency, inconsistency and incompetence. That is a serious charge, which will damage the Minister's reputation for openness.

It was not acceptable for details to be released to the public through a written answer, which was characterised by its incompleteness. We strongly suspect that the written answer was provided only because the matter was about to become public through other means in other parts of Europe. It was unacceptable that important details were published in a press release, which was separate from the material available to hon. Members. I raised a point of order about that on the evening that the press release was sent out. It was also unacceptable that the Minister had to be dragged to the House the following day to make a statement. The initial delay, too, was unacceptable. I shall revert to the latter point.

The Ministry, and everyone who takes a serious and scientific interest in the matter, knew that seeds from north America had been contaminated at source. It was a matter of common discourse in the scientific journals. On the day of the Minister's statement, I drew his attention to an article by Dr. Phil Dale of the John Innes centre. That was hardly a secret document; it was published in *The Times* on 18 June 1999. The article made it clear that there was a problem at source with the seed, yet the Department did nothing.

Joan Ruddock (Lewisham, Deptford): I am grateful to the hon. Gentleman. I agree with what he says about scientific articles. I asked the House of Commons Library to do a trawl of parliamentary questions, and I find that none of us, on either the Opposition or Government Benches, tabled any parliamentary questions at any time during this Session on such contamination of seed.

Mr. Heath: I cannot honestly say whether any question was tabled from these Benches—I was not responsible for this area at the time—but I hope that we have been consistent in our criticism of GM and its handling. I do not believe that anyone can challenge Liberal Democrat Members on that.

There was a widespread view that contamination had occurred. What worries me is that, while giving assurances in the House and to growers and consumers, the Department was not instituting precautions such as the testing of seed and investigation at source, or even talking to the Americans and the Canadians, as it has done since the Advanta Seeds episode has come to light. That suggests a laxity in procedures which I would not have expected, given the public interest in the matter.

When the firm information came in on 17 or 19 April—when it was known from Advanta that there was a potential problem—that strange discourse took place between Mr. Ruthven and the Department. I do not believe for a moment that we will get to the bottom of that today. What the Minister said is in flat contradiction to what Mr. Ruthven has said on record, as reported in newspapers and elsewhere. Mr. Ruthven has the advantage of having been at the meetings and been a party to the conversations, which the right hon. Gentleman was not. That must be weighed in the balance.

We must ask ourselves to whose advantage it was that nothing was said. Was it to the advantage of a seed company that was facing potentially large compensation claims—a liability? I suspect that it was not.

Mr. Nick Brown: If it was not to its advantage that nothing was said, why did the seed company not say something?

Mr. Heath: That is precisely my point. The only rational reason why the seed company stopped notifying the farmers at that point was that it received advice from some source or other to do so. We must wait and see what the reason was.

The next question is how the matter was managed within Government. As the hon. Member for North Shropshire (Mr. Paterson), who has just left the Chamber, said earlier, the difficulty is that the Cabinet Office, the Ministry of Agriculture, Fisheries and Food and the Department of the Environment, Transport and the

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Regions all have a finger in the pie. It is not clear whether people were sitting round a table at an early enough stage to develop a strategy for dealing with a potentially difficult issue.

What is clear—the Minister admitted it today and apologised for it—is that the territorial Ministers were not advised. That is extraordinary. We have a Cabinet Office and a Cabinet Committee whose job is to co-ordinate government. The one thing that it must co-ordinate is GM seeds, but it cannot be bothered to tell the Scottish and Welsh Ministers. Surely somebody has that job—perhaps it should be the Advocate-General. We have never discovered what he does. Somebody should have been responsible for letting the departmental Ministers know, yet that did not happen. I find that extraordinary.

There is the argument—let us put it no higher than that—about whether an appropriate degree of consultation took place with ACRE, English Nature and other interested bodies.

Let us deal with what the Minister told us in his statement. I preface my comments by saying that I accept the general advice that there is no danger to public health or to the environment as a result of the contamination. I must, however, ask specific questions about what the Minister said. He referred to RT73 GM oilseed. He is right: the Conservatives gave licence for a part B release for trial purposes, and also for food use.

The Minister said that this variety of GM oilseed

> is one that had previously been approved in the UK under our strict regulatory regime for food use.

The precise position, is it not—the Minister will confirm this—is that the oil was approved on the European Union substantial equivalence basis. It was fast-tracked through—the oil, not the seed. I hope he will also confirm that that is now being challenged by the Italian Government. There are significant doubts about whether it was appropriate. Simply to tell the House that the oilseed had been previously approved for food use was to disguise some of the background.

On 18 May, the Minister said that there was no risk to "health or the environment". He has moderated his view since then. He has said that there is no substantial or appreciable risk, and I accept that. But without clear advice beforehand and without the testing on site mentioned by the hon. Member for South Suffolk (Mr. Yeo), how could he know? It was blanket advice, given on the basis of limited information rather than the exhaustive consideration and investigation that should have taken place.

On 18 May, the Minister said that the oil was

> indistinguishable from conventional rape oil; no modified DNA will be present.

We have heard that argument before. I entirely accept that there is a difference between material derived from genetically modified organisms and material that contains such organisms; but let us consider the advice of the European Union scientific committee on food. On 17 June 1999, it said:

> "some refining processes used by industry today may ensure that DNA/protein are efficiently removed. There is no guarantee however that these processes are commonly applied.

Again, we are advised by experts that that categorical assurance could not be given, because there is at least an element of doubt. It depends on the processing mechanism.

I found it curious when the Minister said that

> the GM variety is sterile.—[*Official Report*, 18 May 2000; Vol. 350, c. 473.]

I puzzled over that. What were we talking about? Were we talking about an F1 hybrid, or an F2 hybrid? How was that variety sterile? In fact, it is a case of male sterility. The pollen is sterile, not the plant. The female parts of the plant are anything but sterile; they are fertile, and can therefore propagate. It is rubbish to suggest that there could be cross-pollination from male sterile plants. What there can be is continued propagation from those plants, via the female plants and seed scatter. Again, the statement was not incorrect, but it was incomplete.

Mr. Nick Brown: The risk has been described by Brian Johnson of English Nature as "vanishingly small".

Mr. Heath: I think that we have to deal with risks that are vanishingly small in this context. As I say, I honestly do not believe that this is some form of trickery that will make its way across the country and destroy nature before our eyes. However, we claim to have proper precautions in place. Everyone knows about the release of oilseed rape; everyone knows that sports get everywhere in our countryside. Hardly a lane does not have a bit of oilseed rape in it. If we are seeing release, we are seeing release. *[Interruption.]* The Minister says from a sedentary position that this is conventional, as if this variety of rape will behave differently. Perhaps he will tell me why.

Mr. Brown: The genetically modified part of what is overwhelmingly a conventional crop will behave in a different way, because it is modified to do so.

Mr. Heath: That is an entirely baffling comment. Apparently, it is modified to behave itself to stay within its field boundaries. That is wonderful news. We now have well behaved oilseed rape as a result of genetic modification. I do not believe that. The right hon. Gentleman will be able to persuade me later.

On that day, the right hon. Gentleman made a string of statements, all of which have a degree of validity, but none of which tell the complete position, which we need to know. Frankly, at that stage, if not before—I believe that we should have been told much earlier about the position—a completely candid view should have been expressed to the House. I do not criticise him because I am sure that he gave his statement in good faith, but the more we examine it and look at the detail, the more we realise that many questions still beg an answer.

A major concern for us all has been how the farmers—600 throughout the country are affected, we understand—who have grown the crop would be compensated. Today, the right hon. Gentleman has made announcements, which I wholly welcome, on European Union derogation and how that will work. That will be helpful. It does not solve the difficulties in relation to cancelled contracts, or deal with the fact that there should still be a liability on the part of the seed company. Nor does it answer another question: what role does the right hon. Gentleman feel his Department has, not in providing compensation—I do not think that it should provide it; the seed company should be liable—but in marshalling legal cases, assisting our farmers and ensuring that they are as well catered for as

farmers elsewhere in the European Union? That is absolutely the province of his Department. I would welcome more information on that.

Sir Robert Smith: I have read the Government's amendment. They clearly wish to link themselves with Advanta's decision to enter into discussions on compensation, but the sequence of events will not be lost on many Scottish farmers. It was not long after the announcement that Mr. Al Fayed had bought some of the contaminated seed that the company came out with a more interesting approach to the compensation issue.

Mr. Heath: I am grateful to my hon. Friend. My advice to any would-be biotechnological firm is to choose its enemies carefully. I am not sure that that firm chose its enemies terribly carefully in that respect. That may have had an effect on its decision. Nevertheless, we want a clear strategy.

The whole episode smacks of dereliction somewhere within the Department, or between the Department. I do not like the way in which the Government were eventually forced to make the matter public, rather than vouchsafing it of their own accord. I do not like the retrospective justification that is going on: the argument for a 1 per cent. threshold. It tries to justify what is a fait accompli, to our detriment. The statement was considerably ill prepared and, in some ways, ill advised. I do not accept that empty reassurance is any replacement for robust investigation.

Indeed, there is more than a smack of the old days about the whole thing. Some Labour Members have mentioned the BSE crisis. Of course there is a difference in scale. Of course there is a huge and yawning gap between what happened with BSE and what has happened with the oilseed rape seed, but some of the Department's instincts seem to have changed not one wit. That is what is of concern. I am only waiting for the day when the right hon. Gentleman corrals some poor child and stuffs him or her with an oilseed rapeburger to reassure the public, because that is how the Government have addressed the issue.

We do not want to go back to the days of the Tory Government. We do not want to go back to the way they managed things. I know that they have changed their tune. The hon. Member for South Suffolk—Swampy, as he was described earlier—has been consistent on the issue, at least over the past year or so. The Conservatives were not terribly consistent earlier. It was they, when in government, who argued against labelling GM food in Europe; and it was they who first licensed GM foods: cheese, tomato puree and soya were allowed on to the market.

The Minister was fortunate to find an appropriate quote from the previous Government. It is very difficult to find any relatively recent quote on genetically modified organisms from the previous, Conservative Government. I think that that omission was a dereliction on their part. In those days, they were not concerned about the issue, but were happy to go along with big industry. Now that Conservative Members are in opposition, they feel differently about the issue.

The episode raises some basic biotechnology issues. I do not damn all biotechnology. I have also always made it absolutely plain that the Liberal Democrats do not believe that any technology, developing or otherwise, is in itself wholly wrong. We are, however, dealing with a critical issue that patently involves potential problems for human health, the environment, agronomics and agriculture's effect on society. We should not only be aware of those problems, but take absolutely every precaution to ensure that developments in this country are safe.

The proponents of genetic modification often argue that there is an essential similarity between it and natural selective breeding. Of course selective breeding, and the introduction of alien species to the United Kingdom, can be compared with genetic modification. Some of the issues in the inter-relationship between those developments and the environment are the same. However, there are also significant differences between genetic modification and those other developments. In genetic modification, an artificial situation is created as genes not only from different, unrelated species, but from both the animal kingdom and the plant kingdom are combined. That is not a natural process and gives rise to innate concerns.

Mr. John Hayes (South Holland and The Deepings): The difference to which the hon. Gentleman alerts the House is essentially a difference of scale. Plant breeding programmes occur over decades and generations and are essentially gradual, whereas genetic modification programmes involve an almost immediate quantum leap. The key difference is one of scale.

Mr. Heath: The hon. Gentleman is right that there is a difference in scale and in the size of the technological leap. Those are both relevant factors.

There are other technological issues, such as the safety of the vector mechanism that is used to implant genetic material. What do we know about the safety of vectors? In many cases, we do not know how safe they are, because there has not yet been sufficient experimentation to enable us to be sure.

An essential issue is the friability of the new genome. The genetic material may appear at any point in a pre-existing genome, but what might be its effect? To what extent might it create fractures or new relationships in the genetic material? We need to investigate not only those matters, but the material's interactions and possible inter-relations with native species. The precautionary principle is so important.

When addressing public health issues, we have to be secure in our knowledge that a novel food, whatever it might be, has been tested to pharmacological standards, so that we are entirely aware of any potential side-effects and dangers to human health.

The labelling issue is important: we should make the public aware of what they are eating. On 13 January, when we discussed the issue, the Minister for the Environment was very clear that his personal view was that he was keen to reach a threshold of 0.1 per cent. genetic material in food, rather than the 1 per cent. threshold that is now being used as a working hypothesis. The same lower threshold should apply to seeds. If we are talking about GM-free, let us mean GM-free and specify a very low tolerance, rather than the threshold that is currently being considered.

I understand that United Kingdom officials may be supporting the European Commission's emerging view that a 1 per cent. threshold is acceptable. If so, that is

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worrying. If we want GM-free seeds and cannot get them from America, let us get them from a more reliable source that is genuinely GM-free.

Some animal feed issues have not been addressed, either in the House or outside in the general consideration of these matters. At present, 2 million tonnes of GM crops are imported for animal feed. Does that cause a potential problem? The US Centre for Veterinary Medicine thinks that it does. It replied to an inquiry from the Food and Drug Administration in 1992. It stated:

> In addition to the human safety and environmental concerns outlined in the appendices to the notice, CVM believes that animal feeds derived from genetically modified plants present unique animal and food safety concerns.

There is an issue that has not yet been properly addressed.

We have always said that farm trials are an essential part of the investigatory process. We do not accept the suggestion that there should never be any trials. If no trials take place, we shall never be able to ascertain what is scientifically valid and what is not. However, we have been consistently concerned about separation distances. That was the thrust of an argument that I put to the Minister for the Environment in January. I suggested that the distances were inadequate. I felt that I was fobbed off and that the argument was not being taken seriously.

All that has changed. I am glad that a review has been announced, but I think that it is too late. It should have been put in place a long time ago. As for the Canadian contamination, the distance was probably 800 m. That is 16 times greater than the distance that the Government were first assuring us was adequate for the task. If that is the case, why are we taking any other assurances at face value?

When farm trials take place, separation distances and the protocols of the experiments need to be right. They need to be specific to the GM species and variety that is under trial. We cannot move results from one place to another or from one variety to another. What is right for one species in East Anglia will not be right for the same species in Alberta. The local species, flora and fauna are different.

There are specific issues that we must consider, such as the evidence that has emerged of a transfer of herbicide resistance, which is being seen in Alberta. Crops lying close to GM crops have acquired Round-up assistance. They now have to be dealt with using rather more unpleasant and environmentally damaging herbicides. That is a concern. It is exactly what people have been worried about from the start in environmental terms.

As for commercial planting, we must have a strict and enforceable moratorium. I worry about the Chardon LL consideration. Some time ago, I wrote to the Prime Minister on the issue. It took months and months to get a reply from the Minister in another place, Baroness Hayman. I do not know why it takes her months to reply to my letters. I wonder whether there is a correlation between that delay and the delay in dealing effectively with this issue. It irks me that I had to pay £30—

Mr. Nick Brown: I would wish to demolish that conspiracy theory. There is a backlog in the correspondence section. Extra people have been put in to try to clear it. It is not a conspiracy.

Mr. Heath: Then that is all right. There is a backlog in the correspondence section. One effective means of reducing the correspondence is to charge £30 to anyone who wants to object, which is the process that we have had to go through.

If the Government are to go ahead with listing Chardon LL, the moratorium means nothing. Effectively, there will be no legal barrier to a genetically modified crop being planted commercially. To be plain about it, the industry will take that course. It will lose patience in the end, unless the Government are prepared to take action.

The hon. Member for Nottingham, South (Mr. Simpson) has repeatedly referred to the issue of reliability, and it must be sorted out. We must have a clear understanding of where liability lies so that we do not have to consider whether there is a basis for legal action being taken.

There is no need for superstition, because there are enough scientific concerns. They need to be properly addressed in a neutral way, but with an emphasis on the precautionary principle. We need proper care, good science, good agricultural practice and, above all, openness and information. We have yet to see many advantages from GM crops, but we have already seen some of the disadvantages.

I welcome the new committee, although I do not know how it will find its place in the overcrowded arena of Government responsibility in this area. We may eventually need a system map to find our way round the Government's GM management system.

Mr. Paterson: The hon. Gentleman has just said that we know the disadvantages of GM crops. Will he list them?

Mr. Heath: I am glad that the hon. Gentleman has been listening to my speech with such assiduity. I thought that I had been clear about some of the disadvantages. If he wants to know, perhaps he would like to speak to his hon. Friend the Member for South Suffolk on the Front Bench, who can give him a comprehensive list. I thought that that was the tenor of the Conservative attack. Perhaps we have little local difficulty in this Conservative Opposition day.

I welcome the new testing procedures, the promise to look again at separation distances and the rather belated efforts to support farmers. However, I repeat that the episode has done a lot of damage to the reputation of the Minster and his Ministry, as well as to the cause of biotechnology in this country—although I leave it to others to judge whether that is a good or a bad thing. There is a lack of confidence, not necessarily in the House, but among the public, that the Government have got their heads around the issues surrounding GM technology and the necessary precautions. Over the next year or so, the Government need to persuade the public that they have sorted the problems out, because at the moment they are looking very threadbare.

Mr. Tony Baldry (Banbury): On a point of order, Mr. Deputy Speaker. I wonder whether you could advise me on to which Committee of the House I should address my concerns. The hon. Member for Somerton and Frome (Mr. Heath) has just spoken for longer than my hon. Friend the Member for South Suffolk (Mr. Yeo) when he introduced the debate. As a consequence, when one takes into account—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The length of time that hon. Members take when they address

the House is entirely a matter for them. Points of order such as this simply reduce the time available for other Members to contribute.

Mr. Baldry: May I finish my point of order?

Mr. Deputy Speaker: No. I have dealt with that point.

5.53 pm

Joan Ruddock (Lewisham, Deptford): I will endeavour to be brief. At the heart of the GM debate is a critical dialogue—or perhaps a lack of dialogue—between science and society. Scientists, particularly technologists, have moved ahead at such a pace that the public are concerned that they cannot keep up and therefore cannot remain in control of some of the things that are most fundamental to their lives—the food that they eat and the environment that they inhabit. All of that is logical. We should never deride the public for their attitudes, even if they have been influenced by the hysteria that has been whipped up at times by certain sections of the media. I have no doubts about the continuing seriousness of the subject at the heart of this debate.

There is also a perception that many GM companies have recklessly rushed to the marketplace without due concern for public sentiment and the potential effects on the environment. I want to put today's debate in that context by asking what Advanta was thinking about. The company could not have been ignorant at any stage of the preparation of the seeds. It could not have doubted the concern of the European public or the actions that have been taken by food retailers. Even when oil is produced from oilseed rape seed with no DNA remains, many retailers insist that the source of the seed is GM-free. Advanta is not ignorant of European law. Indeed, it battles frequently to achieve new licences, to have seeds placed on lists and to acquire new patents. It was completely clear that no licence existed for the commercial sale in the United Kingdom of the GM seeds in question nor the products arising from them.

My argument, therefore, is that the company had a clear duty of care. The seeds were grown in seed crops in Canada. Advanta would have been able to ascertain that GM crops were being grown in the same region in which the crops were being grown to produce conventional seed. The company must be as aware as any hon. Member of all the scientific literature on cross-contamination of oilseed rape. It must also have been clear that the particular GM crops grown in the area were those that were resistant to the Round-up herbicide developed by Monsanto. Contamination of Advanta's seed crops by GM seed of that particular type was, therefore, a real possibility.

Either Advanta should have taken care to test its seeds, or it has to bear a responsibility for knowing all that it knew and choosing not to test and, therefore, risk the possibility that it marketed contaminated seeds. Seed purity tests were available to the company, and in making the sales it did and discovering subsequently—if it was subsequently—that the seed was contaminated, it had an absolute responsibility to inform its suppliers the moment that it had the facts and to trace and inform the farmers who had planted, or had ready for planting, those seeds.

Advanta also had a responsibility to inform the Government, but informing the Government is not equivalent to passing the responsibility and liability from the company to the Government. That responsibility and liability remains with the company. I have gone on record and criticised the Government for the delay in bringing the information into the public domain. However, I have not the slightest doubt about the motivation that led my right hon. Friend the Minister to do what he did in that intervening period. His motivation was wholly good and honourable, and I have no reason to question his integrity. There is no reason or justification for the Opposition motion today or the scurrilous attacks that have been made on my right hon. Friend.

My right hon. Friend has set out clearly the steps that he took and perhaps the criticism that can be made is that he was overly cautious, that he tried to get everything in place and that he wanted to know exactly what the facts were, who might be affected and where the liability lay before he came to the House to give, in his words, balanced and accurate advice to farmers and consumers. That is honourable, but I hope that he will realise with hindsight that such is the sensitivity of the public to those matters that it might be more sensible in any future occurrence—which we hope does not happen—to be less cautious and to give the information before everything is in place. I accept that there may be consequences from doing that. What is clear is that there was nothing to cover up and no attempt to cover up anything.

However, there are lessons to be learned from what has happened, and I turn to them now. My right hon. Friend the Minister has spoken about the presence of oilseed rape that is genetically modified, and the advice of English Nature. It would be helpful if the Government tried to find out what traces remain of the 1999 crop. Only the male plants are sterile, so some adventitious fertilisation and seed production from the previous crop is likely. The result would be fully grown plants able to produce pollen. He may find nothing, but I hope that my right hon. Friend will look into that important matter.

Another issue involves the seeds that may remain after the safe harvesting and destruction of contaminated crops this year. I hope that steps are taken to determine what can be done about those seeds and to ensure that they are destroyed. I understand that English Nature has advised that spraying be undertaken, and that that may be necessary. However, I hope and expect that further checks will be made, so that we can reassure farmers and the public that there is no remaining contamination.

I hope also that my right hon. Friend will determine the true level of contamination in this country. It has been estimated at 1 per cent., although I believe that Advanta hoped that it was less than that. If checks are being carried out already, I hope that the results will be made known. It has been suggested that in some parts of Sweden, for example, 2.6 per cent. of the conventional seed stock was contaminated. That is worrying.

I hope that my hon. Friend the Member for Nottingham, South (Mr. Simpson) catches your eye later, Mr. Deputy Speaker, as he is one of those who support the introduction of strict liability. I do not believe that any case can be made for tolerating the confusion that arose in this case. It must be made absolutely clear that the liability in such matters rests with the company. I believe that that is the case in this instance, but the matter needs to be codified.

With regard to seed purity, I know that many people want to suggest that, because 1 per cent. contamination is accepted in food for labelling purposes, a parallel level of

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contamination in seeds could be acceptable. I do not agree, as there is no equivalence. Seeds are planted into the environment, and the living plants that they produce will have a continuing effect in that environment. There is no room to tolerate any percentage of contamination. It can be prevented, and companies must be made to prevent it. Our farmers must be sure that the products that they buy are the ones that they seek, and that they are the ones that they can plant.

Time does not permit me to say all that I want to say on this subject. I believe that we can all learn from this regrettable incident—the Government, scientists, environmentalists and the public at large. Science is not absolute, as we know. We will receive the test results of our trials in due course, and the political debate will continue. However, we must be mature in that debate and understand that absolute control is not possible all the time.

We need transparency and rational argument. My right hon. Friend the Minister has dealt with the matter and brought it to a sensible conclusion for the moment. I am sure that he will have in hand what is needed for the future, and that he will ensure that farmers do not lose out as a result of this event.

6.4 pm

Mrs. Teresa Gorman (Billericay): We seem to have been around this course many times before, as different products and developments affect our food supplies. The Ministry of Agriculture, Fisheries and Food should have learned some lessons by now. It always seems to react after the event, with the result that scorn is poured on the biotech industry. That is an important and developing sector in our economy, as it is in the United States. It also drives our farmers mad. If they are not ploughing up their crops, they must tearing out their hair, and many of them are being put out of business. There have been dozens of different scares, such as BSE, salmonella, listeria, irradiated food, aldrin and spraying apples for scab. Given the number of times that the House has debated matters of this sort, we have to ask ourselves whether we have learned anything.

Has the Minister bothered to read the very excellent reports produced by our own House organisation, POST—the Parliamentary Office of Science and Technology. It wrote excellent and very clear papers on this subject in May 1998 and October 1999, producing excellent, simple, sensible and scientifically sound documents. That information would have informed the Minister and his Ministry so that he could have stepped in to the argument before we reached this point.

The idea that the public might get is that people working in science and the commercial development of agricultural products have no concern for their consumer market, and that they are trying to shove into the market things that are dangerous to human health, almost regardless of whether or not those products are sound. That is an absurd proposition. Any business that behaved so irresponsibly would not last five minutes, because every user of the product—and goodness knows, we live in a litigious society—would sue the company. There would be no point in taking such a risk.

We are all concerned about the relationship between society and science, but the scientist must be allowed to experiment. Trial and error is an important part of scientific progress. At some stage, the product will be tested on people. In the past, scientists often tested products on themselves. I do not suppose that they ate mountains of soya, or whatever. However, we learned about vaccines and other products that improved human health by that means. It is inevitable that we must have trials—yet immediately such trials become known, pressure groups seek to frighten the public about them, because they have their own agenda. They believe that nature is as it is and should never be adapted or altered, yet hardly anything in our environment has not been altered over a period of time.

Historically, almost every new scientific development has been challenged. Astronomy, medicine, development of the understanding of the workings of the human body and Darwinian science have all, in their time, been treated in much the same way as Friends of the Earth and Greenpeace treat this issue and have treated issues in the past.

Much of the science that is cobbled together and presented to the Minister—and much of that which was presented to the previous Government on BSE—is highly challengeable. However, because it is all done at the last minute to deal with the challenges made by these pressure groups, it is often bad science, badly thought out. I am making a plea for us to take a logical and sensible attitude to the industry and the people producing the seeds, who have just been given a tongue lashing by the hon. Member for Lewisham, Deptford (Joan Ruddock), which I think was hardly justified.

We make no progress unless we treat our scientists and those in other countries—in this case, most of the research was done in the United States—as sensible human beings.

Mr. Hayes: I do not claim to have my hon. Friend's expertise in this field. I know that she has carried out academic research into the history of science. Surely she would acknowledge that the difference with this particular challenge is its pace and scale, as I said earlier. She talks about evolutionary change in science, the many historical changes that have taken place and the suspicion that was felt at the time. However, this change is so fundamental. It does not build on what has gone before in a simple way. It is a giant leap into the unknown, is it not?

Mrs. Gorman: If Conservative Members are a family, there is probably the same latitude between my hon. Friend and me as exists in some other prominent families. I consider the trial of these products essential. The trials are being conducted discreetly and monitored carefully. To try to repress them or to distort or discredit the findings is a reactionary, almost atavistic, attitude to science.

I make my plea because when politicians consider such matters, we often know little about the science, but we criticise scientists and their motives. Let us remind ourselves that what they are trying to do is to reduce the need for the use of herbicides, such as Round-up, on crops. Those herbicides have been shown to have most undesirable effects on human health. Sensible and progressive attempts are being made to modify the seed so that we can reduce the use of some of those potentially toxic products.

All that scientists are trying to do is to produce a seed that will need less herbicide to produce a crop or one that will be resistant to the organisms that prey on it. That too

would give a more successful crop. If the effect of the organisms that destroy crops is reduced, there will be less need to use toxic substances.

That is the motivation. There is no sinister plot to bring half the population to its knees. Science and industry are trying to improve human progress—to make life better by making more food available.

One argument that has not been advanced in the debate relates to ethnic farmers. It is said that they will be forced to buy GM seeds and that, as the seeds are not fertile, they will have to be replaced regularly. Of course, that is a silly argument. Farmers anywhere in the world can continue to use the seed they already have if they want to do so.

Not enough is made of the fact that we in this House are extremely ill-informed by scientists—often it is at the last minute. I welcome the new organisation that the Government will be able to consult. I wish the Government had taken more notice of POST and hope that they will make more use of that excellent organisation; it is on-hand and can be consulted. The Government should not wait until public hysteria has been generated, largely by pressure groups that have their own agenda. The leaders of such organisations, for example, Lord Melchett, Mr. Secrett and others, have all sorts of sub-plots—not least their opposition to the world of commerce.

We must be well prepared to deal with public concerns when they are raised. In a few years time, we shall wonder what the debate was all about and why we made such a fuss. We have not had the opportunity to undertake proper trials in this country. We should do so, because it would be irresponsible not to do so.

Meanwhile, we must accept that the Canadians, who have these products, are not out to poison their population—nor is the United States. There is an element of anti-Americanism in some of the literature attacking ideas on these matters. Of course, American farmers see advantages in these products; as they use them, they realise that they do not need so many herbicides and that they can grow food more cheaply.

The British public do not yet see much advantage in GM products. Most people do not buy soya oil; it occurs only in small quantities in a wide range of foods. As people see little advantage, they decide that they may as well join in the hue and cry created by the pressure groups. Ultimately, those groups will have to eat if not a large slice of humble pie, a large jar of GM-treated soya oil. I wish them joy.

Although my hon. Friend the Member for South Suffolk (Mr. Yeo) was right to take the Government to task for coming forward yet again with an ill-prepared and ill-digested agenda, it is time that the House took a more tolerant and more sensitive view of scientific events. What progress would have been made if politicians in the 16th, 17th, 18th and 19th centuries had taken such an interest in scientific matters? I can think of many elements of progress that we would not have today if they had taken the approach that has been suggested. It is likely that if we had had our way, many of the progressive moves for the production of better quality and cheaper food would not have happened.

6.15 pm

Mrs. Anne Campbell (Cambridge): I represent an area that has many biotech companies and I used to work at the National Institute of Agricultural Botany, which is the national plant testing authority for most agricultural varieties of seed. Like most Members, I have many constituents who are concerned about the dangers to health and to the environment of GM crops and the food from them.

I listened carefully to the opening speeches. The opportunism of the hon. Member for South Suffolk (Mr. Yeo) knows no bounds. The Conservative party, when in government, refused to contemplate any labelling scheme. Those of us who fought for such a scheme well remember the opposition to the idea from the previous Conservative Government. The Conservative party in government approved GM foods for sale in this country and it saw no problem in promoting GM crops and GM food.

In contrast, the Labour party in government has strengthened the regulatory environment. We have introduced the labelling of GM ingredients in food so that people can make informed choices about what they eat. We have also promoted debate so that people are fully informed of the issues. The hon. Gentleman now chooses to take advantage of a commercial error and tries to turn it to his political advantage, instead of debating sensitively and constructively what we can do to avoid such accidents in future.

I believe that the genetic modification of crops can bring many advantages. It will be easier to produce drought-resistant crops, crops that do well in hostile environments, crops that have medicinal properties and crops that are high in protein and vitamins. However, I agree that it is necessary to proceed cautiously. We do not yet know how many of the crops will react to the environment and we do not know whether there might be future long-term health risks. There is a case for proceeding sensibly with the research.

We need to examine how best we can grow such crops in the field and examine the likelihood of them spreading beyond the immediate location. We also need to know—this area of research could prove to be extremely interesting—what will happen when farmers make the occasional mistake and when they do not follow the protocols exactly. We need to know what will happen when seed companies make mistakes, because we are beginning to find out that they do.

Mr. Hayes: The hon. Lady says that, broadly speaking, she regards the development of such crops favourably. Does she support the development of crops that contain genes from bacteria that make them resistant to a wide range of weedkiller? When that weedkiller is applied to a field, it destroys everything else and creates an entirely sterile environment with the dangers to biodiversity pointed out by my hon. Friend the Member for South Suffolk (Mr. Yeo) and my right hon. Friend the Leader of the Opposition.

Mrs. Campbell: That is an important point. I said that GM crops can bring many advantages. However, like most scientific inventions, the science can be used for good and for ill. We must discriminate between the two. I urge caution, but I think that we shall regret it for ever if we turn our backs on a major scientific advance at this stage.

[Mrs. Campbell]

It is easy to whip up public hysteria on these issues. The hon. Member for South Suffolk is aware of public anxiety, and I believe that the debate is deliberately designed to feed that anxiety. It is not surprising that there is much public concern about food safety following the crass way in which the previous Conservative Government handled the BSE crisis, as mentioned by my right hon. Friend. When the Conservatives were in government, they cut the research budget for scrapie and other animal diseases. If they had not, the research might have led us to an awareness of the dangers before they got out of hand.

The Conservatives refused to listen to scientists. The Agriculture and Food Research Council found itself trying to cope with swingeing cuts in its research budget which were imposed by the previous Government, so it could not carry out the necessary research. I remember that the then Prime Minister, the right hon. Member for Huntingdon (Mr. Major), first mentioned the best available scientific advice after the announcement in the House that BSE posed a potential risk to human health. At that stage, it was rather late for the Government to reassure the public that they knew what they were doing, as clearly they did not.

The BSE crisis was significant because it shook public confidence in food safety. It was perceived that BSE was caused by unnatural feeding practices, and the public remain suspicious of anything to do with food which seems unnatural. The biotech companies have not helped matters by transferring fish genes to give plants frost resistance and by using a penicillin resistant marker gene to find out whether their experiments have been successful. The biotech industry has been a victim of its own ineptitude and should have recognised at an earlier stage that the public would mistrust those uses and, indeed, find them unnecessary. The industry has paid dearly for its mistakes, and we are paying too.

Some biotech companies are pulling out of the UK. Dupont, for example, has decided that it will no longer expand its Cambridge operation. We have lost for ever the opportunity to take commercial advantage of genetic modification. Having been vibrant and innovative just a few years ago, the industry has suffered a loss of public confidence, which has led to a retrenchment and firms relocating to the US. That is a great pity.

The Labour Government listen to scientific advice, not after the event, but at all times. We have increased the basic science budget by more than 16 per cent, but I hope that that we will go further than that. However, that increase shows that the Government recognise the value of scientific knowledge. The Food Standards Agency, set up by the Government, gives advice on food safety, and the Advisory Committee on Releases to the Environment gives advice about releases into the environment. We also have the new independent Agricultural and Environment Biotechnology Commission to provide strategic advice on GM issues.

Unfortunately, it will take a long time to regain public confidence, but that is a result of the previous Government's mishandling of the issues. It is crucial to that confidence building that an accident similar to the Advanta accident does not happen in future. I know that the Government are doing everything in their power to minimise those risks.

6.23 pm

Mr. Tony Baldry (Banbury): We are not debating the virtues or otherwise of genetically modified crops. In recent years, Parliament has often debated those issues. A statutory framework is in place and I suspect that there is not much disagreement between the parties on the way in which field crops are going forward.

Our debate is about a specific incident. The House must focus on the Government's handling of the Advanta seed contamination and the action that the Ministry took once it had that information from Advanta on 17 April. I agree with much of what the hon. Member for Lewisham, Deptford (Joan Ruddock) said about Advanta's responsibility; I accept, of course, that it had a duty of care. However, why did the general manager of Advanta repeatedly say that, at the outset, senior civil servants from MAFF and the Department of the Environment, Transport and the Regions told him not to worry and that the matter was not of any concern? He said:

> They told me that they would to make some tests themselves and not to say anything about it until they had sorted that out. I took a lot of comfort from that and as a result did not take any further action to inform farmers or seed merchants.

Clearly, one or other of those things happened. It is in everyone's interests that whatever minutes exist—I am sure that there are minutes—of meetings between officials and Advanta, they are made public.

I say to the Minister of State, as I would say to the Agriculture Minister if he were here, that the Government are largely responsible for the concern because they dealt with the matter using a planted question in another place, and nothing is more guaranteed to raise concern that the Government are trying to sneak out unfavourable news. The impression was given that they only did that as a consequence of knowing that the French and other Governments were about to release the information and that they would look misplaced if they did not do so.

The Minister's explanation that the only reason why he did not give a statement in the House was that the date in question was an Opposition supply day is one of the feeblest that the House has ever heard. It would have been perfectly possible for him to come to the House with a statement, as he eventually had to do—and then there was, understandably, a public outcry.

The Minister's explanation for the time lapse between April and May was that the Government had been seeking to establish the facts. I am still trying to work out what facts took from 17 April to 18 May—when the statement was made—to be established. Advanta had clearly come to the Government and told them that the seed was contaminated and that the contamination was de minimis—about 1 per cent. That fact was therefore established right at the outset, as was the fact that the genetic modification was RT73. Can the Minister of State tell the House what other facts were established between 17 April and 18 May which were not immediately known to the Agriculture Minister.

It would be interesting and helpful to know when the Minister was first seized of the issue. When did officials first tell him that there was a problem? As a former MAFF Minister, I imagine that the permanent secretary and officials would have gone to the Minister on 17 or 18 April and gone through all the various options and permutations with him. In his speech today, he gave the impression that he was wanting legal advice. I know that

there is a convention that Ministers do not share actual legal advice with the House, but it would be helpful if we were told when the Minister first asked lawyers in MAFF or outside for advice and what was the nature of that advice. If we do not receive that information today, we can table parliamentary questions.

It is surprising that in the Minister's statement to the House on 18 May there was absolutely no mention of any legal advice. The suspicion must be that the legal advice that he has referred to was given after 18 May, when he realised that he was in an invidious position because he could not tell the farmers to destroy their crops, but had to do something to ensure that the crops did not get into general circulation. I suspect that when we question the Minister more closely through parliamentary questions, we will discover that legal advice was not sought until after 18 May.

In his statement on 18 May, the Minister said that he

moved quickly to establish the facts.

What facts? What did he not know on 17 April that took over a month to establish? He also said:

The advice that the Government collectively have received is that it is not necessary to trace and destroy the crops.

But there was no mention or advice then of what farmers should do. That has come out in dribs and drabs subsequently. The House should note that the Minister, rather complacently, also said:

I believe that the response that I have announced today, and which was announced yesterday

in the other place

is the right one.—[*Official Report*, 18 May 2000; Vol. 350, c. 473-74.]

Events have clearly shown that it was not the right one. On the Minister's own admissions since 18 May, he and the Government have had to do a considerable amount of work in the European Union and elsewhere and with Advanta to sort things out. They have had to persuade Advanta that it had a duty of care to pay compensation. They have had to work with the EU to produce a scheme that protects payments under the integrated administration and control system, but allows the farmers to move forward and provides them with specific and detailed advice on what they could and could not do with their crops. All of those matters have arisen since 18 May, but they should have been dealt with far earlier.

The Minister came to the House and quoted from "A Man for All Seasons", looking rather injured and sad as though he could not believe that anyone would want to criticise a nice guy like him, but the truth is that there has been a serious dereliction of duty by MAFF Ministers. I attach no blame to officials in MAFF. Having worked with them, I would say that they are an extremely good team—but the Ministers clearly did not get a grip on the issue. It would be interesting to discover what submissions and minutes went from the private office to various parts of the Ministry. I suspect that the truth of the matter is that the Minister did not get a grip on the issue until quite late in the day. The consequence is that farmers have been put in an invidious position.

The hon. Member for Cambridge (Mrs. Campbell), who represents a university constituency, is understandably concerned that science generally should not be imputed, but good science has been imputed as a consequence of the way in which the matter has been handled. The Minister has much explaining still to do, and the House would be greatly helped if the questions that my hon. Friend the Member for South Suffolk (Mr. Yeo) posed in his opening speech were answered in detail, and if that information in its entirety, including when legal advice was sought and its nature, were placed in the Library. Until we get to the bottom of those issues—nice guy or no nice guy—the Opposition will continue to ask questions because the farming community feels that the Government have treated it pretty badly and shabbily and it jolly well thinks that it deserves answers, and answers it will get.

6.32 pm

Mr. Alan Simpson (Nottingham, South): I am pleased that we are debating this subject in the week in which the royal family have also decided to wade into it. I shall particularly refer to comments made by the Duke of Edinburgh, but I only wish that he had had an opportunity to listen to the wise and thoughtful remarks of my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock).

What has happened reflects badly on us all, so it would be helpful if we were to begin by taking on board the shared responsibilities and history of neglect in which we have all played a part. Some of those matters were spelled out by my hon. Friend the Member for Cambridge (Mrs. Campbell), but I would add that we cannot ignore the way in which the whole House drifted without criticism into endorsing the biotechnology patenting regime, under which it has been effectively presumed that people can sell the ownership of life itself. It has launched society into a gold-rush of greed in pursuit of the growing and ownership of crops that no one wants, which is seen as a way not to feed the planet, but to own the food chain.

I welcome the actions that my right hon. Friend the Minister has taken. I also welcome the fact that we have signed up to the biosafety protocol, that we have introduced product labelling and that we are committed to zero contamination of non-GM crops and, belatedly, to the review of separation distances. I hope that that will result in our agreeing with the position taken by the British Bee-Keepers Association, which suggests that the separation distance should be six miles. Even so, we are still getting it wrong.

I want to make it clear that we are ill-advised to continue with the current GM trials as they are constructed. We are wrong to set standards for animal feed labelling lower than those for labelling food that goes direct to humans. We are wrong not to have introduced our own GM producer liability Bill. Nothing shows that more clearly than the experiences with Advanta.

I congratulate my right hon. Friend the Minister on getting Advanta to come up with a compensation framework, but I must ask the House whether any of us are surprised that this crisis has been thrown up. Has any of us seriously doubted what has been going on? For almost a year, I have argued that an industry that failed to convince the public would seek to corrupt the food chain so that it could throw up its hands and say, "It's out there—there's nothing we can do." That was a guaranteed certainty, and it does not surprise me that Advanta has suggested a compensation scheme. Look at the wording; it came up with that scheme specifically to say, "But we accept no liability."

[Mr. Alan Simpson]

The compensation scheme has been suggested so that no cases go to court, because that would bring into existence a legal framework that would say to Advanta, "You bloody well are liable!" That is what it fears most and what the House ought to push forward. It is sad that the only people who appear to face prosecution are those young kids who go out in the fields and pull up the crops. In Austria, France or Sweden, they would do so under Government instruction. We have a topsy-turvy view of who is responsible for the things that are most damaging to our environment, our society and our long-term future.

I do not support the current trials because they are based on poor science or non-science and will not show up what the tests do not ask. They will not tell us anything about whether something is safe for human health and will tell us little about horizontal gene transfer. They will tell us nothing about what scientists refer to as biomagnification or of emergent characteristics. All those fundamental issues are central to the challenges presented by the technology, which is why I support the claims made for the five-year freeze programme.

It is bizarre that we are undertaking trials when there is no public support or demand for them and I read in *The Times* that so desperate are we to achieve co-operation in the process that the Ministry of Defence has had to resort to conscripting the tenants of its own farms to take part. That is the first occasion in peacetime on which the MOD has had to conscript its own farmers to take part in trials of products that no one wants. I am not sure how it will enforce no-fly zones around its farms, nor am I sure whether it is on the lookout for B52s or in fear of 52 bees.

The MOD has had to step in to fill the gap because the rest of society is running away from the issues and all that has stopped us becoming a laughing stock is the Duke's intervention. He has stepped in to create his own interesting distraction. It was up to him to make the decision, but he seems to be on particularly dangerous and thin ice in suggesting that there are dangers in cross-breeding with exotic foreign varieties. However, he was wrong to suggest that GM plant growing is no different from conventional plant breeding. Someone has to have a word with him. History does not bear out an analysis that a fish gene has not crossed with a soya bean because one likes polo and the other prefers rugger or one reads *The Times* and the other the *Beano*.

That sort of propagation—the ability of GM technology to produce new products—crosses all the frontiers that nature has ever set for us. That is the issue: not compatibility of interests, but the incompatibility of species. We have been presented with new challenges and we have to analyse the risk and consequences of new toxins being generated, new resistances being created and unexpected further transfers between species taking place. There is indifference to those threats. The Duke of Hazards has ploughed into the debate, leaping into his own car of convenience—

Mr. Deputy Speaker: Order. The hon. Gentleman has referred to a member of the royal family, which is legitimate to an extent, but he ought to be careful with the words he uses.

Mr. Simpson: I shall confine myself to saying that we would all be wise to pause before pursuing ignorance into folly. The consequences for society will be profound if we get it wrong.

I shall set out the six challenges that all hon. Members, irrespective of party, must tackle if we are serious about the debate. First, we should stop GM trials and provide a breathing space for science to set the necessary new benchmarks, against which to measure the consequences of the technology. Secondly, until we have met the first challenge, we should reject the inclusion of GM crops in the national seed list. Thirdly, we should commit ourselves to seed purity standards which ensure that GM free means GM free—that is, zero tolerance. Fourthly, we should introduce compulsory labelling for animal feed that is no less exacting than that required for humans. Fifthly, we should prosecute the polluter, not the protester. Sixthly, we should introduce polluter liability legislation, which requires a compulsory insurance scheme to be put in place before consent is considered.

Those are challenges not only to the House, but all those outside who advocate charging into the technology. We should tell them to put their assets where there assertions are. Someone has to be held liable, whether we are considering the Crown estate, a personal estate or the House's estate. That person cannot be the farmer or the consumer. We have a duty to establish that as the moral high ground, which we are all willing to occupy.

6.41 pm

Mr. James Paice (South-East Cambridgeshire): I want to repeat the words of my hon. Friend the Member for South Suffolk (Mr. Yeo) at the outset. The debate is not about the benefits or otherwise of genetic modification. Conservative Members accept that there are plenty of potential benefits to producers, the environment, consumers, and—as is already happening—health care. Each development has to be properly assessed and trialled. There should not be a blanket moratorium, because that ignores the different stages of each development. The debate is about ministerial competence.

It is not surprising that the Minister and his supporters have floated several red herrings. They are nothing to do with the debate. It was suggested that the fact that we had licensed the product for food use and for trials meant that somehow everything was all right. We would never suggest otherwise in relation to food safety. Oil does not contain DNA. There cannot therefore be any doubt about food safety. We licensed the product for trials, but that is not the same as wholesale release into the environment, which has happened. It has also been claimed that we told the Minister that he should order the destruction of the crop. We did not. It has been said that we suggested that the Government should pay compensation. Again, we did not.

I stress that we do not excuse Advanta. The hon. Member for Lewisham, Deptford (Joan Ruddock) was right to say that Advanta has some important questions to answer and, I suspect, some liabilities. However, that is not the issue at hand.

The motion is narrow; it deals with the Government's competence. It was clear from the pained expression on the Minister's face throughout the beginning of the debate that he knew that he was already in serious trouble. I am not talking about his integrity or his personal honesty, but his ministerial competence. He took four weeks to listen to legal advice. We know what that means: he was being told, "You can't say this, Minister; you can't say that, Minister, because if you do, you will have to find the

money for compensation, and the Government will be liable." Ministerial interest was being put before that of the farmers who were growing the crops.

The Minister made a most interesting concession. He said that he agreed with the view of the Minister for the Cabinet Office that the details should have come out earlier. He also apologised for not telling Wales and Scotland earlier. After that, I do not know how he had the gall to move the amendment. By making those two admissions, he was three quarters of the way to accepting the motion.

It is not as though the Government were not warned about the problem of seed purity. In May last year, the report that the Government commissioned from the John Innes centre stated:

> Seed obtained from outside of the UK or the European Union may have different seed production criteria. This may make it difficult to guarantee that it is absolutely free from any GM material.

Even more recently, our own Select Committee on Agriculture stated:

> We recommend that the Government ensure that the separation distances set out in the SCIMAC guidelines be reviewed if there is clear evidence of cross-pollination.

Again, that was a recognition that seed purity was a concern.

The delay caused by the Government's inaction meant that farmers faced the problem of what to do when they were told on 19 May that they may—still only "may"—have sown some contaminated seed. No effort had been made to trace it. The Minister said in his statement that there was no need to trace it. Farmers were left wondering what to do.

A week later the Minister published some advice, giving farmers a couple of options. Today he announced a third option. However, as you well know from your own background, Mr. Deputy Speaker, the seasons wait for no man. Planting a crop in the middle of April is a very different matter from planting it in the first week of June. There is virtually no mainstream arable crop that can be planted at the beginning of June and expected to produce any saleable crop whatever.

If farmers had been told in mid-April that their crop could be a problem, they would have had the choice. They could have decided whether to go ahead and take the risk, or to plough it up and sow some other crop, in the knowledge that they would have obtained a harvest of that crop.

The Minister sings his own praises about his achievement today in Brussels, which will allow farmers to mow their crop and still to claim the whole IACS—integrated arable control system—payments. That is valuable, but it does not deal with the fact that farmers still had to carry all the growing costs and will get zero crop sales if they take that action.

We welcome the review of separation distances announced by the Government. I remind them that in three months, farmers will be planting next year's crop, so it is urgent that conclusions are reached on that.

I have some questions for the Minister. [HON. MEMBERS: "Where is he?"] He is probably at the shredder, in view of the comment I am about to make. We need the documents to find out what was said. I do not believe that there is smoke without fire. When representatives of Advanta tell us that they were told by officials not to tell anybody else, something needs to be properly explained.

The Minister has not yet explained to us why he did not impose trial conditions on those crops. He has not explained why he said that it was not necessary to trace crops, when ACRE said that it was. He needs to answer those questions.

Two years ago, the Minister took office, with agriculture in its entirety facing a crisis. For a while, his self-effacing charm carried him through. Over the past 12 months, the country has begun to wonder what is behind the charm. His record of delivery has been abysmal—an emergency package here, another one there; £1 million dressed up as £500 million; regulations imposed and then costs deferred; give with one hand and take back with the other.

Only four weeks ago, I pointed out at the Dispatch Box that it took the right hon. Gentleman almost a year to implement any of the proposals that we put forward in May last year to help farming through its current crisis. *[Interruption.]* It is highly appropriate that the Minister should appear at this point. The debate is about the nadir of his performance. We know of his total inaction for four weeks—as we heard, like a frightened rabbit paralysed in the headlights. He did not even tell Scotland or Wales, and he has now admitted that he was wrong.

Did no one in the Ministry say on 17 April, "Minister, if we act quickly we will prevent many farmers from sowing the seed"? The fact that the Minister himself did not think to ask the question demonstrates his lack of true understanding of agricultural practice. Even when he did tell the world, he exhibited—as my hon. Friend said—astonishing complacency. Like his leader, he seemed to say, "Trust me; I know what I am doing". A week later, he gave farmers two options, and left it to the company itself to advise destruction of the crop. It is a record of delay and inaction.

For two years, farming has been in a worsening crisis. When the industry needed Action Man, it got Mr. Slowcoach. When the British landscape is under threat from unauthorised GM planting—against the law, as my hon. Friend said—who is in charge of the landscape? Incapability Brown.

We have suffered too long from a Government for whom words are everything and action is nothing. Today's debate is just one more example. It is time that they went.

6.51 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Ms Joyce Quin): I welcome the opportunity to respond to the debate. On hearing the introduction by the hon. Member for South Suffolk (Mr. Yeo), I feared for its quality, but that introduction was followed by a number of excellent speeches by hon. Members on both sides of the House.

Obviously, I especially commend the speech of my right hon. Friend the Minister. He committed himself to openness, and, characteristically, responded to all interventions from hon. Members on both sides of the House. Many other hon. Members made thoughtful contributions—in particular, my hon. Friends the Members for Lewisham, Deptford (Joan Ruddock) and for Cambridge (Mrs. Campbell) and, indeed, the hon. Member for Billericay (Mrs. Gorman). The hon. Lady may be embarrassed by that. Perhaps she will return to form next time she speaks.

[Ms Joyce Quin]

Let me remind the House of the Government's priorities on this issue and, indeed, the issue of genetic modification generally. Our priorities are the protection of public health and—equally important—the protection of the environment. I am glad that, throughout the debate, hon. Members on both sides of the House recognised that those were our priorities, and that we have been able to allay anxieties about public health and environmental protection. That is tremendously important and should have been the context of the debate.

There is a comprehensive United Kingdom regulatory framework that covers all stages of the development and use of GM materials. As we know, it is based mostly on European Union legislation. Some hon. Members referred to that specifically, notably the hon. Member for Somerton and Frome (Mr. Heath). My right hon. Friend emphasised that the issues we have been investigating are issues with clear European Union and international implications, and should be dealt with in that context.

The Government are advised by a number of expert committees, including the Advisory Committee on Releases to the Environment, which undertakes assessments for the purposes of release and marketing of genetically modified organisms, and the Advisory Committee on Novel Foods and Processes, which deals with assessments relating to foods and food ingredients. Those committees seek to ensure that advice to Government reflects the best available scientific knowledge.

The Government have reviewed the regulatory framework and agreed that the existing committee structure is basically satisfactory. However, they have decided that it should be supplemented by a mechanism to allow broader issues relating to genetic modification to be considered.

Therefore, last year we announced the creation of two strategic commissions: the Human Genetics Advisory Commission and the Agriculture and Environment Biotechnology Commission. The Human Genetics Advisory Commission has been in place for several months and the Agriculture and Environment Biotechnology Commission was launched this week. Again, I was glad that that was referred to by a number of hon. Members on both sides of the House. To take up a point that was made by my hon. Friend the Member for Deptford, the Government have set up the new commissions precisely to advise Government on the wider picture, taking particular account of the public acceptability and ethical issues that she raised. Through the commissions and through our work generally, we want there to be an inclusive debate.

In setting up the Food Standards Agency at the beginning of April, the Government fulfilled a key commitment to provide independent advice to Ministers on food safety issues. It would be good to get a more wholehearted endorsement from the Conservative party of the agency and the work that it does.

Mr. Paterson: On 9 May, I put 29 questions directly to the Food Standards Agency. None has been answered. Is that an indication of how it will operate in future?

Ms Quin: Having not seen the hon. Gentleman's 29 questions, I have no idea how long it will take the agency to deal with them, but the agency will deal with them as it deals with all other issues—with great seriousness. In response to an intervention from the hon. Member for North Wiltshire (Mr. Gray), whom I do not see in the Chamber, he was wrong to say that the agency had not been consulted on the incident. He repeated that. However, he is incorrect. I firmly put it on the record that the agency was indeed consulted and gave advice, which has been put into the public domain.

I shall respond to some of the issues on openness. My right hon. Friend the Minister has related to the House the information that has been made available: the advice from ACRE and from the Food Standards Agency, the technical information about the sterility of the crops, the European Seed Association letter and the briefing note on the implication for arable area payments.

If hon. Members consult the MAFF website, they will see that the advice from ACRE and the Food Standards Agency, the advice to farmers, and the questions and answers for farmers and for the wider public are all accessible. Criticisms about lack of openness or secrecy come ill from the Conservative party, given the amount of information that we have put into the public domain and that my right hon. Friend has said will be put into the public domain as a result of some of the questions that have been directed towards him in the debate.

The words of the hon. Member for South Suffolk on BSE came back to haunt him in the debate. I was reminded of the debate in Westminster Hall last year, when my predecessor spectacularly demolished his similar claims of secrecy and cover-up. Since we have come to power, we have appointed non-scientific lay advisers to every advisory committee. Minutes and agendas of meetings have been made public. Some open meetings have been held and the minutes subsequently published.

I am glad to be able to reaffirm the Government's position, as set out in our amendment to the misguided motion. I am happy to defend the Government's action and that of colleagues in my Department and elsewhere. They have acted throughout with proper concern for accuracy of information and with concern to make that information available to Parliament—

Mr. James Arbuthnot (North-East Hampshire) *rose in his place and claimed to move,* That the Question be now put.

Question, That the Question be now put, *put and agreed to.*

Question put, That the original words stand part of the Question:—

The House divided: Ayes 144, Noes 267.

Division No. 223] **[6.59 pm**

AYES

Ainsworth, Peter *(E Surrey)*	Beresford, Sir Paul
Allan, Richard	Body, Sir Richard
Amess, David	Boswell, Tim
Arbuthnot, Rt Hon James	Bottomley, Peter *(Worthing W)*
Atkinson, Peter *(Hexham)*	Bottomley, Rt Hon Mrs Virginia
Baker, Norman	Brady, Graham
Baldry, Tony	Brake, Tom
Beggs, Roy	Breed, Colin
Bell, Martin *(Tatton)*	Brooke, Rt Hon Peter
Bercow, John	Browning, Mrs Angela

Bruce, Ian *(S Dorset)*
Burns, Simon
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Ewing, Mrs Margaret
Faber, David
Fabricant, Michael
Fearn, Ronnie
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hancock, Mike
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Johnson Smith, Rt Hon Sir Geoffrey
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Llwyd, Elfyn
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Malins, Humfrey
Maples, John
Mates, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Wilkinson, John
Willetts, David
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Geoffrey Clifton-Brown and
Mr. John Randall.

NOES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cummings, John
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Donohoe, Brian H
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kilfoyle, Peter
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary

Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Oliner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Rapson, Syd
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Sarwar, Mohammad
Savidge, Malcolm
Shaw, Jonathan
Shipley, Ms Debra
Singh, Marsha
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Williams, Mrs Betty *(Conwy)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Jim Dowd and
Mr. Clive Betts.

Question accordingly negatived.

Question, That the proposed words be there added, *put forthwith, pursuant to Standing Order No. 31 (Questions on amendments):—*

The House divided: Ayes 253, Noes 125.

Division No. 224] **[7.14 pm**

AYES

Abbott, Ms Diane
Ainsworth, Robert *(Cov'try NE)*
Alexander, Douglas
Allen, Graham
Anderson, Donald *(Swansea E)*
Anderson, Janet *(Rossendale)*
Armstrong, Rt Hon Ms Hilary
Atherton, Ms Candy
Austin, John
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Blackman, Liz
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burgon, Colin
Butler, Mrs Christine
Byers, Rt Hon Stephen
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Cann, Jamie
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coffey, Ms Ann
Cohen, Harry
Coleman, Iain
Colman, Tony
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dismore, Andrew
Dobbin, Jim
Drew, David
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Ewing, Mrs Margaret
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Follett, Barbara
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Fyfe, Maria
Galloway, George
Gapes, Mike
Gardiner, Barry
George, Bruce *(Walsall S)*
Gerrard, Neil
Gibson, Dr Ian
Gilroy, Mrs Linda
Godsiff, Roger
Gordon, Mrs Eileen
Griffiths, Nigel *(Edinburgh S)*
Grogan, John
Hain, Peter
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Heppell, John
Hewitt, Ms Patricia
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Hoyle, Lindsay
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hurst, Alan
Hutton, John
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Mrs Fiona *(Newark)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
King, Andy *(Rugby & Kenilworth)*
King, Ms Oona *(Bethnal Green)*
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Laxton, Bob
Lepper, David
Leslie, Christopher
Lewis, Ivan *(Bury S)*
Linton, Martin
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
Macdonald, Calum
McDonnell, John
McFall, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
Mactaggart, Fiona
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Mandelson, Rt Hon Peter
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Martlew, Eric
Meacher, Rt Hon Michael
Merron, Gillian

Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Moffatt, Laura
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
Olner, Bill
O'Neill, Martin
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Rapson, Syd
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Sarwar, Mohammad
Savidge, Malcolm
Sedgemore, Brian
Shaw, Jonathan
Shipley, Ms Debra
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Llew *(Blaenau Gwent)*
Soley, Clive
Southworth, Ms Helen
Spellar, John
Squire, Ms Rachel
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Thomas, Gareth *(Clwyd W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wright, Dr Tony *(Cannock)*

Tellers for the Ayes:
Mr. Jim Dowd and
Mr. Clive Betts.

NOES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Beggs, Roy
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Body, Sir Richard
Boswell, Tim
Brady, Graham
Brake, Tom
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Chope, Christopher
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cotter, Brian
Cran, James
Davies, Quentin *(Grantham)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan, Alan
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fraser, Christopher
Gale, Roger
Garnier, Edward
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Hancock, Mike
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Johnson Smith, Rt Hon Sir Geoffrey
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Leigh, Edward
Letwin, Oliver
Lewis, Dr Julian *(New Forest E)*
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Major, Rt Hon John
Malins, Humfrey
Maples, John
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Spring, Richard
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Sir Teddy
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Viggers, Peter
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whittingdale, John
Willetts, David
Yeo, Tim

Tellers for the Noes:
Mr. John Randall and
Mr. Geoffrey Clifton-Brown.

Question accordingly agreed to.

MR. DEPUTY SPEAKER *forthwith declared the main Question, as amended, to be agreed to.*

Resolved,

That this House endorses Her Majesty's Government's approach to the development of GM technology in agriculture; believes that the Government has responded in a responsible, open, considered and proportionate way to the recent discovery of the adventitious presence of GM seed in conventional oilseed rape seed; supports the priority the Government has given and continues to give to the protection of public health and the environment, and its continued determination to act on the best available scientific advice; applauds the creation of the new, independent Agriculture and Environment Biotechnology Commission to provide strategic advice on GM issues; welcomes the announcement by the seed company Advanta, following discussions with the Minister of Agriculture, Fisheries and Food, that they will provide a fair and equitable compensation package to affected farmers; and commends the Government for the action it is taking at both national and international level to minimise the risk of a similar incident occurring in the future.

PETITIONS

Sex Offenders

7.24 pm

Mr. Mark Todd (South Derbyshire): I wish to present a petition signed by nearly 4,000 residents of Derbyshire and elsewhere.

The petition

Declares that further measures are required to control the activities of sex offenders against children once they have been released from prison.

The Petitioners therefore request that the House of Commons urge the Secretary of State for the Home Department to set up an independent unit to supervise released offenders; to alter parole terms for released offenders; to consider longer prison terms for offenders; to consider electronic tagging for released offenders; to consider changes in the Mental Health Act (to include child sex offenders, to qualify them for treatment); and to provide more protection and help for victims.

And the petitioners remain, etc.

To lie upon the Table.

Religious Broadcasting

Mr. Edward Leigh (Gainsborough): I have the honour of presenting a petition from Doreen Rogerson and more than 1,000 residents of Gainsborough and surrounding areas. The petitioners' concern is:

That Christians and people of other faiths are denied the freedom of expression available to atheists and secular humanists, and that this is a result of current broadcasting

legislation—which bans them from holding many of the types of broadcasting licence open to other people. It is also a result, as the petition recognises, of the

Rules and Codes of Guidance issued by the broadcasting regulators.

They apply special restrictions to the content of religious programming, which do not apply to secular programming. The petitioners call for this discrimination to end. They wish for respectable religious organisations to be able to compete for all types of broadcasting licences, both for television and radio, on a level playing field with everyone else. They wish to be able to turn on their televisions or their radios and tune into programming which reflects their beliefs and values just as easily as they can tune in to any other type of programming.

The petition concludes:

Wherefore your Petitioners pray that your honourable House will urge the Department for Culture, Media and Sport to bring forward proposals to amend the legislation to remove discrimination against the ownership of broadcasting licences by religious bodies, and to require the Independent Television Commission and the Radio Authority to amend their Rules and Codes of Guidance to remove provisions which discriminate, in wording or in practice, against religious bodies.

To lie upon the Table.

Manufacturing Grants (Newark)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Kevin Hughes.]*

7.27 pm

Mrs. Fiona Jones (Newark): First, I congratulate the Minister for Competitiveness, who I understand is not here tonight because his wife has been safely delivered of a baby boy.

I welcome this opportunity to bring to the attention of the House a matter of some concern to my constituents. Newark is a historic market town—it is not, however, a sleepy market town. In common with many other east midlands town, for many years Newark relied for its employment on heavy engineering. Local engineering has now finished, but at its peak, businesses in the area might have employed at least 1,000 people.

Newark has moved with the times, however, and is now well known as a centre for food manufacturing. Everything from cream cakes to spring rolls are manufactured in Newark. We have a skilled work force who make products to the most stringent standards. Recently, one of the food companies in the town closed, with the loss of 700 jobs. In addition, the collapse of Coats Viyella, a company that supplied Marks & Spencer, has meant that 1,000 jobs were lost in Newark—a devastating blow to the town, which has a travel-to-work population of about 50,000.

The town has a great deal to commend it. Newark has railway links into the county; it also has the advantage of being on the A1. I need remind no one why the industrial revolution occurred in certain locations. Newark is surrounded by agriculture and horticulture—dairy produce and fruit could easily be transported to the area. The town has ideal communication links; it is set on the A1 and the east coast main line runs through it. The work force are skilled in food manufacturing and the Labour-led district council understands the value of inward investment and is committed to providing work for local people.

One would think that the future was promising. However, I fear that it is not. There is one enormous stumbling block for Newark: it cannot offer new or relocating companies any significant grant aid. The north Nottinghamshire training and enterprise council and Nottinghamshire county council can offer some support, but nothing that is significant for large companies.

There has been much controversy over the new assisted area status maps—I was disappointed that several Newark wards were excluded. I know that my hon. Friend the Member for Burnley (Mr. Pike) has recently expressed similar concerns in the Chamber, and that they are shared by the Minister for Tourism, Film and Broadcasting and by my hon. Friend the Member for Hyndburn (Mr. Pope).

The allocation of European Union grants has never been without controversy, and I was also disappointed that Newark was not part of an objective 2 area. That was because the town was not close to a large urban area.

To make matters worse, grants available on the demise of the coalfields left Newark just outside the travel-to-work area, with no acknowledgement of the fact that

as one of the towns nearest to pits in the south of the area, miners would have spent a great deal of their income in the town. Retailers in the area suffered quite badly.

Newark also suffers from its geographical location. Mansfield to the north-west offers significant assistance to new and relocating companies. I shall illustrate the problem by a comparison. If we consider the award of European regional funds and objective 1 status, we find that there is a yes in the cases of south Yorkshire and Mansfield, but a no for Newark. On assisted area status, the picture is: south Yorkshire, yes; Mansfield, yes; Newark, no. On coalfields, the picture is the same. I fully understand the criteria and why those areas have been awarded that status. The problem is that Newark does not yet fit the criteria, even though the town's economic balance has been disturbed. Companies may close, but new industries will not become part of Newark's economy.

I urge the Government to look carefully at that problem. There should be a mechanism to release some form of grant aid to areas such as Newark so that they are not disadvantaged in the long-term. Perhaps it is time to put a stop to what will inevitably be a merry-go-round of grants. I do not want Newark to become an industrial graveyard.

7.33 pm

The Minister for Small Business and E-Commerce (Ms Patricia Hewitt): I echo the congratulations offered by my hon. Friend the Member for Newark (Mrs. Jones) to my hon. Friend the Minister for Competitiveness and his wife on the happy news of the birth of their baby son.

I also congratulate my hon. Friend on securing the debate and on raising so movingly the real issues and difficulties facing her constituents in Newark. I myself have an east Midlands seat; I understand only too well the impact of closures such as those she described—especially in the textiles and engineering industries, which in the past have been the staple source of employment for our east midlands constituents. I certainly reassure her and, I hope, her constituents that the Government understand their needs and concerns. We seek to put into place the effective support measures that will enable towns such as Newark and their surrounding areas to move from the sectors of the economy that have been in decline, at least in employment terms, into those, such as the food manufacturing industry that she described, that are growing fast.

My hon. Friend asked about objective 1 and objective 2 status, and the availability or otherwise of regional selective assistance. The difficulty that we face is that under European Union state aid law—it is, rightly, pretty rigorous on such matters—RSA can be granted only within tiers 1 and 2 of the assisted areas. Our revised proposals for the new assisted areas map were published in April, and following a public consultation, they are now being discussed with the European Commission. However, the Commission must approve our proposals before we can pay any RSA under the new map to any applicant companies.

Our revised proposals for the new assisted areas map include Elkesley ward—I hope that I have pronounced that correctly—in my hon. Friend's constituency. The proposals were drawn up within the very tight constraints that, as she recognised, are set by the Commission. The result of those constraints is that we have not been able to include many of the areas that we would have liked to include.

The other difficulty with the terms for drawing up the assisted areas map is that they do not provide a flexible instrument for responding to sudden changes in economic circumstances. As I understand it, at the point when the criteria for drawing up the map had to be fulfilled, the registered unemployment rate in the Newark travel-to-work area was 2.9 per cent., compared with a regional average of 3.6 per cent. and a UK rate of 4 per cent. Therefore the recent problems, the disruptions and the economic shock waves that my hon. Friend described have not been, and could not have been, taken into account in drawing up the map.

Instead, the systems of support are designed to deal with long-standing problems such as those faced in the east midlands coalfield. The new map, when approved by the Commission, will remain in place until the end of 2006 regardless of the changes that take place in the meantime. The frustrating fact is that we cannot include every area, and it is always particularly difficult for the urban areas that are next door to the areas that receive RSA to attract inward investment. I well understand the disappointment that my hon. Friend expressed on behalf of her constituents.

We recognise the need for a more flexible approach that can respond to sudden economic shocks and difficulties. My right hon. Friend the Secretary of State for Trade and Industry announced last July that he was introducing a new funding package worth £45 million over three years for a new discretionary enterprise grant scheme. That scheme targets small and medium-sized enterprises that could grow in the assisted areas, tiers 1 and 2, and in the new enterprise grant areas, tier 3.

As my hon. Friend will know, just over 20 per cent. of her constituency is eligible for the enterprise grant scheme. It is an important initiative to help areas of special need, and I am delighted that businesses in the east midlands have responded well to its introduction. Since the start of the year, when the scheme officially opened, we have received 34 applications for enterprise grants in the east midlands, seeking grants totalling £1.2 million.

I know that my hon. Friend would like us to extend the availability of the enterprise grant scheme to the whole of Newark. It is certainly the Government's intention—she will understand that I cannot make any promises—that we, together with regional partners, will consider the coverage of the enterprise grant areas to ensure that they meet regional and local needs.

That is not all that we are doing to ensure that new jobs are created, new businesses start up and inward investment continues to come into this country, which remains the No. 1 destination for inward investment into the European Union. There are specific sources of support, such as the highly successful SMART scheme, which helps companies to prototype new, often high-tech, developments. That support is available throughout England and is not confined as is regional selective assistance.

[Ms Patricia Hewitt]

I must end, as I began, by thanking my hon. Friend and congratulating her on drawing to the attention of the House an extremely important issue, and in particular, the concerns and difficulties facing her constituents as a result of recent factory closures and job losses. I can assure her that we in the Department of Trade and Industry are doing everything that we can to ensure that new businesses start up, existing businesses grow and more jobs are created.

My right hon. Friend the Secretary of State for Education and Employment is doing his part to ensure that workers, such as those in the textiles industry, who are made redundant and who will probably not be re-employed in the same industry, are none the less rapidly offered the opportunity to seek the new skills that will enable them to move into the new jobs that are being created.

Question put and agreed to.

Adjourned accordingly at nineteen minutes to Eight o'clock.

House of Commons

Friday 9 June 2000

The House met at half-past Nine o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Orders of the Day

Licensing (Young Persons) Bill

Order read for resuming adjourned debate on Question [12 May], That the Bill be now read a Third time.

Question again proposed.

9.34 am

Mr. James Gray (North Wiltshire): On a point of order, Madam Speaker. It was announced on the radio this morning that the inquiry chaired by Lord Burns, on which the Government have spent £1 million, will be delivered to the Home Secretary this morning. Despite the fact that the Home Secretary has not yet seen the inquiry, it was announced on the radio last night and this morning, that he would make a statement to the House on Monday to announce the banning of fox hunting. Have you had notice of such a statement, Madam Speaker, and is it in order for the Home Secretary to make such an announcement on the radio before it has been announced to the House?

Madam Speaker: I was not aware of what was announced on the radio this morning—I had one or two other things to do. If the Home Secretary wants to make a statement, he will no doubt inform me at the usual time on Monday morning.

9.35 am

Mr. Paul Truswell (Pudsey): As I was saying when I was cut me off in my prime on 12 May, I am delighted that Members on both sides of the House have given my Bill such a fair wind. Indeed, I must congratulate the many Members who have been abundantly generous at times with the amount of wind that they have given it.

The fact that the Bill has acted as a vehicle for a much wider debate on the shortcomings of licensing legislation has given it even greater value. I did not mean my introductory remarks to sound churlish in any way—the measure has been properly served. However, there were times when I was reminded of a comment made by one of your distant predecessors, Madam Speaker. When Queen Elizabeth I asked what had passed in the House recently, the Speaker replied:

> If it please your Majesty, six weeks.

I suspect that we all know what he meant—I certainly know how he felt.

It is said that good wine improves with age. I am not sure whether a good Bill improves with verbiage, so I shall not take up much of the House's time in continuing my Third Reading comments. I had already completed most of my remarks, but I repeat my thanks to the Under-Secretary of State for the Home Department, my hon. Friend the Member for North Warwickshire (Mr. O'Brien), and to Andrew Cunningham of the Home Office.

However, it has been intimated to me that one or two hon. Members, although they are largely sympathetic to my Bill, still feel that I should expand some of the broader arguments in its support, so I shall do so. I think it is perfectly proper that hon. Members should have mentioned that to me before today's debate.

I suspect that most hon. Members are already aware of the background, but I shall summarise it briefly. In March 1997, my 14-year-old constituent, David Knowles, was walking home from school with a group of friends. They decided to stop off at an off-licence in the centre of Pudsey. At the request of his friends, David agreed to purchase alcohol and did so on two occasions within five minutes. The friends then set off for home. On the way, having drunk three cans of lager, David, quite inexplicably—apart from the effects of the alcohol that he had consumed—decided to run across a busy part of the Leeds ring road, the Stanningly bypass. As he did so, he was knocked down, and he died from his injuries shortly afterwards.

The police were quick to attend the scene and to take statements from witnesses. As a result, they went to the off-licence in the centre of Pudsey—the Drinks Cabin, owned and run by Thresher, a national chain—and interviewed staff. They also seized security videos that showed that David had been served alcohol on two occasions within five minutes.

On the basis of the police report, the Crown Prosecution Service launched a prosecution against the two members of staff who had sold David the alcohol. The case went before the magistrates and was adjourned twice. On the third occasion, the CPS, having discovered the enormous loophole in the law that my Bill addresses, decided that it must withdraw the prosecution. Those hon. Members who are students of the Bill and who attended most of the debates on it will know that the loophole means that people who are not directly employed by the person whose name appears on the licence are immune under the law.

The people who sold alcohol to David were employed not by their manager—the person whose name appeared on the licence—but by a national company, Thresher. They were thus immune from prosecution under the Licensing Act 1964. That is clearly an anomaly; it is an enormous loophole. Not only does it exercise me and everyone who hears about it, but it obviously came as a tremendous shock to the parents, family and neighbours of David Knowles, who learned that the small amount of justice that they believed that they could pursue through the courts would be denied them.

John Knowles—David's father—came to my surgery in November 1997 to tell me about the loophole. Like so many people, when I first heard about it, I did not believe it. Had John Knowles not come armed with a three-page letter from the CPS, describing the loophole, I should have taken a great deal of convincing. Anyone who was asked the question, "Is it an offence to sell alcohol to someone aged under 18?" would immediately and unequivocally say, "Yes, of course it must be; we all

[Mr. Paul Truswell]

know that to be true." However, it is not true, and my Bill closes that loophole. I hope that the circumstances of the case and the discussions that we have had over the past few months will convince everyone in the House of the need to pass my Bill to close that loophole.

Mr. Oliver Heald (North–East Hertfordshire): Apart from the central theme of the Bill, which is to close the loophole, will the hon. Gentleman touch on the issue of proxy purchasing that was raised by several Conservative Members on Second Reading? The Bill has been improved by the acceptance of an amendment. Will the hon. Gentleman put that amendment into context?

Mr. Truswell: I thank the hon. Gentleman for raising that issue, which I was shortly about to discuss. It is tempting not only to consider the immediate point that prompted one to examine the licensing laws, but to start to move out like the ripples caused by a stone thrown into a pond and to consider other issues. Clearly, one of the immediate issues was proxy purchasing.

It was tempting to consider several other issues. Indeed, on Second Reading and on Report, hon. Members succumbed to the temptation to consider many other matters. We had lengthy, informed and lucid debates on them. I am certain that my hon. Friend the Under–Secretary will have taken much of that discussion on board. He and his colleagues in the Home Office will consider several of the points made when the Government eventually bring a much broader licensing Bill to the House.

To return to the point made by the hon. Member for North–East Hertfordshire (Mr. Heald), let me say that it was clear on Second Reading that Members were keen to address the issue of proxy purchasing. Following that debate, I felt sufficiently emboldened to take to Committee an amendment to cover that point. I am pleased that the Committee and the House have raised no objections to my Bill, but I have always been aware of the strictures from both sides of the House and from right hon. and hon. Members that to try to do too much with a private Member's Bill is a recipe for disaster. I have always been cautious and tried to focus my Bill in a way that avoided a lack of consensus. I hope that I have succeeded in doing that.

Proxy purchasing is an important issue. It has emerged in my constituency at the very off-licence from which David Knowles purchased the alcohol on that fateful evening.

Mr. Eric Forth (Bromley and Chislehurst): Proxy purchasing, as the hon. Gentleman calls it, and entrapment, as I call it, appears in the White Paper. It is a controversial matter and I congratulate the hon. Gentleman on deciding to proceed with his Bill without it. I know that we shall return to the issue, but I wish to flag up one point. Protecting the rights of the young person used in the proxy purchasing or entrapment is the most important issue. *[Interruption.]*

Mr. Truswell: I hear the comments from my hon. Friends. I am sure that it was just a slip of the tongue when the right hon. Gentleman used the term "proxy purchasing". "Test purchasing" is the term used to describe the process that he described as "entrapment". However, he makes a valid point. I know from past experience that it is an extremely controversial issue, so I accordingly omitted reference to it from my Bill.

I do not want to spend much longer considering the issues. I know that other hon. Members wish to contribute to the debate. Some of them were not involved in our previous debates and they want to bring their knowledge and expertise to bear. If the House will forgive me, I shall bring my comments to a conclusion.

I believe that this is a good private Member's Bill. It has grown organically from the grass roots of my constituency, but it could have emanated from any constituency. It has been nurtured by excellent and well intentioned discussion in the House and, thankfully, has so far escaped any grafting or—dare I say it—genetic modification. As a largely ingenuous Back Bencher, it has been a privilege and an education for me to have been in charge of the Bill and to hear the many excellent and lucid contributions from hon. Members—I genuinely mean that.

My Bill, if passed, will serve a number of purposes. It will close the loophole highlighted by the David Knowles case; it will close the increasingly worrying loophole associated with proxy purchasing; it will equalise before the law all those who work in licensed premises irrespective of who employs them; and it will send a message to the people of this country that the House takes seriously the issue of young people abusing alcohol and the responsibilities of those who sell alcohol. To me, my constituents and, in particular, the family of David Knowles, it will serve as a memorial to him and the lessons to be learned from his tragic death. I therefore hope that the House will now give it a fair and speedy passage to another place.

9.46 am

Mr. David Maclean (Penrith and The Border): It is a pleasure and a privilege to follow the hon. Member for Pudsey (Mr. Truswell). He has skilfully piloted the Bill through all its previous stages and is now rightly receiving the credit and acclamation from both sides for getting it to Third Reading. It will shortly pass to the other place, where I am certain that there will be equal praise for the hon. Gentleman. I suspect that there will be no need to amend the Bill there, because it is now in pretty good shape.

I congratulate the hon. Gentleman on his persistence. In the private Member's Bill system, we put our names into a ballot and, if we are unlucky enough, we are drawn in the top 20. We then have to search around for something to do. We are inundated from all sides with suggestions for Bills and some hon. Members are accused of merely taking a handout Bill and of doing the Government's work for them. I would not necessarily lay that charge against any hon. Member, but we know that it is certainly not true in this case. On this occasion, the hon. Gentleman can consider himself lucky to have come high in the ballot, because he has been able to proceed with an issue that is close to his heart and that he had attempted to tackle before.

It is appropriate that someone on the Conservative Benches pays tribute to the hon. Gentleman for his persistence and for raising the issue of the tragic death of

David Knowles. His previous Bill would have added the word "agent" to the definition of "servant", but Home Office Ministers rightly pointed out that that would not totally solve the problem. The proposal would create other anomalies and would have come up against obstacles. Therefore, the hon. Gentleman rightly did not proceed with a faulty Bill.

There is a lesson in that. It is unfair to say that this Bill is a considerable improvement, but it is as good as we can get it until someone spots a new loophole next year or at a later date. We all like to say that we have a perfect Bill and that the legislation will last a century, but something new that we have not spotted always comes along. In previous debates, we referred to internet sales. If internet sales undermine a provision in the Bill, someone will come along with an amendment to try to improve it.

Mr. Forth: Does my right hon. Friend agree that, in this case, we know the future with much greater certainty than he suggested? The White Paper covers this and many other issues. It not only makes explicit reference to this Bill, but outlines an ambitious programme for the reform of the licensing laws generally. We know what will happen in the future.

Mr. Maclean: My right hon. Friend is correct. He is as assiduous as ever and, no doubt, has read "Time for reform: proposals for the modernisation of our licensing laws", which is interesting and tangential to matters that we may consider on Third Reading, especially offences and penalties.

I shall conclude my congratulations to the hon. Member for Pudsey by saying that his Bill is a model of how legislation should pass through the House. There was a tragic case in his constituency involving his 14-year-old constituent David Knowles. In March 1997, David went into a Thresher off-licence in Pudsey and purchased alcopops for friends. He returned to the off-licence within five minutes and purchased four cans of lager for himself. He was regarded as a serious boy but, when the group reached the Stanningly bypass on the Leeds inner ring road, he apparently called out, "Let's run," and ran on to the dual carriageway, where he was hit by a vehicle. He died shortly afterwards from the massive injuries that he sustained.

The tragedy was a double one because, as the hon. Gentleman told us, although there was video footage of the sales, the Crown Prosecution Service was forced to drop the case against the staff who served David because the 1964 Act allows only the licence holder or his employees to be prosecuted. Thresher's staff were employed by a national company, not by the individual licence holder, who was their manager. The hon. Gentleman was deeply concerned when David's parents told him about that loophole, and introduced his first licensing Bill, which attempted to incorporate the term "agent" into the 1964 Act. He realised that that was not sufficient or satisfactory, but he did not give up. Indeed, I believe that one of his colleagues tried to introduce a licensing Bill in the last session.

I was one of those who were concerned about that Bill because, for a private Member's Bill, it went too far by introducing the issue of test purchasing. I believe that my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) intended to refer to that because, like me, he is concerned about the matter. Indeed, it was put to me when I was a Home Office Minister and I was anxious about it. I do not like the smell of it or the idea that the police or a local authority's trading standards officers could use a young person as an agent provocateur. I know that that is done for cigarettes, but that does not necessarily make it right for the authorities to send a young person into a shop to buy alcohol and then say, "Aha, we've got you."

As a Minister, my view was that I would accept that approach as soon as we had introduced a national identity card system, which would enable shopkeepers to ask the young people to show an ID card. Shopkeepers would be negligent if they failed to do that or sold alcohol knowingly to young people, and would fail the test in the Bill. I would happily accept test purchasing if I believed that we had a good ID card system.

Mr. Forth: I am grateful to my right hon. Friend for correcting my earlier error, and am grateful to the hon. Member for Pudsey (Mr. Truswell) for his indulgence when I made it.

I am not yet persuaded to go as far as my right hon. Friend on the issue. I do not want to get into that argument and merely wish to flag it up. My concern has always been for the protection and rights of the young person, and how far and whether there would be proper protection for young people in the process described by my right hon. Friend, even if there were ID cards. I will need to be satisfied on that if the Government are to take the matter forward, as they indicate they will do in their White Paper.

Mr. Maclean: My right hon. Friend is right. We are on Third Reading and discussing what is in the Bill, so we cannot get into the details of things that are not in it. However, it includes provisions on proxy purchasing. Test purchasing and proxy purchasing are not the same in principle, but my right hon. Friend rightly refers to the White Paper "Time for reform".

I hope, Mr. Deputy Speaker, that it is in order for me to say that the hon. Member for Pudsey is right not to have included test purchasing, because that involves significant issues of principle. We should wait for the Home Office to consider legislation and for the Government then to introduce a Bill so that the issue can be explored in Government time and receive attention in a Standing Committee. If the White Paper is to mean anything, legislation will inevitably follow, so the issue can be addressed.

The Bill is quite large and the hon. Gentleman is to be congratulated on sensibly undertaking consolidation of the law in it. Simply making amendments to the 1964 Act would further complicate that already complicated Act. The hon. Gentleman has rightly built amendments into his Bill by revising or rewriting provisions of the 1964 Act, making section 169 sensible and comprehensible to those studying it.

There are about eight or nine new offences in the Bill. It will be an offence for anyone in licensed premises to sell alcohol to a person under 18 if they suspect that they are under age. It will be an offence for anyone who has the authority to prevent the sale to allow someone to sell alcohol to a person under 18. It will be an offence for a person under 18 to attempt to buy alcohol in licensed premises.

[Mr. Maclean]

It will be an offence for an adult to buy or attempt to buy alcohol for consumption by someone under 18: that is the proxy purchase that the hon. Gentleman has added to the Bill, thereby plugging another loophole. It is an offence for someone under 18 to consume alcohol in a bar and for anyone who has the authority to prevent such consumption to allow an under-18-year-old to consume alcohol in a bar. It is an offence for someone who works in licensed premises to deliver alcohol off premises to someone under 18, except when the under-18-year-old works in such premises in a capacity involving the delivery of alcohol. Finally, it is an offence for someone to send an under-18-year-old to obtain alcohol from licensed premises for consumption off the premises.

The Bill is therefore fairly comprehensive. Of course, not all the items that I have just listed are completely new concepts. Some are in the 1964 Act, and some appeared as amendments a few years ago. I shall touch on a few points worthy of special mention on which the Government may wish to reflect when, in future, they introduce legislation on the matter.

Who should be criminally responsible when alcohol is sold to someone under 18? The Bill makes that an offence for the person who buys the alcohol and the person selling it, whether that is the licensee, servant or agent. On Report, I asked whether a greater moral offence is not committed by the person buying the alcohol, and suggested that we should not put the bulk of the obligation on the licensee or the person undertaking the sale. The seller faces a heavy financial penalty and, ultimately, could lose the right to sell alcohol.

If young people are accompanied by their parents or guardians, they do not seem to suffer any penalties. That is not the fault of the Bill, but of the 1964 Act and the legislation that my colleagues and I introduced in government. We did not address the matter. If under-18-year-olds go to a supermarket or pub with their parents and buy or consume alcohol illegally, the person selling them the alcohol is liable, as is the young person, but there is no obligation on the parents. The sale of beer, porter or cider is an exception to that, but it holds true for young people who go into a pub and knock back vodka with their parents. The Government must address that when considering responses to the White Paper.

When considering all the offences in what will replace section 169, we should examine the circumstances in which someone can plead a defence. On Report, we had interesting discussions about defences in the Bill, especially in new section 169A(2). That subsection states:

> It is a defence for a person charged with an offence . . . where he is charged by reason of his own act, to prove that he had no reason to suspect that the person was under eighteen.

We debated at length whether the word "knowingly" should be inserted. We were rightly convinced—it was the hon. Member for Liverpool, Garston (Maria Eagle) with her legal knowledge who convinced us—not to put back the word "knowingly". The Minister also argued against that, but we found the hon. Lady especially persuasive in her argument that since "knowingly" was deleted in 1996 or 1997, the number of prosecutions had risen.

Nevertheless, it is valid to consider the circumstances in which a person should be able to plead a defence and, related to that, the degree of knowledge required for one person to be liable for the acts or omissions of others. Subsection (3) states:

> It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of the act or default of some other person, to prove that he exercised all due diligence to avoid the commission of an offence under that subsection.

What will the person have to prove by way of due diligence? I hope that the Minister will outline that—not at length, of course, but briefly. I know that it is dangerous for Ministers to comment on what might be a defence in hypothetical circumstances, but if one of the bar staff sells alcohol to someone under 18 and the owner of the bar is charged, what will he have to prove under subsection (3) in order to have a defence of due diligence?

I assume that the bar owner will have to show that he has given some training to his bar staff. He may have to show that he has a system to identify under-18-year-olds, and that he has told all his bar staff, "Ask for an ID card, passport or proof of age, or, if you think they look like children, sling 'em out." The owner will have to prove that he has taken steps to safeguard himself.

The best system of all would be an identity card system, in which the pub owner, licensee or whoever is working in the off-licence has a system to make sure that all staff go through a certain procedure if there is the slightest suspicion that anyone is under 18. I hope that that would be a satisfactory defence.

That leads to a crucial point relevant to several clauses. What identification measures will be put in place to underpin the Bill? The Portman Group's proof-of-age scheme has been in operation since 1990. What are the details of the new youth card being developed by the Department for Education and Employment? Is it intended to replace the Portman proof-of-age card? It would be helpful for the Minister to give some information about that before we come to the Third Reading vote, as it relates to the defences in section 169—

Mr. Deputy Speaker (Mr. Michael Lord): Order. The right hon. Gentleman must be careful not to stray too far beyond the tight limits of the Third Reading.

Mr. Maclean: Thank you, Mr. Deputy Speaker. That is why I said that the matter related to the defences in new section 169A(2) and (3), where it is a defence for a person selling alcohol

> to prove that he had no reason to suspect that the person was under eighteen.

If the bar owner, licensee, servant, agent and so on can prove that, the Bill states that it is a defence. Similarly, in subsection (3), it is a defence to show that he used due diligence.

I hope that I will not be straying, Mr. Deputy Speaker, if I say that, in those circumstances, ID cards come into their own, and so may passports, as proof of age. We are dealing with a Bill that specifies an age—18. There are parts where the age of 16 is relevant. All the offences in section 169A are triggered by selling alcohol to people who are under 18. In those circumstances, the House is entitled to ask how licensees and pub owners are to avoid committing a crime. They do not want to be prosecuted, so how do they tell a 17-year-old from a 19-year-old?

As we always used to say, one is old when one thinks that policemen look young. It may be a sign of my increasing age that young people seem to look more sophisticated and older than I have ever known them in my time. They look older than they are, and that seems especially true of young women. I hope that that is not regarded as a sexist remark.

Mr. Forth: May I save my right hon. Friend before he gets too far involved in young women? Does he agree that he is dealing with one aspect of the Bill that could cause anxiety? Perhaps the Minister will help us later. In new sections 169A(2) and (3) and 169B, the phrases

"no reason to suspect that the person was under eighteen

and

to prove that he exercised all due diligence

touch on precisely the point that my right hon. Friend is making. He was straying on to delicate territory, but it is increasingly difficult for an employee or someone else involved in the sale of alcohol effectively, properly, reasonably and diligently to tell exactly what age the person trying to buy alcohol is.

Mr. Maclean: My right hon. Friend is right, and I am grateful for his help before I made politically incorrect comments. The House would accept that young people these days look a little older and more sophisticated than we used to look when we were their age a few years ago. *[Interruption.]* My right hon. Friend has always looked this age: he was issued, not born.

Pub owners, licensees, and others who sell alcohol say that proof of age is a major problem. That is why so many of them have gone down the route of the Portman scheme and other proof-of-age schemes, the details of which I have, but I shall not stray into them.

Mr. Heald: I am grateful to my right hon. Friend for giving way. Is it his view that it would be necessary for the landlord or the person selling to have asked to see a card in order to show that he had acted with due diligence? Would he be able to mount such a defence if he had not done so?

Mr. Maclean: I should like to hear the Minister's views on that. I hope that it will be possible for him to express them without that being used as a defence in some future case, which would allow a person to get off because the Minister had commented in the House that he did not think that in certain circumstances an offence would have been committed. I know that, in discussing legislation, it is difficult for Ministers to speak about hypothetical cases in the future and what would be the law.

I hope that the Minister will say that it would be highly unusual for the bar owner to be acquitted if he had not taken any steps whatever to try to check the person's age. Due diligence means that one must do something. The argument is about the extent of what one must do to check someone's age. If the bar owner merely says, "I looked at the person and, in my judgment and experience, he was over 18," I do not believe that that would be enough to satisfy a court, particularly if there are other means of verification, such as a proof-of-age scheme.

Mr. Forth: My right hon. Friend is letting the Minister off far too lightly. I hope my right hon. Friend will agree that, as legislation goes through the House and the other place, one of the objectives of the proceedings is to clarify as far as possible the intent of the legislation, in order to help the courts in future cases. If the promoter of the Bill or the Minister is too reticent at this stage, there is a danger that the courts will not have sufficient guidance from the legislature about what was in our minds and what our intent was. A balance must be struck, and I hope that my right hon. Friend will not let the Minister off too lightly.

Mr. Maclean: My right hon. Friend is absolutely right. I may have been too sympathetic to the Minister. I was in his position for some time, and I also received defensive notes, which said, "Minister, don't get into hypothetical scenarios." However, my right hon. Friend is right. Doubtless he was about to cite Pepper *v.* Hart, on which he could expatiate at length.

The Bill is rightly supported by the Home Office, and it is therefore legitimate for the Minister to express a view about some of the elements that might be required to prove a defence of due diligence. All hon. Members are entitled to give an opinion. I suggest that due diligence should constitute more than taking a 10-second look at someone and saying, "You're a bit short," "You're a bit tall," "You look a bit spotty or freckly; you must be a kid." That is not good enough. I shall now probably receive letters from the spotty disadvantaged, accusing me of various biases and abuses.

The pub owners, the licensees and those who sell alcohol are greatly worried about identification procedures—rightly so. Most do not want to sell alcohol to those who are under 18 or kids. They are also terrified of being prosecuted, incurring a level 3 fine and losing their licence. They therefore want to get it right. The Bill provides for two more opportunities for prosecution and losing their licences through proxy purchasing and allowing for many more staff to be caught in the net of improperly selling alcohol to under-18s.

If those who sell alcohol are to have a defence, the Government must suggest the steps they should take. We may not need legislation; the Minister's pronouncements, circulated through the licensing trade, may act as a catalyst for the Portman Group scheme or the Department for Education and Employment scheme or others. If the Government tell those who sell alcohol, "In order to satisfy the provision for due diligence, you'd better check everyone who might conceivably be under 18; you'd better back a voluntary identity card scheme or you'll be done in court," it would be a huge incentive for the schemes to take off.

I regret that the Government dropped the excellent proposal by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard) and me to introduce a national identity card scheme. However, if we are not to have such a scheme, we need to give more impetus to the voluntary proof-of-age scheme. I hope that the Minister will respond in as much detail as possible without stepping on the Lord Chancellor's toes.

The Bill makes selling alcohol to minors an offence only if the seller works on the premises, in a paid or unpaid capacity. I asked earlier whether the offence should be wider so that it covered anyone in a position of authority over the minor, such as parents. Should they be prosecuted for allowing a minor to consume alcohol in a

[Mr. Maclean]

licensed bar? The Under-Secretary of State for Northern Ireland, the hon. Member for Knowsley, North and Sefton, East (Mr. Howarth), who preceded the Minister in the Home Office, alluded to that in his contribution to the Committee that considered the 1998 Licensing (Amendment) Bill.

It could be argued that placing sole responsibility on the person who makes the sale rather than the licensee might result in licensees becoming less vigilant or less anxious to ensure that staff are properly trained. We are delighted that the Bill plugs the loophole concerning the licensee's servant or agent. Anyone who works on the premises—managers or junior sales assistants; in supermarkets, off-licences or bars—is caught. However, is there a danger that the licensee, whose name is above the door, might become less vigilant and think, "Well, my staff will be done, not necessarily me."? It is a small point, but we need to know what measures will be put in place to ensure that licensees do not shirk their proper management responsibilities. The Minister may answer that they can also be prosecuted and can lose their licences. Perhaps his answer will lie in the new White Paper and the extra penalties that it includes.

What guidance will be given to the courts about the level of fines that will be imposed in specific circumstances? For example, it could be argued that, when a licensee commits an offence, he should be subject to a more severe financial penalty than an employee, because of his greater responsibility and ability to pay. I considered the point on Report. I am not sure whether an amendment was selected; if not, we shall not pursue the point. Proposed new section 169H states:

> A person guilty of an offence under section 169A, 169B, 169C, 169E, 169F or 169G of this Act shall be liable to a fine not exceeding level 3 on the standard scale.

That is £1,000, if I remember correctly. Level 5 is £5,000; level 4 is £2,500; level 3 must, therefore, be £1,000.

I believe in flexibility in fines and penalties, and that the courts should be given maximum freedom. However, the Bill sends out a signal that all the offences in proposed new sections 169A, 169B, 169C, 169E, 169F and 169G are equally grave. I do not believe that that is necessarily the case. Perhaps the licensee should suffer a higher penalty than ordinary staff or workers. Perhaps Lord Sainsbury should suffer a greater penalty than the checkout girls and boys in Sainsburys on Victoria street if they sell alcohol improperly. We are considering a principle, although we cannot explore it in detail today.

Mr. Forth: Perhaps I am pre-empting one of my right hon. Friend's points, but the distinction is between not only the licensee and an employee or agent of the licensee, but also—for example, under proposed new section 169C—the person who attempts to make the purchase. Does my right hon. Friend agree that there is an important difference between someone at one end of the offence—in this case, the person who attempts to make the illegal purchase—and the person who, inadvertently or not, allows him to do so?

Mr. Maclean: I agree with my right hon. Friend. If I imposed my moral scale of guilt on alcohol consumption by those aged under 18, the adult who deliberately procures alcohol for consumption by under-18s deserves the highest penalty and should be top of the list. The under-age person who buys alcohol should get the next highest penalty. Two levels of penalty should apply to the licensee: if he sells it deliberately, is negligent and could not care less, he should receive a high penalty; if he has taken steps, albeit inadequate, which do not satisfy the requirements of due diligence, he should receive a lesser penalty. At the bottom of the heap should be the sales checkout person in the shop or supermarket. Those people are least to blame.

Sales checkout people have so many other obligations in the rush of selling goods. That is apparent in any of the little supermarkets around Westminster—for example, Sainsburys in Victoria street, Tesco in Warwick way and so on. I shall not list all the shops that I occasionally visit to get a few bits and pieces to keep body and soul together in London. However, there is a frantic rush at the checkout.

Throughout our proceedings, we have talked about off-licences, which might not be busy on occasions. Sometimes there are only two or three people in there at a time, and perhaps the staff have the time to look at the customers, make sure that they are the right age and ask for proof of identity. Perhaps bar owners should be more on the ball because they face the problem all the time and know the penalties. No one has told our 30,000, 40,000 or 50,000 supermarket checkout people their obligations in sufficient detail. They have a million things to do simultaneously: checking credit cards, asking about vouchers, cash-back and all the other claptrap associated with getting through a supermarket checkout. To expect them to deal with proof-of-age schemes and to make judgments on age is a heavy responsibility. However, to return to my remarks, which are directly relevant to proposed new section 169H, those youngsters on the checkout tills will be liable to the same penalties as the licensee, the person who buys the alcohol and adults who are involved in proxy purchasing on behalf of others deliberately and with malice aforethought.

Today is not the day to try to change those penalties—we considered them briefly on Report—and I do not suggest that they should be changed in the other place. If the House of Lords makes any adjustment to the Bill, I suspect that it may not be passed, given the dreadful bottleneck and the legislative shambles into which the Government have got the Houses of Parliament. We must let the Bill leave the House intact and I hope that it will pass the other place intact, otherwise it will not reach the statute book.

As the Government receive advice on the White Paper from all their consultees, I hope that they will consider the penalties, not just broadly—whether £1,000 is enough—but the categories of people to which they should apply. While I am discussing penalties, we need to consider another point. Proposed new section 169H(2) states:

> Where the holder of a justices' licence is convicted of any of the offences referred to in subjection (1) and the licence is held in respect of the licensed premises in relation to which the offence was committed, the court may order that he shall forfeit the licence if . . . he already has one or more convictions of an offence under section 169 . . .

Local licensing justices will have the power to revoke a licence. Does the Minister envisage any role whatever for the licensing justices in future, given the proposals in

the White Paper? I know that he cannot prejudge the outcome of the consultation and that the White Paper makes it clear that all licensing will be the responsibility of local authorities. I can also understand the tidiness in the Government's mind: local authorities will be totally responsible for licensing all premises—the building as well as the licensee—under the White Paper. The licensing justices will not be involved in licensing decisions.

As I understand the White Paper, if offences are committed, the police will have a new power to close down premises instantly for 24 hours, after which appeals can be made. However, it seems that those appeals will be to the local authority. Clearly, if the proposals in the White Paper go ahead, a lengthy new licensing Act would be necessary to deal with a range of matters and section 169H would need to be repealed. Even if the White Paper were implemented lock, stock and barrel—perhaps an appropriate term—does the Minister envisage that licensing justices will have any future role in convictions for offences? Magistrates may have to decide whether to convict.

Mr. Deputy Speaker: Order. The right hon. Gentleman should not go further down that route or encourage the Minister to respond. We are not debating the White Paper; we must restrict discussion to the Bill.

Mr. Maclean: Precisely, Mr. Deputy Speaker. Naturally, I follow your guidance immediately. Therefore, I return to new section 169H(2) on justices taking away the licences of those who are convicted. As that section stands, it could fly in the face of other legislation that the Government may introduce following the White Paper. I hope that you agree that it is in order to ask the Minister whether he envisages that the powers under section 169H will remain, so that magistrates can convict people and recommend that a licence should be taken away, or whether they, in addition to local authorities, will still have the power to revoke licences?

Proxy purchase has been mentioned today. I am pleased that the hon. Member for Pudsey did not include test purchasing in the Bill. Legislation on proxy purchasing is legitimate and valid; it is sensible to include and widen such provision, as was done in Scotland four years ago. Lord Forsyth was responsible for plugging that loophole in Scotland—he was passionate about it in certain discussions in government, and I congratulate him—and I congratulate the hon. Gentleman on doing the same in English legislation.

The Bill that will leave the House is in pretty good shape and will plug loopholes that concern hon. Members on both sides of the House—it is a textbook case of good private Members' legislation. I say that in no sense of sycophancy or facetiousness. I am one of those who block legislation in the House if I think that it has not been properly debated, but my record in objecting to Bills is as nothing compared to the Government's. No doubt at 2.30 we shall see them wickedly destroy the aspirations of 30 hon. Members from both sides of the House.

The Bill is a good example of legislating rather than reacting, as we all did with the dangerous dogs legislation. After the tragic case of David Knowles, it would be easy to say, as the House often does, "It must never happen again; give us legislation." Who would stop a Bill of merit that tried to do the right thing to prevent a tragedy from happening again? If we had not carefully considered the hon. Gentleman's first Bill, it might have been nodded through at 2.30, and we would have had to return to it a year later because it had not been debated properly.

The hon. Gentleman has had to wait two and a half or three years to get decent legislation on to the statute book. I hope that there have been no other tragic cases since that of David Knowles, but we can never guarantee that as parliamentarians. No matter what we do as we try to rush through legislation, there will inevitably be other victims because of someone's negligence, human folly or bad judgment. As one who did not support his previous Bill, I congratulate the hon. Gentleman and wish this Bill well. I look forward to hearing the contributions of other hon. Members who have also played a vital role in ensuring that the Bill is good shape.

10.28 am

Mr. Kelvin Hopkins (Luton, North): I shall be extremely brief because there are matters to be discussed later that, although they may not be more important, are more contentious. The Bill is excellent and has wide support in the House; there are no problems with it. We all congratulate my hon. Friend the Member for Pudsey (Mr. Truswell) on steering it so far. I shall say a few words to send it on its way and to draw in other issues.

We all know that alcohol consumption among the young is a serious problem in Britain. The figures from Alcohol Concern show that such consumption is much higher in Britain than in other countries, in contrast to average consumption, which is rather lower. Consumption in Britain is increasing, although it is decreasing in other countries, and rising consumption among the young is causing the problem. European statistics and those from Alcohol Concern show that countries with strict controls on the licensing, sale and consumption of alcohol have lower levels of consumption, especially among the young, and that consumption tends to be higher in those countries that are more relaxed, such as Britain. I congratulate my hon. Friend on the Bill, which will close an important loophole.

Other hon. Members have touched on some wider issues, and I address my next remarks to my hon. Friend the Minister. The Government are to present their national alcohol strategy, and I ask my hon. Friend to urge his colleagues in the Department of Health to do so as soon as possible to take account of the wider problems of alcohol consumption in Britain, and to ensure that the strategy dovetails nicely with the changes in licensing that my hon. Friend is discussing in his White Paper.

There is a serious health risk in alcohol consumption. It is frightening that in the past 15 years deaths from cirrhosis of the liver in Britain have risen threefold. We want to stop that trend. The Bill will go some way to reducing those figures in later years, as young people who are now drinking too much benefit from tighter control on the sale of alcohol and learn from a general atmosphere and culture of concern about and awareness of the dangers of alcohol consumption.

I add my support to the Bill, and I hope that it goes through within the next few minutes.

10.31 am

Mr. Edward Leigh (Gainsborough): I warmly welcome the Bill and wish it godspeed. This is a textbook example of how a private Member should operate in the House of Commons. I have sat through the proceedings on numerous private Member's Bills, and many of them are handout Bills from the Government—there is nothing wrong with that in principle, but one should ask whether the Government should introduce their own Bills—or Members ask for too much. They tilt at windmills and raise issues of enormous national concern, which would be better dealt with in wider Government Bills.

This is just the sort of Bill that the private Member's Bill procedure was designed to deal with, and I strongly feel that we should give it a fair passage. I say that not just as a Member of Parliament but as a concerned and worried parent whose children are embarking on their teenage years. I am sure that the Bill will become law, and that it will make a difference. There is no doubt that, had it not been for the efforts of the hon. Member for Pudsey (Mr. Truswell) in pursuing this case on behalf of his constituent, the Bill would never have got this far. Therefore, I warmly congratulate him.

At present, unacceptable loopholes in our licensing laws enable people who sell alcohol to children—our own children—to hide behind a legal sleight of hand. With the passing of the Bill, the vendors of drinks will have at least a firm guide in law, even if they have no moral principles of their own, and will be forced to accept their social responsibilities. Parents cannot be everywhere. They rely on the people who run licensed premises. I cannot believe that all those people are irresponsible and want to sell drink to young people, but I can believe that some of them are irresponsible. If they are caught out not doing their job properly, the present law allows them to escape their responsibilities. That is why we must deal with this matter.

Unless the Bill is passed, we will be left with the present ancient, complex and inconsistent licensing laws. We have only to consider the small number of prosecutions and successful convictions to realise the problem. As at June 1998, there were no less than 111,600 licensed premises and 45,500 off-licence premises. In 1998, 310 persons were prosecuted for selling intoxicating liquor to persons under 18. Of those 310 prosecutions, only 157 in the entire country resulted in a successful conviction. That is 157 convictions from a total number of licences in force of 157,000. Those figures are from the "Liquor Licensing England and Wales" Home Office statistical bulletin.

I wonder whether I am alone in finding those figures unbelievable, when we all know that drinking among under-age people is so common and so much a part of youth culture, especially in the light of the frightening increases in youth crime, teenage pregnancy and other problems involved with drinking. The figures show that there is no doubt that relatively easy access to alcohol is a key contributor to the problems.

The legal sleight of hand that, as a father, I find unacceptable is demonstrated by the case that brought matters to a head. We all know the case, but for my constituents who may not be aware of it I should explain that a poor young 14-year-old—he was only 14, not 17—was out for the day with his friends having played soccer, and was able under the present law to go into a shop not once but twice, first to buy alcopops and then several pints of lager. That is incredible. He was far too young and could not control himself; he ran across the road and, tragically, was killed.

My constituents would find it unbelievable that that young man was sold alcohol twice. There is no doubt about that as there is clear videotape evidence. Presumably, there was no doubt about the fact that he was only 14 and under age. Unless the Bill is passed, people such as those who sold him alcohol cannot be prosecuted. My constituents, who will not have been aware of the existing law, will find that extraordinary. It must also be galling to the Crown Prosecution Service that it was unable to bring a successful prosecution.

The legal sleight of hand that enables such people to escape their responsibilities depends on section 169(1) of the Licensing Act 1964, which makes it an offence for a licensee or his servant to sell alcohol to a person under 18 in licensed premises. That presents a problem as to the exact definition of the term "servant." It fails to reflect the fact that staff in off-licences, which are the most important source of alcohol for youths, are often employed by a national company and not by the individual licence holder. The result is that an assistant in an off-licence cannot be considered a servant of the licence holder.

I say that for the benefit of the people who are not aware of the present law. Although common sense would suggest that employees of a chain of off-licences or pubs should be held responsible for their failure of social responsibility, unfortunately the law does not recognise that fact. I am pleased that the hon. Member for Pudsey has been thorough in drawing up a replacement for section 169(1). If the Bill is passed, the law will recognise what common sense already tells us.

My interpretation of the Bill is that it reflects much more the fact that off-licences are by far the greatest suppliers of alcohol to under-age drinkers. According to Home Office figures, in 1995 about 35 per cent. of people obtained their alcohol off licensed premises. Although that proportion dipped to about 20 per cent. in 1998, that is still the largest source.

What happened to David in this tragic case was extreme, but the effect of the lesser problems of vandalism, petty theft, under-age sex and intimidation of ordinary citizens by alcoholically emboldened youngsters will be reduced by the Bill. Therefore, it is a significant and good Bill.

Mr. Forth: My hon. Friend is an eminent lawyer. When he considers proposed new section 169A and the phrases to which our right hon. Friend the Member for Penrith and The Border (Mr. Maclean) referred—"no reason to suspect" and "exercise all due diligence"—is he confident that even this measure, which has the widespread support of the House, will go quite as far as he suggests in dealing with the problem? As a non-lawyer, I wonder how far it will be possible to mount effective prosecutions, given the wording of the Bill. I would like to hear my hon. Friend's view, knowing his experience of the law.

Mr. Leigh: I shall come back to that point. I do not want to be carried away by my strong feelings about the case that I have cited, or by my support for the Bill. I do

not pretend that it will solve all the problems. Proposed new section 169A is central. Because of its drafting, we may not make as much progress in solving the problems as we would like.

Paper 3 in the crime reduction series produced by the police and crime reduction unit, which I have obtained from the Library, outlines the findings of various studies on youth crime and alcohol. A Manchester study found that youngsters who drank regularly were 25 per cent. more likely to have a criminal record than those who did not. In Scotland, 63 per cent. of young offenders in one institution were intoxicated at the time of their offences, as were 80 per cent. of offenders found guilty of breaches of the peace, and 88 per cent. of those found guilty of causing criminal damage. In 1996, the Audit Commission expressed concern about the fact that children not at school were more likely to consume alcohol than those at school. It estimated that 65 per cent. of school-age offenders were excluded from school.

All that demonstrates the severe problem posed to society by the fact that it is too easy for young people to obtain alcohol from off-licences. However, the easy supply of alcohol to youngsters is only one aspect of the problem. Others include the current state of youth culture, and where the money comes from to buy the drink. There is the question of parental responsibility, and the way in which parents introduce the topic of alcohol to young children. I know that we are not here to discuss such problems, but the Bill has wide ramifications, and unless we deal with them we will always come up against the legalisms rightly identified by my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth). People will evade their responsibilities.

Clause 1 reintroduces the fear factor, which is the only sure-fire way of making organisations that exist to make a profit—which is fair enough—look beyond their narrow self-interest and think of the communities of which they are a part. We all believe that our morality prevents us from committing a crime, but we must be pragmatic, and accept that it is fear that makes us less inclined to break or bend the law. The reason why speed limits are broken so often is the relatively slight chance of being caught, and the prospect of only a small fine if one is caught.

My right hon. Friend the Member for Penrith and The Border (Mr. Maclean) mentioned the level of fines referred to in proposed new section 169H. I, too, wonder whether it provides a sufficient incentive for chains of off-licences and pubs to put the law before profit and increase pressure on their staff to be more proactive in stopping under-age drinking. Is £1,000 enough? I fear, given the accumulated revenue of the larger chains of pubs and off-licences, it may not prove to be the kind of deterrent that the hon. Member for Pudsey wants.

We should remember that before the Sunday trading laws were liberalised—I voted against that, which I know will not please my right hon. Friend the Member for Bromley and Chislehurst, but I make no apology—the larger retailers were frequently fined to prevent them from breaking the law. Unfortunately, the penalty was insufficient to deter them, because the benefits of trade far outweighed the potential losses resulting from prosecution. About 60 per cent. of 11 to 15-year-olds drink. That must constitute considerable revenue potential for larger chains of licensees, although I do not have the figures to support my assumption.

Potential penalties may need to be harsher than those currently proposed in the Bill, because if the Bill is to reduce youngsters' access to alcohol, licensees must be proactive, and make the effort to question youths. As I have said, it is fear that will make them do so. Youths will not make the effort on our behalf. Children will appear older than they are because of their dress and attitudes. Is it seriously contended, given the level of trade and the hustle and bustle of the large supermarket or off-licence to which my right hon. Friend the Member for Penrith and The Border referred, that a potential fine of only £1,000 will make a great difference?

Proposed new section 169A(2) states:

> It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of his own act, to prove that he had no reason to suspect that the person was under eighteen.

All I can say, from my own experience and reports, is that—although I do not want to pour cold water on the efforts of the hon. Member for Pudsey—I fear that it will be relatively easy for a defending solicitor to prove that his client had no reason to suspect that the person was under 18.

I do not know what the solution is, and I am not sure how the Bill could have been tightened up. Certainly, we would like it to insist that when there is any doubt about a young person's age—and, in the case of that 14-year-old, there must surely have been some doubt—the licensee or his staff should ask for some form of identification.

I realise that, given the current debate about identity cards, the hon. Gentleman could not put such a provision in the Bill, but he must recognise that it will be relatively easy for a defending solicitor to convince magistrates that he had no reason to suspect. Perhaps some sort of case law will develop. Perhaps lay magistrates, who are valuable in this regard, will create a case law or history in their localities, which will convince those running off-licences that magistrates take a tough view. The magistrates will need to be convinced that the licensee made real efforts to find out the young person's age.

My right hon. Friend the Member for Bromley and Chislehurst was right to ask his question. I wish that I could come up with a form of words that would dramatically improve the Bill, but I fear that I cannot.

Proposed new section 169G states:

> A person shall be guilty of an offence if he knowingly sends a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the premises.

That is designed to stop parents sending their children to buy drink, which is fine. It brings us to the whole business of proxy and test purchasing.

I do not agree with my right hon. Friend. I believe that, if we are to have any chance of convincing licensees that they will be caught, we must allow test purchases. We must create legislation; this is where the Government come in.

I appreciate that it may not have been possible for the hon. Member for Pudsey, for all sorts of good reasons—not least, presumably, the worry about the reception that he might receive here this morning—to include a clause allowing test purchases, but I have no difficulty with the idea. Where society faces such an appalling problem with under-age drinking, I have no problem with the police

[Mr. Leigh]

using young people to test out shops. Word will soon get around. That would make a dramatic difference to the attitude of the people who run those shops.

Therefore, I disagree with my right hon. Friend. I know that he is a great believer in civil liberties—and so am I, but I am not sure that that would be an enormous infringement of civil liberties. Someone should be allowed to go in to a shop to make a test purchase.

Mr. Maclean: Surely my hon. Friend accepts that if the police or trading standards officers pick someone who is 16 but looks 18 or 19, and send that person into a shop, the shopkeeper will rightly rely on his or her judgment that the person is over age and sell the alcohol. In the absence of a national ID card, there is no official means of proof, but the shopkeeper will be prosecuted and found guilty. That is using someone as an agent provocateur. It would be acceptable if the person looked their age, but there is a danger that people who are younger than they look will be used as the agents.

Mr. Leigh: I am not sure that it will be strictly a case of agents provocateurs. As I understand it, an agent provocateur is someone who is used by the authorities deliberately to encourage a potential committer of a crime to indulge in a form of behaviour that he would otherwise not have indulged in. That is why we are all against the concept of agents provocateurs. Test purchasing is different, but I accept what my right hon. Friend is saying. There may be injustices.

A 16-year-old who looks 18 may go into an off-licence. The licensee or member of his staff may sell that person alcohol and be prosecuted. I agree that that is an injustice in a sense, but does not my right hon. Friend see that we are not talking about sending people to prison? We are talking about a fine of £1,000. We are talking about large chains, and we are trying to create an attitude within the businesses that they must be careful and cannot be casual about this matter. They cannot come to the instant thought, "Little Johnny looks so high." They must go out of their way, be proactive and ask questions. If they do not, they might be hauled before the beak.

Unless there are test purchases, I do not think that that will happen. Although I understand where my right hon. Friends are coming from, I think that they are making a mistake. I hope that, although it was not possible to bring in test purchases through the Bill, we will bring them in through other legislation. The problem with the way in which proposed new section 169G is framed is that it will definitely stop the police from doing any sort of test purchases. That worries me. We must come back to that.

A couple of other points worry me about proposed new section 169A. One is how a vendor can prove that he had no reason to suspect that a person was under 18. I am worried. Can the Minister respond to the point? How can the vendor prove that? How can the prosecution prove that the vendor suspected that the person was under 18? There is a real problem with the provision. I do not think that we can shuffle over it in the way that perhaps I have tried to do, saying that I cannot think of anything better. It is important that the Minister, when he deals with proposed new section 169A, tells us how he thinks he—or rather, the courts—will obtain a prosecution.

In any event, taken as a whole, it is a worthy Bill and a credit to the resolve of the hon. Member for Pudsey. It is a fitting monument to a young boy who lost his life because of a lack of social responsibility and a loophole in our law. I warmly commend the Bill to the House.

10.55 am

Maria Eagle (Liverpool, Garston): I am grateful for an opportunity to speak on Third Reading. It is a debate that I have followed closely. I am also grateful to have a chance to respond in part to one or two points that have been made by Conservative Members, including the hon. Member for Gainsborough (Mr. Leigh), who said much that I agreed with. I cannot always say that in the House, but on this occasion I am glad to be able to do so.

I echo very briefly, but with great sincerity, the tributes that have been paid to my hon. Friend the Member for Pudsey (Mr. Truswell), who has found a way through the nightmare of private Member's Bill procedure better than some of us have managed on other subjects.

Mr. Andrew Miller (Ellesmere Port and Neston): My hon. Friend got her Fur Farming (Prohibition) Bill.

Maria Eagle: Not through private Member's Bill procedure.

The persistence and good sense of my hon. Friend the Member for Pudsey in realising that consensus is important on these occasions should pay dividends shortly, when the Bill goes to the other place, not to be seen here again, I hope. I commend him warmly for his efforts.

Alcohol consumption by young people is a serious problem throughout the country. The Library research paper gives a brief indication of the size of the problem. Department of Health statistics show that, in 1996, 27 per cent. of pupils aged 11 to 15—that is, well under age—had had an alcoholic drink in the past week and more than half of 15-year-olds had had one. I do not intend to regale the House with reams of statistics. That one statistic is enough to indicate to all hon. Members the seriousness of the problem.

I agree with the hon. Member for Gainsborough about the breadth of the social implications involved. It is not just a problem for the young people who partake of alcoholic drinks; the problem goes wider than that and affects whole swathes of society. Particular parts of my constituency of Liverpool, Garston have an on-going problem, much of which can be traced back to under-age drinking.

The problem affects not just the young people whose health is put at risk and whose futures are potentially blighted by drinking alcohol in quantity at too young an age, but entire estates, streets and particular parts of many hon. Members' constituencies. Groups of young people drinking out of doors leads to other problems of nuisance, crime and fear of crime in many estates. It has been an increasing problem in my constituency, not just in the area in which one might think that it would be a problem. The problem can develop in poor and better-off parts of the constituency, affecting not only those who partake, but a wider swathe of society.

In the three years since I started holding surgeries as a local Member of Parliament, it has been an increasing problem. From anecdotal evidence in Liverpool, my

impression is that the problem is increasing, rather than decreasing. That reflects the fact that the law as it stands is not capable of dealing with it, partly because of the loopholes that have been identified by my hon. Friend—which the Bill will, I hope, take steps to close—but also because of the wider confusion in the law. I am glad that the Government have noticed that confusion and that their White Paper "Time for reform: proposals for the modernisation of our licensing laws" takes steps to address it. I hope that there will be further legislation as soon as possible, once the consultation has been completed and the Government are able to make recommendations.

I base my views on the issue not only on the evidence of my own surgeries, although that has been extensive, but on my conversations with other people who take an interest in and are concerned about it, such as Merseyside police, the Magistrates Clerks Association and other, local organisations.

I should like to quote briefly from some research that has been done in one part of my constituency—Speke, Garston—but emphasise that the research has been done there because of the operation of a local single regeneration budget partnership that is concerned with trying to regenerate the area, not because there is a particular problem in Speke. I cite that part of my constituency only because good information on the issue has been collected there, not because the situation is worse there than anywhere else.

Speke, Garston comprises about one third of my constituency, and 35 per cent. of the population are under 25. Of known offenders, 26 per cent. are under 18. Compared with the average across Liverpool, crime is higher in Speke. There is an average of 19.9 crimes per 100 residents, compared with 14.6—

Mr. Deputy Speaker: Order. I am listening very carefully to the hon. Lady's speech, and I have no doubt that she will soon be relating her remarks to the Bill's contents, which are what we are debating.

Maria Eagle: Thank you, Mr. Deputy Speaker. I was merely trying to set in the context of my constituency the difficulties that the Bill seeks to deal with. I shall, however, move swiftly on to speak more specifically to the Bill.

A survey was conducted in Speke, Garston, and people described incidents of alcohol drinking among young people as ruinous to the Speke community. They said that alcohol was cheap, effective, locally available and much cheaper to obtain than other drugs. They also said that under-age drinking was widespread.

When I talked to police, they made it clear that, in their experience, the biggest supply problem is centred on off-licences. National statistics, too, make it clear that young people obtain their alcohol at off-licences. Therefore, the concern is very much centred on local off-licences. Similarly, the problems caused by groups of youths, and the proxy-purchase issue, centre very much on local off-licences.

Merseyside police, who deal with these issues, believe that the root cause of the problem is not necessarily irresponsible licensees. They believe, in fact, that many licensees do their very best to ensure that they do not sell to under-age people. They also believe that proxy purchase is a particular problem and that, because of the legislative loophole, licensees can do nothing to prevent it. Given the comments of police and my own constituency experience, I believe that proxy purchase is a key problem in that part of the constituency.

I therefore very much welcome the fact that, in Committee, my hon. Friend the Member for Pudsey was bold enough to reinstate the proxy-purchase provisions that the legislation in the previous Session contained, but that were—understandably, as he was trying to build consensus on the Bill—removed. I very much welcome their return to the Bill, where they belong.

Test purchasing was pioneered in Liverpool, by Liverpool trading standards officers, whom I commend for their work on the issue. In 1988, Liverpool first started performing cigarette test purchases. Liverpool trading standards officers have also test purchased fireworks. They cannot, however, test purchase alcohol, as it is an offence to send an under-age person into an off-licence to make such a purchase. The law prevents them from conducting those tests.

I should add that, in 1988, when cigarette test purchasing was first adopted, every kid who was sent into a shop to buy cigarettes was able to buy them; 100 per cent. of shops sold under-age people cigarettes. Last year, with a much larger number of shops being tested, the figure had dropped to 5 per cent. Similarly, the percentage of shops selling fireworks to under-age people has dropped from 50 per cent, in 1986, to 5 per cent. today. Test purchasing works, and it should be allowed to work in helping to stop under-age drinking. I hope that the Government will take that fact into account.

I do not want to detain the House any longer, as I realise that hon. Members want to debate other matters on the Order Paper. I simply reiterate my support for the Bill, and tell my hon. Friend the Member for Pudsey that he has done a good job. I wish his Bill well. I am sure that it will be sent to the other place, and hope that it will soon be enacted.

11.5 am

Mr. Eric Forth (Bromley and Chislehurst): It was no less a person than Sir Winston Churchill, who, on 16 March 1931, in a Select Committee, said:

> I am not very anxious to help private Members' Bills. I have seen a great many of them brought forward, and in most cases it was a very good thing that they did not pass. I think there ought to be a very effective procedure for making it difficult for all sorts of happy thoughts to be carried on to the Statute Book.

I could not agree more with Sir Winston Churchill. That statement sums up better than I could ever do the proper attitude to private Members' Bills, and one that I, in my modest way, try faithfully to follow. I am comforted that it was Sir Winston who set that inspirational route for me—and, I hope, for others—in demonstrating what a private Member's Bill should be.

I want immediately to join other hon. Members who have paid tribute to the hon. Member for Pudsey (Mr. Truswell) for having the perspicacity, self-discipline and self-restraint to carry forward the task he has set himself in the way that he has done, not only in limiting the scope of his Bill—I believe that private Members' Bills properly should be limited and focused—but in ensuring that it does not involve intrusions on civil rights or large expenditure of taxpayers' money. Those are the

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types of criteria that I personally apply to private Members' Bills, which should also be able to command the confidence of the House at every stage, to enable hon. Members to see the contribution that they will make. This Bill fits all those criteria admirably, which is why I sense that, very shortly, the House will give it a Third Reading. That would certainly be my wish.

I also pay tribute to the hon. Gentleman—it has been touched on, but I want to repeat it—for his persistence. Following the tragic incident involving his constituent, which we have heard about today—I extend my condolences to David Knowles's family—the hon. Gentleman was not put off, introduced his Bill again and again, and sensed what legislation would be passed by the House. He has now arrived at the position that he is in today, and it is an enormous tribute to his persistence and perspicacity. I hope that other hon. Members will consider it as a textbook operation for a private Member's Bill.

I should like to mention in passing—I do not think that the matter received a proper outing when I mentioned it before, so I shall have another go at it; I thought that it was rather funny, although not many people did at the time—the fact that, in the Bill's long title, I spotted the statement:

> Make provision in connection with the sale and consumption of intoxicating liquor in cases . . .

I was told by the hon. Member for Pudsey that he was satisfied that that wording would not in any way inhibit the Bill's effectiveness. I hope that that is so, and that the lawyers among us—not least my hon. Friend the Member for North–East Hertfordshire (Mr. Heald), to say nothing of the Minister himself—will not want to get too picky about that wording. However, it struck me as slightly infelicitous, and I hope will not hinder the Bill's effectiveness.

This debate is our last chance to be satisfied about the Bill. My right. hon. and hon. Friends and Labour Members, in paying tribute to the Bill, have also highlighted some potential difficulties. Very shortly, the Minister—with his expertise and the advice that he has had, and from the position that he is in—will have the opportunity finally to satisfy the House that the Bill will do what we want it to do. I should like, therefore, to take a very short time to flag up one or two of the matters in the Bill about which concern has been expressed at various stages in its passage. The first was raised in a remarkable contribution by the hon. Member for Brent, North (Mr. Gardiner) on 12 May. He said that

> it is clear that the clause, with its use of the phrase "in licensed premises" is not sufficient to deal with all situations in which alcoholic beverages can be sold from licensed premises to minors. Therefore, the amendment, by inserting the words "or from" into the clause, would reinforce the interdiction against the sale of alcohol from the curtilage of a licensed premise.

The hon. Gentleman's tour de force contribution summed up the difficulty felt by a lot of hon. Members concerning the use of the words "in licensed premises".

My hon. Friend the Member for North–East Hertfordshire said on the same day:

> There is obviously quite a bit of concern in the House on the question of internet sales and the use of credit cards.

Again, that matter arose repeatedly on Report in the context of Members' anxiety that there was the possibility that the Bill was being restricted by its use of the words "in licensed premises".

In fairness, the Minister—as courteous and diligent as ever—has told the House:

> The law permits sales on credit by off-licences. Sales on credit are prohibited only when alcohol is sold for immediate consumption on licensed premises. Credit cards cannot lawfully be held by anyone under 18 years old.

That is crucial to the Bill. He then said that debit cards can be obtained by minors, adding:

> As we have said in the licensing White Paper, there is no evidence that youngsters are using purchase by mail order, telephone or internet to obtain alcohol—at the moment.—[*Official Report*, 12 May 2000; Vol. 349, c. 1121-70.]

My hon. Friend the Member for North–East Hertfordshire had asked the Minister about possible research on the subject and the Minister had revealed that a research budget had been allocated. It is relevant for us to press this matter.

I will accept from the Minister, with a little reluctance, that because he believes that there is no evidence of a significant use or abuse of purchasing through the internet or credit and debit cards by minors, that is not something that need concern us at this stage and that the use of the words "in licensed premises" need not prove to be a weakness in the Bill, as we would fear.

I accept that for the time being, but I would like the Minister to say one more time that he believes that it will not weaken the effectiveness of the Bill, and that he and the Home Office will look carefully at the matter in the White Paper and in the research budgets to satisfy themselves that, if a problem arises, it will be dealt with promptly in the legislation that the Government will propose following the White Paper.

We have touched this morning on the key phrases in the Bill. For example, proposed new section 169A says:

> It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of his own act, to prove that he had no reason to suspect that the person was under eighteen.

Proposed new section 169A(3) states that it is a defence for a person charged

> to prove that he exercised all due diligence to avoid the commission of an offence.

My hon. Friend the Member for Gainsborough (Mr. Leigh), with his legal expertise, reinforced my doubts on this part of the Bill. As always, we are in difficult territory here, as we must strike a balance between civil rights and a proper, reasonable defence being allowed to people whose innocence must always be assumed until proven otherwise; I hope that that will always remain the case, European depredations notwithstanding. Here I wonder whether the balance is right.

The Minister should have something to say, given the two hats that he wears—first, as a legal expert in his own right, and secondly, as a Home Office Minister. We must be satisfied that he believes that prosecutions can be mounted effectively within the terms of the Bill, and that the balance has been correctly struck between the proper rights of individuals in our legal and judicial systems on the one hand and our desire to make the law effective in this area on the other.

The hon. Member for Liverpool, Garston (Maria Eagle), as always, is in her place for these debates and is following the matter with the interest that she has shown from the start. She has done the House a great service today in bringing her legal expertise to bear. We have been fortunate in having a plethora of legal experts at all stages of the Bill, which has been particularly apposite. I cannot say that I am always enthralled to be surrounded by lawyers but, on this occasion, it has been helpful. On 12 May, the hon. Lady said:

To include "knowingly" in the selling offence restores the position that applied before 1988. The Licensing Act 1988 removes "knowingly" from the selling offence. The House should consider whether the legislation was successful in its aim to make it easier to prosecute. Including "knowingly" requires express knowledge by the licensee. It is quite a hard test to meet.—[*Official Report*, 12 May 2000; Vol. 349, c. 1150.]

She said later that she believed that there had been a problem historically of a fall in the number of prosecutions mounted, as a result of the changes made in the law in the past. This focuses attention on the word "knowingly" and its context in the Bill, and whether that will have the effect of making prosecutions more easy to mount and to succeed, or less. Again, I look to the Minister to confirm that he is satisfied that the word "knowingly" in this context will not be an impediment to the Bill.

My hon. Friend the Member for North-East Hertfordshire—acute and on the ball as ever—said on 12 May:

Might the answer to that question be found in a contractual interpretation of the relationship, if there is one, between the person selling and the person permitting the sale of intoxicating liquor to a person under 18? Would it not be wrong to say that the latter is guilty of an offence, just because there is an employer-employee contractual relationship? Surely, the mischief only occurs if it is done "knowingly"?—[*Official Report*, 12 May 2000; Vol. 349, c. 1157.]

My hon. Friend was being helpful, and later the Minister referred to that with approval and suggested that that might be the answer to the conundrum of "knowingly".

We need the maximum reassurance that possible areas of difficulty are not as problematic as some of us felt, and that matters can be readily resolved. Exactly the same applies to proposed new section 169C(3), which states:

A person shall be guilty of an offence if he buys or attempts to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.

I was worried at the time that the use of the term "in a bar" was unduly restrictive. The Minister—being helpful again—said that

a bar is an area designated by the licensing justices in granting the licence. It is therefore specified in the licence.

I accept that explanation, of course. That makes it important that those who grant the licences and make the specifications in them are careful to ensure that they cover all the possible definitions of "in a bar", to ensure that all the premises are adequately covered. We live in a world in which the development of the licensed trade has been rapid and exciting, with theme bars and licensed premises with gardens and roof terraces. What about the cases in which people take their drinks outside on to the pavement outside the licensed premises and enjoy their pint of beer on a warm summer's day in a convivial group? Is that a problem? The Minister has been helpful and explained that the term "in a bar" need not be as restrictive as I had feared and that it was a matter for specification by the licensing authorities. Is he satisfied that the answer he gave then covers that eventuality?

Mr. Maclean: My right hon. Friend may find that that eventuality is covered by an Act introduced in the previous Parliament by our colleague, Dr. Robert Spink, who received incredible help from a thoughtful Home Office Minister of State. After suitable parliamentary debate, that measure reached the statute book, and it deals with most of those problems.

Mr. Forth: Our admiration for that helpful Minister is unstinting and we remember him with great fondness. We have explanations for most of the problems that were identified, although I have raised some additional questions for the Minister. However, we should not be under the illusion that the Bill means that nobody under 18 can enjoy an alcoholic beverage, because proposed new section 169D provides exceptions for persons under 18 but over the age of 16. The promoter of the Bill explained the position in an earlier speech, but—intriguingly—exceptions apply to beer, porter and cider, and also to the purchase

for consumption at a meal in a part of the licensed premises which is not a bar and is usually set apart for the service of meals.

The Bill allows a degree of flexibility, which I do not criticise, but we should be aware of it.

I have some doubts whether we are likely to have effective prosecutions under proposed new section 169F. It is probable that prosecutions will be possible in the case of a direct relationship between the person doing the purchasing, the receipt of the goods and the person doing the selling. However, will that happen in the case of a person who

knowingly delivers to a person under eighteen?

What about the case of a person who

knowingly allows any person to deliver to a person under eighteen?

That is very indirect. We are now talking about the second and third person. A later clause applies the provision to a person who has

authority to prevent the delivery.

I flag that issue up, because I have considerable doubts about whether it is likely that it will be easy for a successful prosecution to be mounted under that provision. The intention is obviously to spread the net as wide as possible, but my lingering doubt is that prosecutions will be difficult because they would involve activities at second or third remove.

I apologise for getting the issue of test purchasing wrong earlier in the day, but I am still unhappy about one aspect of it. My hon. Friend the Member for Gainsborough and my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) expressed their support for it, but I fear for the welfare and wellbeing of the young person used in the exercise. Before I acquiesce in the use of test purchasing, which is strongly hinted at in the White Paper, I wish to be satisfied that adequate protections will be provided to young people used to make test purchases, be that parental consent or other involvement of an adult or guardian. My fear is that the police or authorities will, with good intentions, persuade a young person to perform an act that could have an adverse effect on that young person. I accept the comment

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by the hon. Member for Garston that test purchasing has been performed for a long time and is very successful, but I would like to know more about the effects on the young people involved.

My right hon. and hon. Friends have mentioned proposed new section 169H, but I wish to add that the Bill mentions various participants in the acts in question—such as the person making the purchase, the licensee, the agents or employees, paid or unpaid—with various ramifications and, therefore, we should have more than one level of fine. I congratulate the hon. Member for Pudsey on doing a great service to his constituents and more widely in sponsoring this Bill. I wish it well and it will have my support on Third Reading.

11.25 am

Ms Chris McCafferty (Calder Valley): Not surprisingly, I have a strong feeling of déjà vu in speaking in this debate. To be able to sponsor a private Member's Bill is a privilege and I was grateful for the opportunity to present a similar Bill last year. I regarded the measures it contained as urgent and necessary. My Bill followed a ten-minute Bill tabled by my hon. Friend the Member for Pudsey (Mr. Truswell), and I pay tribute to his consistent efforts in raising awareness of licensing issues in relation to children and young persons, which are now being addressed in his Bill.

The Bill will create new barriers to children gaining access to alcohol. It has the backing of the Portman Group, which represents the alcohol industry, and it proposes several measures, including closing a legal loophole that allows the courts to distinguish between the liability of the licensee and his or her employees by providing that anyone who makes a sale to a minor is liable to prosecution. The Bill will also create a new offence of proxy purchasing if someone over the age of 18 purchases alcohol for a minor—which is already a long-standing offence in Scotland.

I, too, became aware of the legal loophole through the death of David Knowles from the neighbouring constituency of Pudsey. He was bright boy in the top six at school for maths, and his ambition was to be a bank manager. His father described David as a serious young man who had acted completely out of character. He said that David might have got away with looking 15 in a bad light, but was obviously under age. David's father has said that if alcohol is sold to children, it is obvious to every right-thinking person that they could do damage to themselves, to others and to property. However, there is nothing to stop people selling alcohol to children, either out of carelessness or just to make a profit.

As we have heard this morning, even though the police seized video footage showing that David was served twice in the same off-licence, the prosecution of the staff collapsed because the licence holder did not directly employ them. That has exposed a large gap in the law that allows people who sell alcohol to young people to escape prosecution where, as is increasingly common in bigger chains, they are employed by a parent company, not by the licensee or the manager. Thousands of staff in off-licences and supermarkets can sell alcohol to children without fear of prosecution because of that loophole.

David's parents were distraught when they realised that no one could be brought to justice for selling their son the alcohol that led directly to his death. The Bill will close that loophole. It provides that anyone who makes a sale to a minor is liable to prosecution.

To tackle the problem of young people of 18 who buy alcohol legitimately and then pass it on to friends, the Bill creates a new offence that makes it unlawful for someone to buy alcohol in shops and off licences on behalf of a young person. It will also penalise passing adults who are prevailed on to make purchases for young people. An equivalent provision has existed in Scottish law since 1976. The proposed provision is intended to target adults who, whether they are known to the child or are strangers, will agree, often outside or close to a licensed premises, to buy alcohol to be passed on immediately to a child in the street.

A survey carried out by Professor Howard Parker of Manchester university in 1996 found that, of a representative sample of 13 to 16-year-olds in greater Manchester, 25 per cent. purchased alcohol for themselves, but that 53 per cent. obtained alcohol by asking older friends to buy it for them, and that 26 per cent. obtained alcohol by asking strangers to buy it for them. Of that latter group, there was a prevalence of girls, and of 13 to 14-year-olds. The dangers inherent in such vulnerable young girls approaching strangers for favours must be immediately obvious to hon. Members.

Mr. Peter Viggers (Gosport): I am following the hon. Lady's speech with interest. What will the Bill do to prevent the nuisance and mischief that she has just described?

Ms McCafferty: The Bill will make proxy purchase an offence. That will ensure that adults think very carefully before they allow themselves to be prevailed on by minors to buy alcohol on their behalf in off-licences, stores and supermarkets.

A number of benefits will follow from making proxy purchase an offence. It will clearly act as a deterrent to those who knowingly purchase alcohol on behalf of people under 18—as long as effective penalties are in place and the law is shown to be enforced. The low rates of prosecution in Scotland mean that many people there do not take the proxy purchase law very seriously. That should not deter support for the principle of the offence, but rather it should convince the Government and the responsible authorities that the offence must be backed up with adequate enforcement.

Secondly, it will lead to reductions in the levels of under-age misuse, provided that the legislation is accompanied by effective public education campaigning. That should aim to increase the awareness of the existence of the offence of proxy purchase, and to influence public attitudes, so that the purchase of alcohol on behalf of under-18s is regarded as morally and socially unacceptable, just as drink-driving is now considered to be morally reprehensible.

The Bill also complements the provisions of the Confiscation of Alcohol (Young Persons) Act 1997, which was introduced by the former Conservative Member Dr. Robert Spink as a private Member's Bill under the previous Government. Ironically, however, it was finally enacted by this Government. That Act gives

police the power to confiscate alcohol from under-18s who are consuming it—or are thought likely to do so—in public.

The Health Education Authority estimates that there are about 190,000 11 to 15-year-olds who regularly drink the equivalent of seven pints a week. It is clear that the figures relating to convictions for under-age purchase of alcohol and sale to minors do not reflect the true extent of the problem. In 1995, only 269 people were found guilty or were cautioned for selling alcohol to under-18s, and 351 people under the age of 18 were found guilty or were cautioned for buying or trying to buy alcohol.

I believe that the introduction of test purchasing would give greater impetus to one or more of the identity schemes currently in existence. In my constituency and in that of my hon. Friend the Member for Halifax (Mrs. Mahon) a total of 2,360 Portman Group cards have been issued to over-18s. I understand that between 5,000 and 10,000 cards a month are issued nationally. I believe that retailers will be much more likely routinely to ask young people to prove their age if they know that they can be subject to test purchasing. I am pleased that the Government are looking at that very carefully.

The vast majority of those who make and sell alcoholic drinks in the UK welcome the provisions of this Bill. Indeed, the call for test purchasing and for an offence of proxy purchase has been supported repeatedly by organisations related to the trade and the industry. The members of the Portman Group are the nine leading drinks manufacturers in the UK, and their work is generally supported throughout the industry and the licensed trade as a whole. Last year, the group submitted a paper in response to the consultation by the Department of Health on alcohol strategy. It called for all the legislative changes proposed in the Bill, and made the point that the measure would complement the progress made in the industry towards tackling alcohol abuse.

There is a great deal of evidence that alcohol sales to minors lead to unsupervised drinking and alcohol abuse that reaches down even to primary school level. Along with many hon. Members and health professionals, I am extremely concerned about the potential adverse effect on physically immature children who often drink well beyond levels recommended for adults.

In my view, under-age drinking is a very serious social problem and people are understandably and justifiably worried about it. I have had many complaints from constituents about the problems caused by the minority of youngsters who get into trouble because of drink. I have campaigned previously about how some drinks—the so-called alcopops—seem to target young people deliberately.

Alcopops are not the only drinks illegally obtained by youngsters, but they represent a very worrying trend. Many are especially dangerous because their strength is masked by fruit or other flavours. That breaks down awareness of the alcohol content and children's traditional taste threshold. Equally worrying is the fact that many such drinks are fashion items, packaged and marketed in a way that is attractive to teenagers and even to younger children.

Education about alcohol is already a specific and statutory requirement for schools as part of the national curriculum, but it is as much the responsibility of parents and carers as it is of teachers and youth workers to ensure that young people who drink under their supervision consume alcohol in safe quantities.

Dr. Lynne Friedli, the Health Education Authority's alcohol programme manager, has said:

> Drinking is such a central part of our social life today that parents may sometimes underestimate the harm it can do. While they are understandably worried about illegal drugs, it is important to realise the range of problems that alcohol can cause their children.

The main problem is that in some areas it is too easy for children to get hold of alcohol. Urgent action is needed.

The measures in this Bill will give the police and the courts real powers to stamp out the problem, and especially to tackle the minority of irresponsible retailers and adults who either deliberately flout the law, or simply turn a blind eye to under-age sales. The measures represent a great improvement in the range of measures that are available to tackle under-age alcohol misuse.

I pay tribute to the liquor and retail industries for their readiness to address the social problems arising from the products that they sell and for their support for the Bill. However, there must be no let-up in the fight against under-age drinking and the misery that it causes.

I congratulate my hon. Friend the Member for Pudsey on introducing this Bill and on having the tenacity to see it through this far. I commend the Bill to the House.

11.39 am

Mr. Andrew Miller (Ellesmere Port and Neston): As you know, Mr. Deputy Speaker, I worked extensively with the previous Member of Parliament representing Pudsey, Sir Giles Shaw. In his latter years in Parliament, he did a tremendous amount, as Chairman of the Select Committee on Science and Technology, to work on a consensual basis in the House. It gives me great pleasure to support my hon. Friend the Member for Pudsey (Mr. Truswell), who has approached this Bill in the same way. Perhaps it is something in the water in Pudsey that encourages people to think in a consensual way in trying to get important measures through the House.

From what my hon. Friend the Member for Liverpool, Garston (Maria Eagle) said, it is clear, even without the scientific survey to which she referred, that the physical evidence of under-age drinking and the circumstances that cause disruption, particularly to elderly people, is there for all to see. We must take a responsible view as a society to bring that under control.

Having been brought up in a Mediterranean country, I am certainly not opposed to young people drinking, but it must be in a responsible way. Having access to alcohol in an unsupervised way is irresponsible and leads to huge risks. Close to my office there is a lovely bowling green, which is regularly scattered with empty beer cans. It is clear from the evidence that the drinkers are youngsters who are substantially under age and cause disruption to the older, more mature people using the facilities. So this Bill is very important.

The right hon. Members for Penrith and The Border (Mr. Maclean) and for Bromley and Chislehurst (Mr. Forth) referred to internet sales. "Booze.com" is not yet a reality, although I suspect that it may become one in the future, and the right hon. Gentlemen were quite right to mention it. However, there are important issues that the Government must get to grips with. Class A drugs

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are available on the internet, and there must therefore be a risk that illicit sales of alcohol will start to be made on the internet in the near future.

Mr. Simon Burns (West Chelmsford): The hon. Gentleman said a moment ago that, from his office, he could see people drinking and leaving their beer cans around, and that it was clear that a number of the drinkers were under age. As a matter of interest, did the hon. Gentleman ever ring up the police to report this?

Mr. Miller: Yes, I did and yes, they came and yes, there is work going on with the bowling club and the local authority. It has been a positive result from the use of CCTV in my constituency.

We need to look at the intermediate technologies that are being widely used by supermarkets. There is a problem in that a number of supermarkets are, quite legitimately, developing sophisticated businesses based on call centre technology, that enable people to go back to the sort of circumstances that used to exist. I wonder whether, as his first entrepreneurial activity, the right hon. Member for Bromley and Chislehurst worked as a delivery boy for the local greengrocer. It strikes me as the sort of activity that he would have undertaken in his youth. Of course, the world has turned full circle, and such direct deliveries, without the customer having to interface with the shopkeeper, is coming back. I think that it is an extremely good thing, especially for people living in rural communities.

In that context, will my hon. Friend the Minister say whether, under proposed subsection 169F(1), it is his understanding that a person who works in licensed premises would be the delivery person for those premises? That would mean that two categories of persons would be involved—a direct employee of the licensed premises and an agent. If someone collects goods from licensed premises that he then delivers to the customer, it seems reasonable for the courts to say that he is a direct employee of the licensed premises and therefore has responsibilities under this measure. There seems to be a potential loophole in this loophole-closing Bill if the "booze.com" kind of business develops. I do not think that that will become widespread and prevalent in the next few years, because bulky goods do not make for such attractive business propositions in this area, so there is time to consider it. However, it must be considered.

There can also be a problem when the delivery mechanism is an agent of the supplier of the goods. We have discussed intellectual property and the role of internet service providers. Clearly, we are not talking about that in this context, but we are talking about companies such as Parcelforce or the Post Office acting as an agent for the supplier. We do not want such companies to be held responsible for actions of which they are not the cause. However, Post Office legislation provides that, if it is brought to the attention of the agent that there is a risk that it is in breach of the law, it should take reasonable steps to rectify the matter.

These areas will need to be considered in the longer term. In the short term, I would be grateful if my hon. Friend would cover the question of interpretation.

This may be a small Bill, but it is of great significance to all our constituents. I endorse the points made by Opposition Members. I hope that the Bill receives a speedy passage in the other place and that it goes on to the statute book in the very near future. I congratulate my hon. Friend the Member for Pudsey on his tenacity in driving his Bill through the House, and I wish it well.

11.48 am

Mr. Oliver Heald (North–East Hertfordshire): I start by agreeing with the hon. Member for Ellesmere Port and Neston (Mr. Miller) that, although this is a small measure in terms of paper, it is none the less important, because it goes to the heart of one of the most concerning aspects of our modern society—the dangers to young people.

The House will have been impressed by the comments of the hon. Member for Calder Valley (Ms McCafferty), who clearly showed concern and emotion over the Knowles case. I found it particularly poignant when she said that David Knowles had wanted to be a bank manager. Across the country there are young people with hopes, dreams and aspirations. There are so many opportunities in life—he may not have ended up as a bank manager, but he could have lived a happy, rewarding life in which he achieved things and felt that he had been successful. Yet, because he came across a danger in society, he did not have the opportunity to do that.

Earlier this week, I went to Manchester to launch the Junior 2000 Crucial Crew project—set up by the Manchester crime prevention panel to explain the dangers of modern life to young people. It is a fantastic project. One of the aspects covered is substance and alcohol abuse. Many people volunteer to take part in such projects, but we in Parliament have a special duty to do our part in setting up a legal framework to address the problems.

On behalf of the Opposition, I welcomed the Bill on Second Reading and I continue to do so. It closes the loophole that was so damaging in the Knowles case. Obviously, I extend again the tributes paid by many right hon. and hon. Members to the hon. Member for Pudsey (Mr. Truswell).

On Second Reading, a range of issues designed to test whether the Bill could go further were introduced. My hon. Friends the Members for Meriden (Mrs. Spelman), for New Forest, West (Mr. Swayne) and for Bromsgrove (Miss Kirkbride) all raised the issue of proxy purchasing, whereby an adult is persuaded to enter licensed premises to buy alcohol for someone who is under age.

My hon. Friend the Member for Meriden pointed out that it is an established practice. Everything that we have heard in today's debate—from the hon. Members for Liverpool, Garston (Maria Eagle) and for Calder Valley and Opposition Members—confirms that point. It is thus especially welcome that, in Committee, the hon. Member for Pudsey was prepared to table an amendment that makes it an offence to buy or to attempt to buy alcohol on behalf of a person who is under 18. We welcome that.

Today, however, several right hon. and hon. Members have made the point that the amendment may not go far enough. When the Spink Bill became law, it meant that, if an adult purchased alcohol on behalf of a young person, when that person came out of the licensed premises and handed the alcohol to the young person, it would have been possible for the police to confiscate the alcohol. However, the measure did not make it an offence to arrange for an adult to go to licensed premises and purchase the alcohol. As my right hon. Friend the Member for Penrith and The Border (Mr. Maclean) said, it might

be worth considering whether it would be possible to make an offence from the point of view of the young person. If young people know that it is not an offence to persuade an adult to do that, perhaps there is not enough constraint on them.

I hope that the Minister will consider the point made by my right hon. Friend. Is there some way of tightening up on the young person who is consuming alcohol in a public place, or who is arranging for a proxy purchase? Will the Minister confirm that the points made in the debate will be considered as responses to the White Paper? Will they be taken into account when draft legislation is considered?

Among the tributes paid to the hon. Member for Pudsey was that he had focused his Bill. He has stuck to issues that he knows command the support of the whole House. That is the correct approach to a private Member's Bill. Indeed, how could I possibly deny that, when I am told that no less a man than Winston Churchill approved of that approach? That is what my right hon. Friend the Member for Bromley and Chislehurst (Mr. Forth) tells us, and I am sure that he is right.

There are several issues that the Minister should attempt to deal with, given his own knowledge and experience, to which is no doubt added the benefit of advice from his civil servants. My right hon. Friend the Member for Penrith and The Border asked how the defence would be mounted. How would the licensee or the worker prove that they had been duly diligent? It was asked whether it would be necessary for the licensee or the worker to have asked to see proof of identification in order to satisfy a court that due diligence had been exercised.

That point was taken up by my hon. Friend the Member for Gainsborough (Mr. Leigh) and my right hon. Friend the Member for Bromley and Chislehurst, so it is incumbent on the Minister to explain how the defence would work. In his view, what practical measures would licensees and workers have to take?

A point was made about the scale of penalties. Is it right that the licensee should receive the same penalty as, for example, the regular worker at a supermarket checkout? Should there be a higher maximum for a person who holds a more responsible position in the chain of command? I am sure that the Minister will want to touch on that in his remarks.

The Minister was asked whether proposed new section 169H would be likely to be repealed as a result of the White Paper. Obviously, he will not be able to tell us his final conclusion on that matter, but perhaps he could give us a picture of current thinking.

My hon. Friend the Member for Gainsborough referred to the way in which the prosecution would approach such cases. Is enough effort being put into mounting prosecutions in these circumstances, or are such cases seen as difficult to prosecute and not given full attention? Are prosecutions effective? When a prosecution is mounted, is it likely to succeed? What are the figures? Are prosecutions generally successful or is there a substantial proportion of acquittals?

The wider social problems were mentioned—such as the fact that football hooliganism and other forms of vandalism are fuelled by drink. Does the Minister have a view as to ways in which the law needs to be further tightened up?

The hon. Member for Garston asked for test purchasing and explained the concerns in her constituency. There are doubts as to the civil liberties aspects of test purchasing and the effect on young people. What is the Government's current thinking on that matter? From the White Paper, one has the impression that the Government support test purchasing, but it would be helpful if the Minister could confirm that.

My right hon. Friend the Member for Bromley and Chislehurst raised a number of points that have formed a theme in our deliberations on the Bill. Does the use of the words "in licensed premises" as the point of sale in the offence affect internet sales? One would think that it does. Is the Minister satisfied that there are no substantial internet sales at present? Credit cards are available to under-18s and a small number of under-18-year-olds hold debit cards. Is the Minister satisfied with that situation or does he think that research should be carried out? On Second Reading, I asked whether he would be prepared to initiate such research and I note that his hon. Friend the Member for Ellesmere Port and Neston is also concerned about that matter. It would be helpful to know whether the words "in licensed premises" do not include internet sales—I assume that they do not. Now that the Minister has had time over the past two months to ponder the matter, does he think that research is needed?

My right hon. Friend the Member for Bromley and Chislehurst wanted to know whether it will be an offence to purchase alcohol for someone under 18 if that person drinks it outside the premises. It seems to me that it will not be an offence, and I understand that there would be difficulties for pub gardens and similar areas if it were. Does the Minister think that the provisions in the Spink Bill, which is now the Confiscation of Alcohol (Young Persons) Act 1997, cover such cases?

We heard in the debate much about the speed at which the operators of tills in supermarkets have to work. Is the Minister satisfied that, in that environment, proper protection is in place? Is it possible in such circumstances to ask for identification? Does he need to consult the supermarkets about how they operate their tills and about their staffing levels, so that we can ensure that proper time is given to the important process of checking identification?

The amendments on proxy purchasing raised the concern that parents who buy alcohol for a family meal at which a child might responsibly be introduced to alcohol might be caught by the Bill's provisions. In Committee, the Minister reassured us that the wording used would not bring such parents into the offence, and that the provision would apply only if the purchase was made on behalf of a young person. Will he confirm that, so that there is no doubt?

The Portman Group, Alcohol Concern and the Brewers and Licensed Retailers Association have all welcomed the Bill. We continue our support for it. David Knowles died in a tragic way and his family will no doubt still find that the most traumatic experience. However, as the hon. Member for Pudsey said, the passing of the Bill may give them some comfort as a memorial to David Knowles. We express our condolences to the family and we hope that the Bill will protect young people so that they can fulfil their hopes and aspirations without falling into the dangers that have been described in this debate.

12.1 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Mike O'Brien): I welcome this further opportunity to join both sides of the House in commending the decision of my hon. Friend the Member for Pudsey (Mr. Truswell) to introduce this Bill, and his skilful piloting of it through the House. He has built on the work of my hon. Friend the Member for Calder Valley (Ms McCafferty) and others, who also deserve credit for this measure. I am grateful to both sides of the House for their contributions to the debate, which have always been sensible and well thought out. Indeed, throughout the discussions on the Bill, the comments made have been considered, careful and of value.

The Government share the concern of my hon. Friend the Member for Pudsey about the unlawful sale of alcohol to young people. Once again, I am happy to reiterate our strong support for the Bill. The White Paper "Time for reform", which was published on 10 April, showed that we consider the protection of children to be one of the primary purposes of licensing law. The importance of the Bill should not be underestimated.

Because the Government are poised to embark on major reforms of licensing arrangements, it might well be asked, "Do we need this Bill now?" We do, because the process of consulting on the main licensing Bill will take time. My hon. Friend has given us an opportunity to take prompt action on an urgent issue and to change the existing law now. We are grateful to him for that. It will mean that those who evade prosecution for selling to minors and for irresponsibly buying alcohol on behalf of children will be dealt with more effectively without the delay that there could otherwise have been. The two to three years before we have major reform is a period in which children and their families might have suffered unnecessarily if it were not for the Bill. He has given us an opportunity to avoid that prospect.

We agree that our licensing laws are out of date and dreadfully old fashioned. My hon. Friend's Bill focuses on the use of the term "servant". Parliament, at one time, believed that "master and servant" would cover all employees responsible for selling alcohol and thought that the term provided sufficient protection for the general public and for children. Modern case law has stood Parliament's intention on its head. The words have now come to be used only as a means of evading prosecution. We can and should put that right.

My hon. Friend set out the circumstances that led to the tragic death of David Knowles. The case highlighted the problem of those employed by national chains of off-licences. However, there are other problems with the outdated wording. The term "servant" in the existing law does not include an agent who acts on behalf of the licensee, but who is not an employee. For example, the wife or husband of a licence holder working in an off-licence in an unpaid capacity may be immune from prosecution for selling to under-age children. Similarly, a brother or other family member serving in the shop could escape prosecution. In 1996, the conviction of the husband of a licensee for selling alcohol to a 14-year-old was quashed in the divisional court because there was no evidence of a master-servant relationship. Hon. Members will be aware that many high street off-licences are run by families, so it would be wrong if a licensee could evade prosecution by putting responsibility into the hands of his or her spouse. The Bill will address that further loophole.

I take this opportunity to praise my hon. Friend the Member for Pudsey for the amendment that he moved in Committee, which gives the Bill the extra teeth that it needs. It is a sad indictment of our society that there are adults willing to act as the agents of youngsters to enable them to get hold of alcohol. The new offence is another measure to help us to fight the problems of under-age drinking.

The reforms proposed by my hon. Friend are sensible and fair. Hon. Members will note that under the Bill, the offences of selling to minors and buying on their behalf cannot be committed if the adults involved have been genuinely duped about a child's age. In Committee, I explained that the courts should rule on the extent to which adults had behaved reasonably in seeking to establish the child's age and whether they had been deceived.

There must be evidence of age to support a conviction, but evidence about whether the defendant had been reasonably deceived, as opposed to turning a blind eye, would have to be produced by the prosecution. Indeed, the defence may well want to produce such evidence, which, if necessary, may involve producing the child in court. I understand that that has become a common means of establishing either a defence or the case for the prosecution, and is usually the heart of the matter when a not-guilty plea has been entered. Producing the child has the great merit of solid reliance on common sense. If, after seeing the child, the court is of the opinion that the defendant must have turned a blind eye to the child's age, it may well decide to convict.

The right hon. Member for Penrith and The Border (Mr. Maclean) asked about the steps that an employer could take to show a defence under proposed new section 169A(2). He suggested that an employer could show that he had trained his staff and that they had clear orders not to sell to people under 18. He also suggested that the employer could demonstrate that he had shown due diligence in minimising the chances of an under-age person being served. All those things would be material facts for the court to consider. However, deciding what is sufficient is a matter for the court.

Requesting a card would be a material factor which a court could weigh in the balance. The right hon. Gentleman asked whether the employer actually had to do something or whether he could be passive. That depends: it may be clear that the person is under 18—or, more likely, it may be clear that he is over 18. If the right hon. Gentleman appeared in an off-licence, he would not expect the licensee to have to do something to establish that he was of an age at which he could buy alcohol.

Mr. Leigh: May I question the Minister more closely on his interpretation of subsections (2) and (3) of proposed new section 169A? Subsection (3) refers to due diligence and deals with someone who is charged as a result of his employee's fault. It is therefore clear that the employer has to exercise due diligence, perhaps in the way in which he trains his staff. However, subsection (2) makes no requirement of the employee who sells the alcohol to exercise due diligence. Have I got that wrong? I am worried by what the Minister has said, because if the child is produced in court and the court decides that he

appears to be 18, the employee will be let off. The Bill makes no requirement for that person to exercise due diligence.

Mr. O'Brien: I shall examine the clause with care, but my understanding is that the employee and the employer would both be required to be diligent. Let me advance my argument, and I shall let the hon. Gentleman come back if he wishes.

On the point made by the right hon. Member for Penrith and The Border about due diligence, where a reasonable person would have doubts about the age of the person trying to buy alcohol, a request for information about age or for a card would become material factors in addressing the question whether due diligence was exercised. It is essentially a matter for the court to decide whether the licensee and his staff had behaved reasonably.

Under proposed new section 169A(3), it is for the defendant to prove that he exercised all due diligence. Once the evidence of the purchase has been produced and there is clear proof that the purchase was made, the defendant must prove that he exercised due diligence. The prosecution has the burden of proof in terms of the usual criminal responsibilities. The prosecution does not have to prove that the licensee did not exercise due diligence. It is for the licensee to prove that he did.

Mr. Leigh: I am grateful to the Minister. I know that it is difficult to answer legalistic but vital points. Proposed new section 169A(3) states:

> It is a defence for a person charged with an offence under subsection (1) of this section, where he is charged by reason of the act or default of some other person, to prove that he exercised all due diligence . . .

That is fine. It is clear. However, the phrase "due diligence" applies where the person employs someone else. I do not see that it applies to the person who actually made the sale, under subsection (2). That is what worries me.

Mr. O'Brien: I shall consider the hon. Gentleman's point with care. It is my understanding that the Bill would cover that. I shall take advice and respond in due course—*[Interruption.]* I am grateful to the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Sunderland, South (Mr. Mullin), who has provided me with the answers with due speed and due diligence.

Proposed new section 169A(2) refers to the person who is selling, and subsection (3) applies to the employer. The aim is that both would be required to show that they had no reason to suspect that the person who bought the alcohol was under 18. The employee would have to show that, and the employer would have an obligation to show that he had exercised due diligence to avoid the commission of an offence. That is the approach that would be taken.

Mr. Leigh: Will the Minister give way on that point, which is so important?

Mr. O'Brien: I give way once more.

Mr. Leigh: We have now clarified the matter. "Due diligence" would apply to the employer, not the employee. That is my point.

Mr. O'Brien: In terms of the strict wording of the Bill, the answer is yes. However, in terms of individual behaviour, the employee at the counter, serving a person who comes in and presents cash and appears to be under age, would have to show what we might in general parlance call "due diligence". In other words, he would have to prove that he had no reason to suspect that the person was under age. The phrase "due diligence" is not used in subsection (2), as it is in subsection (3), but the effect is much the same, although the employee and employer would show due diligence in different ways.

The employee would have to say, "May I have your card? May I make sure that you are of an age to purchase alcohol?", whereas the employer would not be in a position to make a direct request of the potential purchaser. He must show, in the ways that the right hon. Member for Penrith and The Border suggested or in other ways, that he has been diligent in telling his staff to exercise reasonable care—and perhaps diligence.

In Committee, I undertook to consult the Magistrates Association to make sure that it had no concerns about the defences that we have discussed and their operation in relation to under-age sales and proxy purchase. The association stressed that magistrates are used to determining such matters, and will take the view that they can deal with the provisions. Indeed, they welcome the Bill, which has the full support of the Magistrates Association. The association welcomes the closing of a loophole that has caused magistrates anxiety, and the decision to tackle the problem of proxy purchase. I am therefore confident that the available defences will work effectively in the interests of justice.

The simple message for retailers and off-licence staff who are anxious about the new offences and the operation of the defences is that if they do not know the age of the person standing in the shop, they should not sell to them. Most cases will be as simple as that. If customers appear to be under 18, staff should not sell to them.

The right hon. Member for Penrith and The Border referred to the role of magistrates in the transfer of specific responsibilities to local authorities, which the White Paper mentions. He drew our attention especially to proposed new section 169H, and asked whether justices would be able to impose penalties. Even after the reforms have been undertaken, justices will impose penalties, including revocation of the licence, under our scheme. The Bill may be able to stand through the review, although I suspect that we may want to consolidate it. However, we may continue with the current wording. Magistrates will therefore retain a substantial role, but under our proposals, local authorities will be primarily responsible for the administrative process of issuing or varying licences.

The right hon. Member for Penrith and The Border raised another matter that worries me. He mentioned checkout staff in supermarkets, and pointed out that they often work under great pressure and that there are sometimes queues. I am also worried that some of the checkout staff are under 18. We need to convey a clear message that under-18s must be supervised, and have someone in authority over them, when they sell alcohol to anyone. I advise supermarkets and their managements that if they allow anyone under 18 to sell alcohol without sufficient supervision, and without someone who can authorise a particular sale, they risk prosecution. We may need to revert to that and clarify it in the review of the White Paper.

[Mr. O'Brien]

It is an offence for a person under 18 to sell alcohol to anyone. A checkout person who is under 18 may therefore be committing an offence. That may also apply to the licensee, who commits an offence if he knowingly allows a checkout girl or boy under 18 to sell in the licensed premises. The licensee may therefore be vulnerable. Supervision and authority are necessary to ensure that the sale is properly carried out with due diligence in the context that we are considering. The right hon. Member for Penrith and The Border raised an important issue on supermarkets, which I shall consider carefully during the licensing review that we are undertaking.

My hon. Friend the Member for Luton, North (Mr. Hopkins) asked about the national alcohol strategy. We intend to bring it forward reasonably shortly, and it will dovetail well with our proposals in the White Paper. I am especially grateful to him for raising concerns not only about under-age drinking generally, but about the impact that drinking, under age or otherwise, can have on health.

The hon. Member for Gainsborough (Mr. Leigh) asked whether the level 3 fine—£1,000—is a sufficient deterrent to large companies, such as Thresher. We have taken the view that we shall take the approach outlined in the Bill. However, the question that he asks is pertinent, and in the overall review of licensing that we are undertaking, I should like to consider in greater detail the impact of such fines on large companies.

The right hon. Member for Bromley and Chislehurst (Mr. Forth) referred to the way in which the words "in licensed premises" limit the nature of the offences. He raised the issue of internet sales and the purchase of alcohol using debit or credit cards. We are examining that issue in the context of the White Paper. The hon. Member for North–East Hertfordshire (Mr. Heald) also referred to it, as did my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller), who is far better versed in the internet and computers than I am.

There is currently little evidence that under-age people use the internet extensively to purchase alcohol. Under-age drinkers tend to seek instant gratification from alcohol purchases. Of course, a delay is involved in getting alcohol through internet sales, and therefore there is apparently little such use of the internet. However, if we are to be successful in preventing access to purchases from off-licences under the Bill, we must be vigilant so that the internet does not present a problem in future.

I assure all hon. Members who have raised that issue that we are conscious of it. If I remember rightly, I referred to it in the White Paper, and during previous debates on the Bill I have certainly told the House that we shall consider it in the overall context of licensing—but it is a complex matter. We do not want unnecessary or heavy-handed regulation; we need to ensure that we are vigilant in ending opportunities for under-age drinking where we can do so.

The right hon. Member for Bromley and Chislehurst also referred to the word "knowingly" in section 169. I am satisfied that we have got the wording right, as far as we can. In my experience, no Bill is immune from the ingenuity of lawyers in reinterpreting it, but my advice is that we have done the best we can, and we must proceed on that basis. The right hon. Gentleman asked about people who drink alcohol on pavements outside bars. That matter was amply dealt with by the right hon. Member for Penrith and The Border, who, from his own experience, told us that it had been addressed.

The hon. Member for Gainsborough set out—I thought very well—the case for test purchasing. I agree with him that it involves creating an attitude of mind among those who sell alcohol, so that they know how to approach the business. I understand the concerns expressed by the right hon. Member for Bromley and Chislehurst. He is worried about the impact on test purchasers if they are under 18. We shall have to debate that issue fully another day. I do not wish to say much more about it, except that the Government's view is that test purchasing is necessary, but I shall seek reassurance about its likely impact on the under-age test purchasers that the authorities could use in such exercises.

My hon. Friend the Member for Ellesmere Port and Neston asked about the delivery boy or girl who does not work in the off-licence but is, in effect, an agent. That is a difficult area, which we must examine in the context of the White Paper. He asked how the Bill would operate. That depends to some extent on whether the person who makes the delivery is acting with the authority of the licensee. A prosecution may be against the licensee who authorised the delivery without exercising due diligence as to how it was carried out. If the alcohol was handed over by an agent to a person under 18, the person who had authorised that delivery might be liable, but that would be a matter for the courts.

The issue must be reviewed in our examination of how internet sales operate. If there were a growth of internet sales, businesses such as "booze.com" would probably get agents or other companies and their employees to make the deliveries. We must be careful about how the law is enforced.

Mr. Miller: Does my hon. Friend agree that we need to distinguish between the employee and the agent of the off-licence or supermarket? In advancing the development of electronic sales, we must not put unreasonable pressure on intermediaries. The responsibility must be held by the seller.

Mr. O'Brien: My hon. Friend is right that the onus should primarily be on the seller, who should exercise due diligence to ensure that the alcohol does not find its way into the wrong hands by means of his agents. We will want to take that approach.

Mr. Heald: Will there be an opportunity to see how the Bill operates with regard to off-licences, and the impact on internet sales, before the proposed licensing Bill comes before the House? I think the Minister said that the Bill will change the law two or three years ahead of the likely date at which the licensing Bill will become law. Is that right? Will there be a gap of a year or 18 months in which we can see how this Bill operates before the licensing Bill comes before the House?

Mr. O'Brien: There will inevitably be a gap. I hope that this Bill will become law fairly shortly, that there will be a period during which we can assess how it operates, and that we will then be able to consider the issues that arise from that and from the White Paper. Consultation

on the White Paper is taking place. When parliamentary time allows, we will consider introducing legislation. The hon. Member for North–East Hertfordshire knows from his own experience of government that those issues, and the timing, will have to be discussed in government.

Mr. Heald *rose—*

Mr. O'Brien: I am afraid that I cannot give much more information about the timing. The hon. Gentleman will also know from his experience of government that it is likely to be a year at the earliest before we produce any legislation. We will want to allow some time for the phasing in, and there will be transitional provisions for the adoption of the administrative changes that the White Paper proposes. We will need a reasonable lead-in period. I suspect that the hon. Gentleman wants to pin me down on the timing, but I am unable to assist him, except to say that consultation is taking place, and there will be an opportunity for the operation of this Bill, if it is made law as I expect it will be, to be considered in the context of that consultation. We will introduce legislation in due course.

Mr. Heald: All we need to know is that there is no proposal to make the major reform of licensing, in the form of the licensing Bill, in the autumn. If that does not happen, we shall have time to see how the internet sales go.

Mr. O'Brien: The hon. Gentleman is quite right.

The right hon. Member for Bromley and Chislehurst raised the subject of proposed new section 169F, which deals with knowingly delivering rather than selling. He asked whether it was likely that we would secure any convictions. I see no reason why we should not—if, indeed, that is where we experience a major problem. The right hon. Gentleman is right to say that the provision is more indirect, but I can conceive of circumstances in which the section would be used—albeit, I hope, with decreasing frequency as we reduce the amount of offending. For all of us, that must be the hope.

The right hon. Member for Penrith and The Border raised the issue of proof-of-age cards. The Department for Education and Employment is considering whether the youth card planned for those remaining in higher education can include a photograph and date of birth. We are awaiting the findings of the working party. The card is not intended to be a replacement for the Portman card as such. There are a number of cards, many of which do enormously valuable jobs. There is, for instance, a citizen card. We strongly support those initiatives, many of which have come from the industry.

The hon. Member for North–East Hertfordshire referred to the fuelling of hooliganism by alcohol. That is a serious issue, which is being considered in the broad context of criminal law enforcement, and also in the context of the licensing review. The hon. Gentleman asked whether we should make a young person who seeks to obtain a proxy purchase liable. I would want to consider that in the context of the White Paper licensing review. I shall also bear in mind the issues raised by other hon. Members about the overall review of licensing law.

The Bill deserves the support of every Member, and I do not hesitate to give it our full backing.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

WARM HOMES AND ENERGY CONSERVATION BILL

Order for consideration, as amended in the Standing Committee, read.

To be considered on Friday 21 July.

Recycled Content of Newsprint Bill

As amended in the Standing Committee, considered.

Clause 1

REGULATIONS IMPOSING A DUTY ON NEWSPAPER PUBLISHERS

12.32 pm

Mr. David Chaytor (Bury, North): I beg to move amendment No. 26, in page 1, line 5, leave out—

'*shall within* one year of the passing of this Act'

and insert "may".

Mr. Deputy Speaker (Sir Alan Haselhurst): With this we may take the following amendments: No. 11, in page 2, line 3, at end insert—

'and such environmental groups as he considers appropriate.'.

No. 25, in page 2, line 3, after "regulations", insert—

'including newsprint suppliers, newspaper publishers, retailers and consumer organisations.'.

Mr. Chaytor: In the unavoidable absence of my hon. Friend the Member for Pendle (Mr. Prentice), I am happy to move an amendment that he has promoted diligently during the last few months.

The amendments have important functions. Amendment No. 26 would simply remove the Secretary of State's statutory duty to implement the Bill's requirements, and make it a power. The Bill had its origins in discussions some three years ago, and appeared on the Order Paper last year. Throughout the intervening period, there has been lively discussion between the Government and representatives of the newspaper industry—both newspaper publishers and manufacturers of newsprint—about the potential for increasing the recycled content.

The industry's view has been that it could do more to increase recycled content. Both manufacturers and publishers have been aware of the huge and growing problem arising out of the nation's steady year-on-year consumption of newspapers, the increase in newspaper production, the increase in the size, volume and weight of the average newspaper and the lamentable failure of the previous Government to establish proper recycling schemes. Therefore, as each year goes by, we have been putting more and more newsprint into landfill.

Nevertheless, rather than be subject to legislation, the industry would prefer to have reached voluntary agreement. For a considerable time, negotiations have taken place on that voluntary agreement. I am delighted to say that, thanks to the efforts of my hon. Friend the Minister, such an agreement has been reached. That explains the logic of amendment No. 26, which will take away the statutory duty and introduce an enabling power.

Amendments Nos. 11 and 25 serve a related purpose. They would widen the consultation that would follow the making of regulations, ensuring that there was consultation not only with the industry—the purpose of amendment No. 25—but with environmental groups, the purpose of amendment No. 11.

In his unavoidable absence, I pay tribute to my hon. Friend the Member for Pendle, who has diligently and tenaciously pursued the Bill throughout the parliamentary Session; to my hon. Friend the Member for Bristol, North–West (Dr. Naysmith), who has published a Bill with a related purpose; and to the Minister and his officials in the Department for the determination with which they have advocated the causes supported by the Bill and for the fact that they have finally secured the voluntary agreement with the industry.

The Bill's origins owe much to the work of Friends of the Earth, which has identified the importance of increasing our recycling targets. For the past three years, it has tenaciously supported the Bill in Parliament.

The issue is what happens if, by any chance, the voluntary agreement reached with the industry, which extends to targets for recycled content, but not for collection, does not succeed and is not implemented—there is scope in the agreement for a review at the end of 2001. I hope that the Minister will assure the House that, in the event—we hope that it is unlikely—that the voluntary agreement fails, the Government will be prepared to legislate.

Given that the voluntary agreement extends to recycled content, but does not contain targets for collection and recycling, I hope that the Minister will be able, in the light of the publication of the Government's waste strategy just two weeks ago, to reaffirm their commitment to fund properly the development of local authority recycling schemes.

It is now generally understood that the United Kingdom lags woefully behind other western European countries in terms of the proportion of household waste that is recycled. We know that we are many years behind and that there is much to be done. We know, too, that recycling schemes cannot be established without appropriate initial investment. Local authorities are the only organisations that are well placed to establish such schemes. It would therefore be extremely valuable if the Government could assure us that there will be adequate funding to meet their targets on increased recycling, particularly of newspapers and magazines.

I also hope that the Minister will assure us that, if the voluntary agreement proceeds, newspaper proprietors will label the recycled content of their newspapers. I think that some newspapers provide a general figure on the amount of British newsprint that is recycled, but that information is not terribly helpful. Consumers, and those who are concerned about the growing volume of waste that we are producing in Britain, need to know how much recycled material is used in individual newspapers.

It is perfectly possible to calculate that content in newspapers. Newsprint manufacturers know the precise figure, and newspaper publishers know precisely from whom they buy their newsprint. There is, therefore, no reason whatever why that information cannot be printed on the front page of all British newspapers and magazines. The information would give consumers the power, if they wish to use it, to choose between equivalent newspapers on the basis of recycled newsprint content.

I am not suggesting that those who are concerned about recycling will automatically switch their allegiance to *The Daily Telegraph*, for example, if it were to start using 100 per cent. recycled content. Nevertheless, hon. Members will appreciate the general point about consumer choice—which, on this issue, can be exercised only if that information is available.

Mr. Damian Green (Ashford): The hon. Gentleman is treating an important point in a slightly frivolous way, as there is a serious issue underlying it. He will be aware that there are limits to the amount of recycled material that can used in the manufacture of various types of paper. Recycled paper generally cannot be used in the production of the higher-quality paper that is usually used in magazines. Additionally, is he seriously suggesting that anyone would decide to read a newspaper rather than a magazine on the basis of recycled content, bearing in mind that it is inherently more likely that a higher proportion of recycled paper will be used in the graphic-quality paper used in newspapers than in the glossy paper used in magazines?

Mr. Chaytor: The hon. Gentleman makes an important point. I am not suggesting that people will change their reading habits by choosing to read newspapers rather than magazines, but saying that—as it is already perfectly possible to produce 100 per cent. recycled newsprint—consumers have the right to know newspaper publishers' policy on recycled content and commitment to reducing waste. Magazine readers have the same right. As a far greater number of magazines than newspapers is on the market, consumers might decide to exercise their choice quite forcefully in that sector. Nevertheless, the hon. Gentleman makes the important point that publications are constrained in the amount of recycled content that they can use.

I hope that the House will agree to accept the amendments.

Mr. Eric Forth (Bromley and Chislehurst): I preface my remarks on my amendment No. 25 by saying that I have long been sceptical about the concept of recycling. Far too many people reach for it as an easy answer to problems real or imagined. I say that because, many years ago, in one of my previous ministerial manifestations, I had a glancing responsibility for it. That experience persuaded me that, very often, the effort, energy, fuel and pollution involved in the recycling exercise far exceeds any gains that may be achieved from it. I would do better to expand on those remarks on Third Reading, but outline them now only to set in context my subsequent remarks.

12.45 pm

Amendment No. 25 is finely targeted. We are discussing the possibility of the Secretary of State making regulations, which will be the cutting edge of this measure. I hope that the Bill does not reach the statute book, but my objective is to make it as practicable as possible if it does.

The regulations will contain the Secretary of State's provisions

> regarding the calculation of average minimum proportions for the purposes of subsection (3) . . . and monitoring and enforcement of the requirements, including the setting of any penalties that may be imposed for non-compliance.

That is the core of the Bill. We are talking about a cascade of activities, starting with the crucial calculation of the average minimum proportions. We then move on to talk about the monitoring and enforcement thereof, and then—even more importantly—penalties.

I have grave doubts about the mandatory and compulsory way in which the Bill is drafted. I understand and welcome the background, which is that the Government and industry have sought to reach voluntary arrangements. I applaud that. Because of my scepticism about recycling as a concept, I am even more dubious about putting in statute arbitrary figures and limits in an area where inevitably changes will occur over time.

Anyone with a connection with recycling—not least in terms of newsprint—will be well aware that, over the years, the availability of newsprint has moved from glut to famine, often in extreme forms. The viability of measures involving recycling and reclamation will vary in their practicability from time to time.

Mr. Chaytor: Does the right hon. Gentleman agree that that is the purpose of the other provision in the Bill? The Bill is concerned not only with the recycled content—which would depend on the capacity of the industry to manufacture sufficient newsprint with that level of recycled content—but with targets for recycled collection. Does he agree that, once the mechanism for collection is in place, it will deal with the question of glut and famine in terms of the availability of material?

Mr. Forth: No, I do not think that that will deal with it, although it may be a contributory factor. The mere act of systematic collection will not in itself deal comprehensively with the problem. We are talking about a complex relationship between different levels of production of different items, geographical distribution, patterns of consumption and availability. Of necessity, this is a complicated series of relationships.

Unless we are prepared to go much further than we have hitherto in terms of mandatory requirements, bureaucracy and inspection at the point of consumption, use and availability for recycling, we cannot say that the materials for recycling will be readily available, even if collection is much better.

Hon. Members often point to other countries and say that they do things better in Canada, Germany or Scandinavia, for example. I am always slightly reluctant readily to accept that if something happens in another country and in a different context, it is appropriate for this country.

Mr. Chaytor: Can the right hon. Gentleman tell the House precisely what is deficient about the British in that respect? How is it that the Canadians, Scandinavians and Germans, whose reading habits, social structures and economies are similar to ours, can establish effective recycling schemes, but we cannot?

Mr. Forth: I can give the hon. Gentleman a direct answer. I have the pleasure of having working with me in my office a charming mature student from Canada. I took her the other day to see my constituency of Bromley as I fulfilled a constituency engagement. As well as remarking on the extraordinary attractiveness of Bromley and the sophistication of its inhabitants—not to mention the suitability of its Member of Parliament to its electorate—she said, as we passed from Bromley to Westminster, that the amount of litter that she observed on the streets of London was a shock to her. That must be a familiar comment to many right hon. and hon. Members.

It is a matter of great regret to me that we as a nation are much more prone to litter our streets and parks than most other countries in western Europe and north

[Mr. Forth]

America. We can speculate about the reasons for that, Mr. Deputy Speaker, although I suspect that you would take a dim view of that. However, as I said to the young lady who made that telling observation, I suspect that a large part of the answer is that, in the upbringing of our children, by parents or in the educational process, we lay almost no emphasis on the litter phenomenon, whereas they do in north America.

It happens that my dear wife is an American and—very proudly—a British citizen. She was brought up in the United States and has spent time on the continent, and she has often told me that she is surprised by the lack of attention that we as a nation pay to the whole concept of litter. That is one reason why I have doubts about whether the kind of self-discipline, at individual, family and community levels, that we see in other countries and cultures can be expected here. Perhaps we can develop that in the future—indeed, the implication of what I am saying is that we should do so—but simply to assume that we can readily graft on to our environment and circumstances provisions such as those contained in the Bill and expect the same results, is not a compelling argument.

Mr. Andrew Dismore (Hendon): The right hon. Gentleman has mentioned the problem of the end product—the waste—but the other side of the coin is the creation of the paper that becomes waste. Perhaps I can help him with some information about Scandinavian forestry practices, including, for example, the creation of man-made forests, which completely change the ecosystem. Clear-cutting is a destructive technique that can demolish entire habitats, and huge tracts of peat land and forested wetlands are drained to create land on which to grow those forests. That is the mirror image of the waste problem that he has identified. The problem could also be addressed in this country by much better recycling facilities, as promoted by the Bill.

Mr. Forth: That may be so. I do not wish to dispute what the hon. Gentleman says, because his research is, as ever, impeccable and all-embracing. However, my point is that the process of recycling is itself often a polluting one and is certainly a high user of energy. Too little attention is paid to that point, because it is all too readily assumed by the proponents of recycling that it must be good, partly for the reasons that the hon. Gentleman has just pointed out. My reservations are that insufficient attention is paid to the real difficulties caused by the collection and distribution process, which will contribute to traffic congestion, atmospheric pollution and the consumption of fossil fuels, which are all inimical to the environment. Those factors have to be added to the equation, and that is why I am not a fan of recycling. I remain to be convinced of its benefits.

My amendment would interpose a further element into the bland provision in the Bill, which simply states:

> Before making regulations under this section the Secretary of State shall consult organisations representing such persons as in his opinion will be affected by the regulations.

That is the usual rather bland statement that appears in measures such as this. The amendment would insert the words

> including newsprint suppliers, newspaper publishers, retailers and consumer organisations.

I want to ensure that part of the process that the Bill initiates will be guaranteed to include the people who know most about the industry and the distribution and collection process. They should be brought into the process at an early stage, so that we can be as satisfied as possible that the measure will work effectively. It is no good theorising about the matter, and producing fancy targets in the belief that recycling works. They may make us feel better, but what happens if they are nonsense and cannot be met?

My aim is to ensure that, if the dreadful mechanism in the Bill is cranked into activity, it is at least practical and achievable. It must not be based on the fancy notions of well-meaning environmentalists—hence the amendment.

Mr. Chaytor: The amendment is sensible, as I said earlier, but does it not undermine the right hon. Gentleman's argument when we realise that the pressure for more recycling in the United Kingdom and for the introduction of a system to even out the gluts and famines in the supply of recycled newspaper has been most forcefully applied by the industry to which he refers? The Paper Federation of Great Britain has argued powerfully for such a system for years.

The right hon. Gentleman wants to rubbish the idea of targets, but the voluntary agreement between the Department of the Environment, Transport and the Regions and the newspaper publishers establishes targets that are entirely in line with the targets included in the Bill. Does that not mean that the hon. Gentleman's attempt to create the impression that the industry opposes the policies contained in the Bill is erroneous?

Mr. Deputy Speaker: Order. Before the right hon. Gentleman replies, I suggest to the hon. Member for Bury, North (Mr. Chaytor) that he should try to train himself to make short interventions rather than mini-speeches.

Mr. Forth: The hon. Gentleman's intervention was helpful, as it made clear why the Bill is unnecessary. I welcome the successful voluntary arrangements that are in place, but do they not render the Bill otiose? In addition, such arrangements are flexible, but spurious and arbitrary figures in Bills are notoriously inflexible. Targets in legislation lock in a process that could be damaging—either because they cannot be achieved, or because they cannot be changed quickly to accommodate changes in circumstances.

Mr. Dismore: Does the amendment deal with the fact that many suppliers and publishers are multinational, cross-border companies? Their approach may suit their home countries, but not the United Kingdom.

1 pm

Mr. Forth: In the context of the European home or village—whatever enthusiasts choose to call it these days—that may not be such a bad thing. I will come back to that in a moment, if I may. However, I have not yet finished with the hon. Member for Bury, North (Mr. Chaytor).

I find it encouraging that the industry has wanted to take these sort of measures for some time. I would expect the people in it to do these things because of self-interest, because of being responsible members of the business and

wider community and in order to present a good image to their customers. For all those reasons, therefore, I do not see the point of having statutes—certainly not statutes of this kind—if there is such a willingness on the part of the industry. That is why I believe that what the hon. Gentleman said undermines the need for the Bill rather than the opposite.

Mr. David Maclean (Penrith and The Border): The industry is keen to move as rapidly as is possible and sensible to having a greater recycled content, but it is worried about the targets. Is my right hon. Friend aware that the International Institute for Environment and Development has expressed its worries about increasing the recycled content? A principal worry is that some of the countries from which the newsprint will come—Sweden, Norway, other Scandinavian countries and Canada—have very little recycled content because of their low population density. Therefore, newspaper suppliers here would be incapable of getting a huge amount of recycled material from those principal supply countries.

Mr. Forth: My right hon. Friend makes a practical point, which ties in with the point of the hon. Member for Hendon (Mr. Dismore). On reflection, perhaps my amendment is not as comprehensive as it should have been in that it rather misses out the international dimension. However, my wording does not preclude the consultation with—crucially—newsprint suppliers, for example. It does not mention them explicitly, but it does not preclude them. Therefore, I should have thought that a reasonable interpretation of the wording of amendment No. 25 might cover the point that my right hon. Friend made.

Mr. Dismore: Further to the point made by the right hon. Member for Penrith and The Border (Mr. Maclean) and the response of the right hon. Member for Bromley and Chislehurst (Mr. Forth) to my earlier intervention, let me say that many of those countries are not in the European Union. While the European Union may have some control, as Norway and Canada are not members, the relationship may be a little less tight.

Mr. Forth: I can only say that they are very fortunate in still being free, sovereign countries. Canada is usually given as an example of good practice, even though it does not have the claimed benefits of membership of the European Union. Perhaps that tells its own story. Norway would probably come into the same category. The hon. Gentleman and I could have a private discussion about whether being in or out of the European Union is of more benefit, but I will not embarrass him or myself by doing it too publicly.

We have already identified the fact that newsprint suppliers, as referred to in the amendment, will play a crucial role, and that that should have an international dimension. The same applies to newspaper publishers, which, by their very nature, are increasingly international organisations. Therefore, one would expect them to have a view of these matters going beyond the narrow confines of the United Kingdom, the European Union and even the European continent. I hope that, with regard to my amendment, we can look with some confidence to the Bill including a much more international outlook to the process of consultation and decision making than would have been the case hitherto.

The focus changes for retailers and consumer organisations, because they will have a different view. The comments of the hon. Member for Bury, North are relevant here. We are looking down two ends of a telescope: the large, powerful interests of newsprint and publishing organisations are at one end, but at the other end—the more difficult end, as far as this is concerned—are the retailers and the final consumer. I concede that there are considerable difficulties—which have been confronted in different ways, whether in Canada, Germany or other countries—in finding the best way, without undue compulsion or bureaucratic intervention, of encouraging the final consumer, aided perhaps by the retailers at a local community level, to reclaim or recapture the material after its final use, and then to do with it whatever is deemed to be appropriate.

Maria Eagle (Liverpool, Garston): I am glad that the right hon. Gentleman is referring to retailers and consumer organisations. I noted his criticism that the existing provision was woolly. Is he satisfied that his use of the words "retailers and consumer organisations" in the amendment pins down the matter sufficiently? Surely that would include retailers and consumer organisations that do not deal with newsprint, and might have another agenda on wider recycling.

Mr. Forth: I accept what the hon. Lady says—it may or may not be a bad thing. If we narrow the point too closely, we are in danger of missing some vital elements. For example, it is striking that, recently, large supermarkets have begun to make significant sales of newspapers. A few years ago, one would not have expected to find a newspaper or magazine on sale in a large supermarket, but that is now becoming normal. I pass no judgment on the matter; I merely remark that it is happening. Because of changes in the marketplace, those organisations have a relevance in the process that they would not have had a few years ago.

That neatly illustrates the more general point that we should not try to be too detailed and focused in such cases. There is a danger that, because of the rapid way in which change occurs—in the consumer market, the retail market, in products and so on—the Bill's well meaning but rather useless attempt could soon be out of date and worthless. In many ways, the measure is too detailed.

Maria Eagle: I am interested in the point that the right hon. Gentleman makes about supermarkets—of course, that is true. Does he accept that perhaps supermarkets would have more to fear from enforced legislative recycling in other aspects of their business—of which newspapers are just a small part? When consulted, they might be incentivised not to be as positive as they would be if the arrangement were voluntary.

Mr. Forth: Yes, that risk is inevitable. Throughout the process, we must be mindful that, if one is too heavy handed and intrusive about such matters—albeit in a well meaning way—one could be counter-productive. My instinct is that an organisation such as a large supermarket would be more likely to participate in the recycling and reclamation process, generally defined, than would a small, traditional, corner-shop newsagent. We do not want to provide either the large or the small operators with disincentives to participate in the process.

[Mr. Forth]

For that reason, my use of the word "retailers" seeks to encompass the largest and the smallest. It would be left to the discretion of the Secretary of State as to how that was done. It would not be difficult. Many well known and well established organisations speak legitimately for the varying interests of the large to the small retailer. One could probably deal individually with Tesco, Sainsbury and so on, but one would have to deal with associations that represented newsagents and tobacconists.

Mr. Dismore: I am slightly concerned about the right hon. Gentleman's use of the word "organisations" in his amendment. In the context of the amendment, it is not clear whether the word is conjunctive or disjunctive. Is he referring only to consumer organisations, or is he referring to organisations in other contexts—for example, newspaper supplier organisations, newspaper publisher organisations and so on? Individual newsprint suppliers might hold different views, while a collective view might be more easily obtainable through an organisational approach. Does his use of the word "organisation" refer only to consumers, or can it be translated for the other groups as well?

Mr. Forth: The hon. Gentleman makes a fair point, and I think that the most useful interpretation would be the latter. I do not want in any way to preclude consultation between the Secretary of State and newsprint supplier organisations or newspaper publishing organisations as well as individuals. They must all have a role to play. The hon. Gentleman is right. Organisations will, of necessity, take a different view, and there is nothing wrong with that.

I believe that the Bill points in the wrong direction and is naive and impractical. However, if it were to reach the statute book, we would want it to work in a proper and practical manner. My amendment would make a contribution to that.

Dr. Alan Whitehead (Southampton, Test): On the point made by my hon. Friend the Member for Hendon (Mr. Dismore), does the right hon. Gentleman accept that the term "consumer organisations" appears to be badly placed in the amendment? The amendment is not clear about whether it refers to consumers in general, consumers of newsprint, consumers of the recycled content of newsprint or to something else entirely. Does he not accept that that presents a problem in terms of having realistic consultation with those organisations?

Mr. Forth: I do not think so. One of the possible side effects of the mandatory recycling that the Bill seeks to achieve is a considerable increase in the price of products. Nothing in this world comes free, and recycling certainly does not. It is perfectly possible—I would say probable—that, if we followed the inflexible provisions in, and the statutory approach of, the Bill, one of results would be an increase in the final price of products. Someone would have to pay and, in the end, it is always either the consumer or the taxpayer; it cannot be anyone else. For that reason, the wider the scope of the consultation, the better. That would give the Secretary of State a complete view of what people think. He could say to them that, given their concern about environmental matters, recycling may—I say "may" very deliberately—be a good thing.

Mr. Maclean: Will my right hon. Friend give way?

Mr. Forth: Yes, but I would like to conclude.

Mr. Maclean: I am grateful to my right hon. Friend for giving way. On the very point that recycling may be a good thing, I am sure that, in his studies for the debate, he has read the Greenpeace report "PVC Plastic: A Looming Waste Crisis", which was published on 2 April 1999. Greenpeace says:

> For safe and useful materials, recycling is a beneficial activity . . . However, in the case of toxic materials, it simply perpetuates the toxic production of environmental poisons. Promotion of PVC recycling is a prime example.

If newsprint is produced with chlorine and other such materials, recycling will simply involve recycling the chemicals used in its production.

Mr. Forth: I do not do Greenpeace. However, in the light of my right hon. Friend's comments, I should perhaps read one of its publications. They are not my usual bedtime reading, I must admit.

My right hon. Friend may wish to expand on that point, but I certainly do not want to get involved in Greenpeace's views. I say that because I want to conclude my remarks.

Mr. Maclean: I am grateful to my right hon. Friend for giving way again. Although I generally support his amendment—if I catch your eye, Mr. Deputy Speaker, I would like to say a few words about it—he has failed to include environmental organisations in his list. They may have a legitimate and valid role. I am sure that he would not wish to omit organisations such as Greenpeace and Friends of the Earth.

Mr. Forth: My right hon. Friend is correct, but he will notice that amendment No. 11 in the name of the hon. Member for Hendon refers to "environmental groups". I did not want to steal the hon. Gentleman's thunder; I know how ably he will speak to the amendment. He will answer my right hon. Friend's point.

That is an appropriate point at which to conclude my brief remarks on my limited amendment. I hope to have a subsequent opportunity to range more widely over the Bill and its deficiencies. However, I hope that the House will accept amendment No. 25.

1.15 pm

Maria Eagle (Liverpool, Garston): I shall make a few brief remarks about all the amendments in this group, beginning with amendment No. 26. Before I get to the substance of my remarks, however, let me say that hon. Members with an interest in the matter are unlikely to disagree with the idea that recycling is generally a good thing. Like motherhood and apple pie, we all think that it is good.

Before we legislate on the matter, however, it is incumbent upon us as legislators to ensure that the Bills that we enact and which affect our fellow citizens achieve the desired effect. It would be entirely inappropriate for

any of us, no matter how much we support recycling, to vote for the Bill at any stage on the basis that it sounds like a good thing. One of the purposes of legislative scrutiny is to ensure that we achieve the desired aims. I notice that the Bill did not have a substantial Second Reading debate—Second Reading only lasted about three seconds on the Floor of the House. It also had a short Committee stage, to which I shall refer later.

Amendment No. 26 was tabled by the Bill's promoter, my hon. Friend the Member for Pendle (Mr. Prentice), and in his absence was moved by my hon. Friend the Member for Bury, North (Mr. Chaytor). Had it not been tabled by the Bill's promoter, I would have thought that it was a wrecking amendment, as it would delete from clause 1(1) the words

shall within one year of the passing of this Act

and insert instead the word "may".

A closer look at subsection (1) shows that that is a significant concession, as it would change a requirement made of the Secretary of State, and the time limit within which he is supposed to comply with it. The amendment would throw that out of the window, replacing the requirement with a mere discretionary power with no time limit whatsoever. That is an extraordinary change for the promoter to make in the most important clause of his Bill, which aims to force a public good—general recycling of newsprint—on an industry which one assumes is considered tardy in achieving targets for the desirable public goals that we all support.

We need a little more explanation. I am not trying to get at my hon. Friend the Member for Bury, North, who has obviously stepped into the breach at the last minute in the unavoidable absence of the Bill's promoter, but although I am not too experienced in such matters, there is the slight whiff of a backstairs agreement. One suspects that the Bill's promoter may have had discussions with the Government, the newspaper industry or someone else. The Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Sunderland, South (Mr. Mullin), may be able to tell us whether there have been any such discussions when he responds to the amendments.

It is extraordinary that the Bill's promoter would table an amendment which, if it did not wreck his Bill, would substantially undermine its legislative intent. It is no small matter to change an absolute requirement with a time limit to a discretionary power with no time limit.

Dr. Whitehead: Has my hon. Friend taken account of what we hear about the voluntary agreement between the Government and the newspaper industry on the percentages of recycled newsprint that it will be required to use? If what we hear is true, one could certainly read clause 1 as a method of backing up the voluntary agreement if the newspapers failed to keep it.

Maria Eagle: Later I shall quote remarks made in Committee about the voluntary agreement. I do not often find myself agreeing with the right hon. Member for Bromley and Chislehurst (Mr. Forth), whom I have often heard complaining about legislation going through the House on the nod and without proper scrutiny. It is extraordinary that we as legislators should be invited to send a Bill on its way to the statute book as a backstop for a voluntary agreement that seems to be working. I find that an extraordinary use of legislation, and I am not sure that it is a correct use.

Mr. Dismore: Does my hon. Friend agree that one of the problems with voluntary agreements is that they can be entered into and broken willy-nilly, because there is no intention of creating a contractual relationship between the parties? A voluntary agreement is simply a piece of paper, which may end up being recycled without making any impact on the problem.

Maria Eagle: I agree with my hon. Friend that voluntary agreements do not always work. I agree that when the House is pursuing a public good, it may be appropriate for us to consider legislation as back-up for a failed voluntary agreement. However, I find it astonishing that we should consider putting legislation on the statute book before any breakdown of the voluntary agreement.

To back up my arguments, I shall quote from the *Official Report* the remarks of my hon. Friend the Minister in Committee. It is extraordinary that we should preclude the outcome of the voluntary agreement and the review that is to take place, and put legislation on the statute book in advance, just in case at some time in the future the agreement breaks down. We must assume, as I do, that the parties to the agreement are all acting in good faith.

If we legislated in that way more generally, our statute book would be even more crowded than it currently is, and we would have no summer recess—and no Christmas, Easter or any other recess, either. The House would be sitting 24 hours a day.

Mr. Jim Fitzpatrick (Poplar and Canning Town): I am grateful to my hon. Friend for giving way. She argues that the amendment creates a prospective backstop for the voluntary agreement. Does she agree that it does not necessarily even do that, because the Secretary of State only may—or indeed may not—take a particular action? If the aim is to reinforce the voluntary agreement, the amendment should insert the words "shall, in the event of the breakdown of the voluntary agreement".

Maria Eagle: My hon. Friend makes a good point. I had not groped my way towards it, and I thank him for it. He is right. The present wording—"shall"—imposes an obligation. It is a requirement; there is no discretion. However, the promoter's amendment No. 26 will remove "shall" and replace it with "may". It will also remove any kind of time scale.

Mr. Chaytor: Will my hon. Friend give way?

Maria Eagle: If I may finish the point, I shall of course give way.

It is easy to imagine a future Secretary of State who was not committed to recycling. The Bill would be on the statute book, but the Secretary of State would not have to make regulations—he may or may not do so. What would be the point of that, especially if it had some negative impact on the ability of the parties to the voluntary agreement to get on and implement it?

I give way to my hon. Friend the Member for Bury, North, who may have the answer.

Mr. Chaytor: I am grateful to my hon. Friend for giving way. Perhaps I can help her by quoting extracts

[Mr. Chaytor]

from the latest version of the agreement. It might have been helpful if I had done that in my opening remarks. I cannot speak entirely on behalf of the promoter, although I understand some of what he is trying to achieve through amendment No. 26.

It is important to put on record that the latest version of the agreement between the Department of the Environment, Transport and the Regions and the newspaper publishers, dated 18 April 2000, established three targets for recycled content. They are: 60 per cent. by the end of 2001, 65 per cent. by the end of 2003, and 70 per cent. by the end of 2006. If hon. Members consider clause 1—

Mr. Deputy Speaker: Order. I have already given the hon. Member for Bury, North (Mr. Chaytor) advice on what constitutes an intervention, as distinct from a speech. If he hopes to catch my eye, as is his right as the hon. Member who moved the amendment, and wind up at the end of the debate, he must reserve his fire. I cannot have mini-speeches in the middle of the debate.

Maria Eagle: Doubtless there will be an opportunity to discuss percentages later. However, it is interesting that my hon. Friend has a copy of the voluntary agreement; I do not have a copy. If we, as legislators, are to judge the importance and usefulness of the Bill, it might have been helpful to have a copy of the voluntary agreement. I do not criticise any particular person; I do not know whether the voluntary agreement has been published. Perhaps my hon. Friend the Minister can enlighten us.

Amendment No. 26 is an extraordinary amendment for the promoter to table, and I shall refer briefly to some of the comments made in Standing Committee C, which considered the Bill. We must bear in mind the fact that the Bill did not have a substantive Second Reading. We are considering a difficult issue; all hon. Members agree that recycling should be a matter for public policy, and it clearly interests us. However, the Committee stage has been the only opportunity so far in this Session for hon. Members to consider the merits of the legislative approach.

The Committee met on Wednesday 19 April, and the Minister said that the Government were

> far from convinced that a legislative approach is right.

He explained that scepticism about such an approach was based on the existence of some issues

> outside the control of the newspaper and magazine publishers,

with whom the voluntary agreement has been reached. The first issue is mill capacity. The Minister explained that it was widely accepted that that could have a significant impact on the industry's ability to achieve targets that it agrees voluntarily. The second issue is the flexibility to respond to changing circumstances. The Minister will be able to tell us whether it remains the Government's position that they are far from convinced of the merits of a legislative approach.

The Minister also stated:

> We have been working with the Newspaper Publishers Association to develop an agreement. Those negotiations are now successfully concluded.

It seems that they were successfully concluded the day before the Bill was considered in Committee. Perhaps it is therefore not fair to suggest that the Bill has served no purpose; it may have acted as a spur to achieving that agreement. The Minister also set out some of the percentages that form part of it, but we may have an opportunity to discuss them later.

The Minister said that there would be a review of the effectiveness of the agreement at the end of 2003. It will ascertain whether the agreement has been implemented in accordance with the views of the parties to it—the industry and the Government—and whether the targets have been achieved. He said that the reviews would take four factors into account:

> First, they will take account of the availability of additional reprocessing capacity.

That deals with some issues that are outside the industry's control, but nevertheless have an impact on whether it can achieve the targets to which it has voluntarily agreed. The Minister continued:

> Secondly . . . the growth in consumption of newsprint, which is apparently about 2.5 per cent.—

I suspect that that means 2.5 per cent. per annum. Again, that factor is outside the control of the industry alone. He continued:

> Thirdly, the quality of recycled newsprint . . .—[*Official Report, Standing Committee C*, 19 April 2000; c. 6-7.]

That refers to the fact that newsprint has to contain a certain amount of fibre to be recycled for that purpose. He said that the reviews would consider whether there was any uncompetitive pricing of recycled newsprint by suppliers.

1.30 pm

Clearly, there is wide agreement between the Government and the industry. They have even worked out how to review whether the voluntary agreement that they have concluded is useful in achieving the targets that have been set. That review will take place at the end of 2003; the Bill could be on the statute book this year, but it might never be needed or referred to again. It might sit idly on the statute book and be no use to anyone. I for one wonder, as a legislator, whether it is correct to use the time of the House and its Members to put Bills on to the statute book purely and simply as a backstop in case agreements break down two or three years hence.

I shall consider the two other amendments in the group: amendment No. 11, which was tabled, I think, by the right hon. Member for Bromley and Chislehurst—*[Interruption.]* I apologise to my hon. Friend the Member for Hendon (Mr. Dismore) for that mistake. At the end of clause 1(5), amendment No. 11 would insert the words

> and such environmental groups as he considers appropriate.

Hon. Members will recall that clause 1(5) deals with whom the Secretary of State should consult before implementing the targets set out in the Bill.

Amendment No. 25, which was tabled by the right hon. Member for Bromley and Chislehurst and about which he has made some remarks, would include

> newsprint suppliers, newspaper publishers, retailers and consumer organisations.

I find myself agreeing with the right hon. Gentleman again—twice in a day, which is a unique experience for me. I shall have to find a point of disagreement before the House rises, and I shall think about that when I sit down.

Those amendments are complementary, and I approve of both. If we agree to amendment No. 26, tabled by the promoter, and if the Bill gains the approbation of the House, is sent to the other place and ends up on the statute book, we may as well make it as good as we can. Although it is entirely helpful that clause 1(5) should be expanded, as we have heard, one or two other hon. Members and I are concerned about whether the amendments are sufficiently clear and widely drawn to make them as good as they could be. However, they are compatible in that they could be included in subsection (5) without causing problems, and they would probably improve the Bill.

We could include in subsection (5) lots of newspaper suppliers, publishers organisations, retailers, consumers organisations and consumers of whatever sort—whether consumers of newsprint or even those who simply sell it—as well as every type of environmental group and Uncle Tom Cobbleigh and all. However, I am concerned that the Secretary of State would still be obliged to consult only

such persons as in his opinion will be affected by the regulations.

If a future Secretary of State is of the opinion that not many people will be affected by the regulations, his absolute obligation to consult all these groups can be put to one side. Judicial review through the courts to test the meanings in the Bill would be the only recourse for organisations that would expect to be consulted.

Although we may congratulate ourselves on including in the Bill all the organisations that clearly should be consulted, and will perhaps expand the list later, we are still dependent on a future Secretary of State's opinion. I am not convinced that the amendments will achieve as much as the hon. Members who have tabled them hope. My hon. Friend the Member for Hendon may be able to reassure me about that if he catches your eye, Mr. Deputy Speaker.

My hon. Friend has tabled an amendment about environmental groups. By using the phrase "as he considers appropriate", he has fallen into the pattern already in the clause. If a Secretary of State did not consider it appropriate, he might not bother to consult any environmental groups. The present Secretary of State considers it appropriate to consult as widely as possible, but what does my hon. Friend mean by environmental groups? Various voluntary groups have an environmental aspect to their remit. Does he just mean Friends of the Earth and Greenpeace—the organisations whose publications the right hon. Member for Bromley and Chislehurst would never read?

Dr. Whitehead: Can my hon. Friend shed any light on her alternative to this proposal? Does she suggest that environmental groups should be named one by one in the Bill? If so, does she accept that that may result in an even greater squabble than she envisages? Groups would vie with each other to be included in the Bill, and if they were not, they would seek judicial review to establish that they should be.

Maria Eagle: As an ex-lawyer, I would not want to create too much work for lawyers. I know how expensive it can be if people have to go to law. I am not suggesting that it would be preferable to include a list of environmental groups in the Bill. However, a schedule and a regulation-making power would have been a possible mechanism. It would be sensible to define such groups more closely, perhaps in a definition clause or an interpretation clause, which could provide that an environmental group means a group that spends 80 per cent. of its time dealing with environmental issues. I have not thought of a better amendment.

If we are to give the Bill a fair wind, we should tighten it up as much as possible. What concerns me about the term "environmental groups" is that many voluntary groups and charities have other aims. Before I came into the House, I was concerned with housing. Many organisations deal with housing, which involves the environmental concerns of a local area. Is a housing pressure group considered to be an environmental group? Will the phrase be restricted to groups that deal specifically with issues such as recycling or the impact on our environment more generally of not recycling?

Friends of the Earth has had something to do with the Bill and has a long track record of promoting Bills that have an environmental impact. For instance, it is concerned about the use of landfill instead of recycling newspaper. It is clearly an environmental group.

Mr. Maclean: Is the hon. Lady not concerned that the Bill deals purely with recycling? In the context of total life-cycle assessment of newsprint, there may be better options. Recycling is not necessarily the most environmentally friendly way in which to deal with newspapers.

Maria Eagle: I find myself agreeing with the right hon. Gentleman as well as his right hon. Friend the Member for Bromley and Chislehurst. My reputation will be destroyed. The right hon. Member for Penrith and The Border (Mr. Maclean) makes an important point, which I think he made in an earlier intervention. Ultimately, it may well benefit the environment to have better forestry—I cannot think of the right word, but it may be a good idea for us to look after our forests in a more sensible manner.

Dr. Whitehead: Stewardship?

Maria Eagle: "Stewardship" will do. It may be a better idea for us to improve our forestry stewardship than to have enforced levels of recycled content. The short and long titles of the Bill use the word "recycled", and we are all in favour of that: it must be better than burying the material in landfill sites. However, we have not had an opportunity to consider the overall implications of enacting and enforcing the legislation.

Mr. James Gray (North Wiltshire): Let me offer the hon. Lady the chance of a hat trick in terms of agreeing with Opposition Members.

I am slightly puzzled by what the hon. Lady said about environmental groups. Surely, if these obnoxious regulations are introduced, it is only reasonable for the Secretary of State to consult not only the industry, but environmental groups of all kinds. Am I right in thinking that the hon. Lady is not objecting to consultation with environmental groups, but considers the wording to be too loose?

Maria Eagle: My goodness! I find myself agreeing with the hon. Gentleman as well. Yes, the wording is a

[Maria Eagle]

little woolly: that is a gentle way of putting it. I have no objection to consultation in general, although it always involves both a cost and a delay. Usually, the wider the consultation the greater the cost and the delay.

The Bill is relatively draconian. If we pass it, we will be requiring by law people engaged in normal commercial activities to ensure that a certain percentage of their newsprint is recycled, and that a certain percentage of pulp comes from recycled paper. A later group of amendments deals with the percentages. By any standards, that is a fairly draconian requirement, especially given that some elements necessary to achieve the targets are outside the control of those who are expected to achieve them.

There must be an argument for consulting as widely as possible. If the Government did not consult, they could easily be accused of engaging in excessively unpleasant activity, and no Government who regard recycling as a desirable aim and a public good would want to be in such a position. I suspect that that may be why the Government oppose the Bill, although the Minister will doubtless have something to say.

Mr. Green: I thank the hon. Lady for her generosity in giving way again. She spoke of the unfortunate "woolliness" of the definition as it stands. Has she considered an even worse possibility? She said that the use of recycled content would often be more expensive. Might not financially stronger groups set up their own puppet environmental organisations, which could then lobby hard for increased targets, and stringent application of those targets, in the hope of driving weaker competitors out of business? That would be a particularly serious problem in the newspaper industry, in which diversity is hugely important not just to the industry but to the future of democracy.

1.45 pm

Maria Eagle: The hon. Gentleman makes a good point. Where legislation places requirements on commercial organisations to do certain things, there can be unintended consequences in the cynical world of the market, with commercial organisations trying to do each other down. That is why, overall, I would probably prefer voluntary agreements with reviews. Only if there is no progress at all should the Government consider legislation. However, if the Bill were enacted, there would be an absolute legislative requirement, which is as inflexible an instrument as one could imagine—unless it is too low, in which case what is the point of having it?

Within that context, and given that I probably do not support the Bill's passage overall, my aim is to see how the amendments can improve the Bill and make it a little more flexible. That is the basis on which I agree with extending the consultation as widely as possible in clause 1(5), and why I find it extraordinary that the promoter has tabled amendment No. 26.

Given that I intended to speak only briefly, I have probably said enough. Therefore, I shall simply say that I oppose amendment No. 26, but approve of amendments Nos. 11 and 25.

Mr. Tom Brake (Carshalton and Wallington): I hope to save the bacon of the hon. Member for Liverpool, Garston (Maria Eagle) by giving her something with which she can disagree.

I shall speak briefly in favour of amendment No. 26. I am comfortable with allowing voluntary agreements time to work. If they work, all well and good, but often, as we know, they do not. Consider what is happening in relation to recycling by local authorities. Many local authorities are failing to hit their target. Therefore, I echo a couple of the questions that the hon. Member for Bury, North (Mr. Chaytor) asked.

First, will the Minister put on record his commitment to legislate if the voluntary agreement is seen to fail? Secondly, will he consider giving local authorities extra assistance to help them to develop their recycling strategies?

Luckily, my local authority, the London borough of Sutton, has the best recycling record in London. I understand that, perhaps even today or next week, the local authority leader will tell the Minister for the Environment how that has been achieved.

Mr. Green: The hon. Gentleman mentions the borough of Sutton. I understand that it is the only London borough that collects waste once every two weeks, rather than once every week, and that that is the subject of much bitter opposition from local residents, who condemn their Liberal Democrat council for doing that.

Mr. Brake: I am happy to respond to that point. Labour Members may not know that the principal activist behind the wheelie bin campaign is a person called Lady Olga Maitland, who they will agree is not the most unbiased of parties. They may also be interested to know that other local authorities—both Labour and Tory—operate a fortnightly wheelie bin scheme.

Mr. Green: None in London.

Mr. Brake: None in London, apparently. I am not sure what difference the location of the local authorities makes to collection.

Mr. Gray: I want to clarify exactly what the hon. Gentleman is telling us. Is it that the Conservative candidate who will stand against him at the next general election—

Mr. Deputy Speaker: Order. I have heard quite enough on that riveting diversion. We must come back to newsprint and recycling.

Mr. Brake: I am happy to return to the subject of newsprint. In fact, I had nearly finished.

I have two requests: first, will the Minister put on record his commitment; and, secondly, will he provide assistance to local authorities, so that those that are not meeting their recycling targets can meet them in future, and so that they do not simply fall back on incineration to get rid of waste? That is my great concern.

Mr. Dismore: I shall speak to all three amendments in this group. First, however, I should like to say that I thought that the attack made at the start of her speech by

my hon. Friend the Member for Liverpool, Garston (Maria Eagle)—I am sorry that she has just left the Chamber—on my hon. Friend the Member for Pendle (Mr. Prentice) was a little unjustified. We all know that, often, when an hon. Member promotes a private Member's Bill, compromises are necessary and discussions are held. Knowing my hon. Friend the Member for Pendle as I do, it would be much out of character for him to be party to a backstairs deal.

Mr. Andrew Miller (Ellesmere Port and Neston): Gordon—compromise?

Mr. Dismore: I understand that remark entirely. My hon. Friend the Member for Pendle is a capable parliamentary campaigner. I certainly do not believe that, in promoting his Bill, he would make any compromise that was not absolutely necessary.

Nevertheless, I have serious reservations about amendment No. 26, particularly in relation to the meaning of the words "shall" and "may". I see that the right hon. Member for Penrith and The Border (Mr. Maclean) is in the Chamber. Undoubtedly, he will recall that, in his previous life as a Home Office Minister, we had a rather interesting year in the law courts on the precise definition of "may" and "shall". I am pleased to say that I emerged as the victor on that occasion. The basic point is that, in some circumstances, the two words can be interchangeable, but such use can create some uncertainty, which is regrettable in legislation.

The amendment proposes leaving out the words

shall within one year of the passing of this Act

and inserting the word "may". If accepted, however, the amendment would remove from the legislation a time scale and provide Ministers with a wide discretion. I certainly concur with my hon. Friend the Member for Garston that the amendment could create severe problems by watering down the Bill so much that it has no effect whatever.

Mr. Maclean: Does the hon. Gentleman agree that, if the Minister were to accept use of the word "may"—thereby making all the targets meaningless—the Bill would at least be consistent with the Warm Homes and Energy Conservation Bill, in which the Minister made exactly the same change, to make that Bill absolutely meaningless? Would not the change promote consistency?

Mr. Dismore: The right hon. Gentleman makes a valid point, but I suspect that the occupant of the Chair might question whether I should pursue it.

As my hon. Friend the Member for Garston said, the issue comes down to whether, in legislating, it is the House's job to become involved in trying to police voluntary agreements. The hon. Member for Carshalton and Wallington (Mr. Brake) made the valid point that, if we take that route, the Minister should make it clear that the Government will legislate if the voluntary agreement does not succeed.

Dr. Whitehead: Is my hon. Friend saying that the House should never make such provision in passing legislation, or that we should not make it in the specific case of this Bill? If he is opposed to making it on principle, may I remind him of how we have dealt with other Bills, including the recent Access to Justice Act 1999—in which he favoured including a section urging the Law Society to change the activities of the Solicitors Complaints Bureau, including the possibility of legislation if change were not made?

Mr. Dismore: I am grateful to my hon. Friend for giving me the opportunity to clarify my views, which are based very much on the idea of horses for courses. The background to the Bill involves negotiation, discussion and a voluntary agreement, which we all hope will work. The background to the Access to Justice Act was rather different, as we were trying to drag the Law Society kicking and screaming into the 20th century—never mind the 21st century—in how it deals with complaints. As my hon. Friend will know, although I am a solicitor myself, I took a rather strong view on the Law Society's opinions on the matter. I think that, in such circumstances, it is justifiable to use permissive powers in legislation as a stick with which to beat people, to make them do what needs to be done.

The Recycled Content of Newsprint Bill presents the opposite scenario, as it has been used as a carrot to encourage people to conclude a voluntary agreement. In this case, do we need a stick, because we have already achieved the objective? It is horses for courses and, in the nature of this private Member's Bill, it is the wrong way to go. In those circumstances, I would have grave doubts about whether we need the Bill as it stands. If the voluntary agreement does not succeed, I hope the Minister will give a commitment to the House—perhaps with a Government Bill—to make it clear to the industry that it is expected to meet its obligations.

The industry has recognised that there is a risk in relation to the voluntary agreement, and is concerned about the capacity of mills. It argues that, unless that capacity is expanded, the voluntary target will result in the import of recycled newsprint which will simply end up in landfill. The newsprint manufacturing industry is therefore seeking financial support from the Government for expanding mill capacity. My hon. Friend the Minister might wish to comment on that.

Another risk of the voluntary basis is that having a recycled newspaper content, as set out in the voluntary agreement, may lead to further imports of recycled paper, rather than to an increase in recycling in the UK. This has been recognised by the newspaper industry, which repeatedly argues that a recycled content target alone will fail. When my hon. Friend the Minister replies—in defence of the voluntary agreement and, presumably, the amendment—he can deal with those concerns.

Maria Eagle: Given that we all want a strong agreement that will work, does my hon. Friend accept that the amendment has weakened the purpose of the Bill significantly, almost to the degree that it is not worth supporting?

Mr. Dismore: I tend to agree with my hon. Friend. Without a timetable within clause 1—which the amendment would delete—and without a clear indication from the Government at least of a timetable to which they will work, as my hon. Friend the Member for Southampton, Test (Dr. Whitehead) said, there is not

[Mr. Dismore]

much of a stick or a carrot in clause 1. There is no indication of a timetable for reviewing or renegotiating the voluntary agreement, or for monitoring progress towards its implementation. To denude clause 1 of the existing wording to a large degree pulls rather too many of the Bill's milk teeth. I would not say canine teeth, because I do not think the Bill had any to start with.

Mr. Brake: Would the hon. Gentleman be satisfied if the Minister were to outline today what that timetable was?

Mr. Dismore: That would be a useful response from the Minister, were he prepared to do that. If we are to agree to the removal of those words from the Bill, it is important that we get a clear understanding on the record of how the Government see the voluntary agreement developing in terms of the targets set out in it, the implementation of the targets, the timetable for review and possible renegotiation and the monitoring of progress. Without those—as my hon. Friend the Member for Garston said—the Bill will be less effective and possibly not even worthwhile.

Mr. Green: I am slightly puzzled by hon. Members on both sides of the House, who seem to be saying that it is fair enough to take out the timetable and the compulsion from the Bill as long as the Minister gives us an assurance about what the timetable will be. Hon. Members—particularly the hon. Member for Carshalton and Wallington (Mr. Brake)—are firmly facing both ways at once. Either we want a timetable or we do not, and there is one in the Bill. The hon. Member for Hendon (Mr. Dismore) says he is prepared to take it out, but wants the Minister to put it back by way of an assurance to the House. I fail to follow the logic of the argument.

Mr. Dismore: I understand the hon. Gentleman's difficulty, which is the one with which my hon. Friend the Member for Garston and I have been grappling. I would like the Bill to remain as it presently stands, because we would all know then how the process would develop.

Maria Eagle: I assure my hon. Friend that that is not a problem for me, because I oppose amendment No. 26.

Mr. Dismore: I also oppose it, so I agree with my hon. Friend. In the event that our views do not prevail, and the view of the promoter of the Bill prevails, second best would be for the Minister and the promoter to put on the record how they see the voluntary agreement developing.

2 pm

Dr. Whitehead: Does my hon. Friend accept that, even if his arguments about amendment No. 26 are correct, it does not affect the whole of the Bill? The voluntary agreement addresses only the content of newsprint, not the labelling of recycled newsprint in newspapers and magazines, although that is the subject of later amendments.

Mr. Dismore: My hon. Friend makes a valid point. The word "shall" still appears in clause 2, and my hon. Friend the Member for Garston and I argue that it should remain in clause 1.

Mr. Chaytor: Does my hon. Friend accept that his argument would be invalidated if it were proved that the effect of the voluntary agreement would be to establish the targets on at least the same, and possibly a better, time scale than that in the Bill?

Mr. Dismore: I do not agree, because the problem with voluntary agreements is that they are, by their nature, not contractual. Just because something is written into an agreement, it does not mean that the agreement could not be torn up and recycled itself the very next day. I am concerned about the terms of the voluntary agreement as it stands now between the Government and the industry, and how that agreement will develop in the future. If the Minister will not be under an obligation to produce regulations, as he would be under clause 1 as presently drafted, it is important that the Government make it clear that they favour a certain timetable, with a process to monitor progress, and targets. The Government should also make it clear that if there was any backsliding in implementing the voluntary agreement, they would not hesitate to return to the House—I would hope in Government time—with legislation that contained clause 1 as it stands.

The hon. Member for Ashford (Mr. Green) made a valid point and there is a risk that those who favour amendment No. 26 could be said to be facing both ways at once. That is why I agree with my hon. Friend the Member for Garston that amendment No. 26 should not be accepted. If it is, we would accept as second best some clear assurances from the Government on how they see the position developing. I give way to the right hon. Member for Penrith and The Border.

Mr. Maclean: I apologise, but I was not attempting to intervene. I was merely poised to stand up to catch your eye, Mr. Deputy Speaker, because I thought that the hon. Gentleman was concluding his speech.

Mr. Dismore: In that case, I give way to my hon. Friend the Member for Garston.

Maria Eagle: Given that our analyses appear to coincide, does my hon. Friend agree that the Bill, if amended by amendment No. 26, would not be worth pursuing and it would be sensible to wait—

Mr. Deputy Speaker: Order. The hon. Lady is now repeating her earlier intervention. This debate is becoming very repetitive and I shall be moved to invoke Standing Order No. 42 if it continues much more in that vein. We have substantial business still to complete today and if I hear more repetition, I shall invoke the Standing Order.

Mr. Dismore: Thank you, Mr. Deputy Speaker. I apologise if I have transgressed, but I was trying to deal with points that have been put to me. I can tell the right hon. Member for Penrith and The Border that I am just getting into my stride. Having dealt with amendment No. 26, I shall turn to the amendment in my name and

that tabled by the right hon. Member for Bromley and Chislehurst (Mr. Forth). His amendment deals with a similar subject but takes a somewhat different angle.

The debate has touched on consultation. Amendments Nos. 11 and 25 are the two sides of the same coin. My amendment No. 11 approaches the issue from the environmentalist's point of view, while amendment No. 25, tabled by the right hon. Member for Bromley and Chislehurst, approaches it from the industry's point of view. It is appropriate that the whole coin should therefore be considered.

Amendment No. 11 has been criticised by several hon. Members. My hon. Friend the Member for Garston asked why it proposes that only those groups that the Secretary of State considers appropriate should be consulted. I assume that she is not suggesting that the Secretary of State should consult groups considered inappropriate. I think that she answered her own question, as did my hon. Friend the Member for Test in his earlier intervention. My amendment has been called woolly, but it offers the only way to ensure that environmental groups are consulted.

It would not be sensible to set out, in a schedule or elsewhere, a long list of environmental groups. In the Committee considering the Greater London Authority (Referendum) Bill, a Liberal Democrat amendment proposed that a long list of environmental groups should be consulted in respect of the work of that new body. Under scrutiny, it turned out that the list was out of date: some organisations had ceased to exist, but others that should have been on the list were omitted.

I am therefore reluctant to include a long list of environmental groups, which my hon. Friend the Member for Test may have suggested merely as a debating point. Such a list would be out of date almost as soon as it was compiled. My hon. Friend the Member for Garston suggested introducing a regulation-making power to adjust the list, but that would take us back to the proposal in amendment No. 11, which is that only appropriate groups should be consulted. Such regulation-making powers could be exercised only if the Secretary of State considered it appropriate to add organisations to the list, or delete them from it. That argument is therefore somewhat circular, and takes us back to the proposal in my amendment.

An interesting criticism centred on the definition of an environmental group in these circumstances. My hon. Friend the Member for Garston asked whether housing groups would be included. That is a valid question, and it could be argued that they should be included in the provision, but I think that the House will know which groups we are talking about. Such groups are difficult to describe but, as with elephants, one knows them when one sees them.

Mention has already been made of Friends of the Earth, which has played a constructive role in persuading and cajoling Government and industry to adopt the voluntary agreement. I suspect that it will play an important role in monitoring that agreement's progress. Greenpeace has also been mentioned, but many other organisations deserve to be consulted.

For example, Waste Watch is a national charity, and a very focused organisation, promoting practical action on reducing, reusing and recycling waste. In contrast, Friends of the Earth deals with many issues as well as recycling, and would have had something to say about the Warm Homes and Energy Conservation Bill, had we debated that. Greenpeace's interests include the nuclear industry as well as recycling.

The hon. Member for Ashford mentioned the powers of some big organisations to "buy out" smaller ones or freeze them out of the market. First, I am not sure whether environmental groups operate in any sort of a market, and secondly, it is inevitable that there will be single-issue pressure groups highly focused on the issue of recycling.

I can imagine that people with bees in their bonnets about newspaper recycling might combine specifically to monitor progress on the voluntary agreement. Not only do pressure groups form to lobby to create new legislation but, once it comes into effect, pressure groups then form to make sure that it is implemented in the way that they wish. There is a strong argument for considering national and international organisations, such as Greenpeace and Friends of the Earth, and those at a more local level.

My amendment was criticised as being woolly. I do not think that it is. If a group believes that it should have been consulted, there is always the fallback of judicial review. The amendment would create an expectation of consultation. *[Interruption.]* Yes, it will mean more work for lawyers. I am a lawyer, although I do not see myself getting a great deal work out of this particular aspect, as I am sure that the Government will ensure that all those who should be consulted will be consulted, as a result of my amendment. Therefore, the risk of judicial review would be extremely small or non-existent. When the right hon. Member for Penrith and The Border was at the Home Office, I think that the risk of judicial review was rather higher. Indeed, he was on the receiving end on several occasions.

There is a safeguard through the courts and judicial review if groups believe that they have been unfairly excluded from consultation. Equally, if organisations such as the housing groups mentioned earlier feel that they should have been consulted, when it was clearly inappropriate to do so, they would get short shrift if they applied to the courts for judicial review so as to be incorporated in the consultation process.

I made one or two interventions on the wording of amendment No. 25 during the speech of the right hon. Member for Bromley and Chislehurst. I have some concerns, such as whether the word "organisations" could be interpreted conjunctively or disjunctively. I think that the right hon. Gentleman agreed that it would be appropriate for his amendment to be read on the basis that "organisations" meant all the groups identified—newsprint suppliers, newspaper publishers, retailers and consumer organisations. However, I am not sure whether the amendment as drafted achieves that aim. On reflection, the right hon. Gentleman may consider withdrawing his amendment, with a further amendment tabled in another place to correct the problem.

Mr. Fitzpatrick: I am grateful to my hon. Friend for giving way, given the constraints of time. I would ask him to address an omission from the list, notwithstanding the qualification that he has just made. I refer to the trade unions which represent the staff who work with the recycled material. Should they not have been included in the list in the first instance?

Mr. Dismore: My hon. Friend makes a valid point. Perhaps we could bring the trade unions into the category

[Mr. Dismore]

of environmental groups, because increasingly they take a wider interest beyond simply those of their members. It is a welcome development in the modern trade union movement that it is looking more broadly at some of these issues. There is a risk that they could fall foul of my argument, given in response to the point of my hon. Friend the Member for Garston on the housing pressure groups, in that their interest may be seen as peripheral. It is all well and good consulting the bosses who will issue the orders and directives, but we must also ensure that whatever is decided is practical.

When talking to people such as the local authority workers who collect the recycling bins, I have often found them to have sensible suggestions on how to improve the mechanics. Having said that, I can see an argument against my amendment and that of the right hon. Member for Bromley and Chislehurst in that perhaps we should also have included local authorities in our joint group, if I may put it that way, of organisations that should be consulted. We have not included the local authorities, but there can be little argument that they have to be consulted as they are ultimately in charge of the recycling projects.

In parenthesis, bearing in mind the points made by my hon. Friend the Member for Garston, I regret that her local authority is one of the worst recyclers in the country.

Maria Eagle: The council is Liberal Democrat controlled.

Mr. Dismore: Perhaps if the Liberal Democrats pray in aid Sutton, we can throw the brickbat that Liverpool is not one of the best performing local authorities in such matters.

2.15 pm

Mr. Green: I am glad that the hon. Gentleman has brought up the subject of local authorities. Would he care to reflect on the performance of local authorities in the constituencies of Ministers? At the bottom of an already bad league comes Sedgefield, where recycling is only 1.4 per cent. Does he agree that that is disgraceful—

Mr. Deputy Speaker: Order. I discourage continuance of that particular line. We have had Sutton, Liverpool and Sedgefield. The debate is about newsprint.

Mr. Dismore: I am grateful to you, Mr. Deputy Speaker, for coming to my rescue, so that I do not have to answer the intervention made by the hon. Member for Ashford.

The point being made about local authorities in the context of the measure related to consultation. The measure refers to the Secretary of State consulting organisations

representing such persons as in his opinion will be affected by the regulations.

I am not sure whether a local authority is actually an organisation in that context. Given the wording of the provision, there is a strong argument that a local authority is not an organisation but a public body.

The word "organisation" is not defined in the Bill, nor—to develop earlier criticisms of the amendment tabled by the right hon. Member for Bromley and Chislehurst—is it defined in his amendment either. Perhaps we need a further amendment—an interpretation clause—to say what "organisation" means. In defence of my amendment, "environmental group" is pretty clear, but "organisation" may be a little loose.

One of the other criticisms made of my amendment and that of the right hon. Gentleman is that consultation leads to cost and delay. Of course it does. The question is whether such costs and delays are worth while. It is a little disingenuous both to complain that consultation creates cost and delay and to say that we should give broader consideration to the whole issue of consultation. We need to keep a sense of proportion.

Obviously, delay has bedevilled recycling over the years. One of the criticisms expressed today was the risk of delay should amendment No. 26 be accepted. However, delay caused by dragging one's feet is not the same as delay created by engagement in constructive dialogue. The amendments tabled by the right hon. Member for Bromley and Chislehurst and me are geared much more towards ensuring that we engage in such dialogue with both sides—the environmentalists and the industry. Through that dialogue, we can develop achievable, realisable and deliverable objectives on recycling. If that costs money, so be it. We are not talking about hundreds of thousands of pounds—it is more like the cost of a few cups of tea and some biscuits, and of writing a few papers. That would ensure that the proposal is developed effectively.

For those reasons, the amendments tabled by myself and by the right hon. Member for Bromley and Chislehurst are worthy of support. I have identified a gap in the amendments as there are other groups and organisations that should be consulted. Perhaps that gap could be plugged in another place, although that is not to argue that our amendments should not be added to at a later date. However, I have grave reservations about amendment No. 26. If that amendment is accepted, I may have some difficulty in supporting the Bill on Third Reading.

Mr. Maclean: Compost, Mr. Deputy Speaker. That has not been mentioned so far in the debate, so I shall not be repetitive if I propose compost as the solution to amendment No. 26. It is part of the key.

To illustrate that fact, I can do no better than quote from the press release issued by the Department of the Environment, Transport and the Regions on 25 May, "The Waste Mountain—Waste of money, waste of space". It states that the combined recycling and composting targets set for England and Wales over the next few years are to recycle or compost at least 25 per cent. of household waste by 2005; at least 30 per cent. by 2010, and at least 33 per cent. by 2015. Throughout the press release, composting is considered to be an alternative to recycling.

I support amendment No. 26, which would delete the words

shall within one year of the passing of this Act.

In principle, I support the insertion of the word "may". I also support amendments Nos. 11 and 25. If the current wording of clause 1 remains, the Bill will focus narrowly on recycling newsprint and newspapers, but that may not be the best overall solution.

In the rest of their waste strategy, the Government talk about recycling or composting. If the Bill is accepted, we shall force newspaper manufacturers, owners and suppliers and those producing newsprint to concentrate on one approach—increasing the recycled content of their material.

You, Mr. Deputy Speaker, may do your bit for recycling; we may all do our bit to recycle newspapers. I tend to think that using newspapers as one could in the old days to wrap up fish and chips may be more environmentally friendly, although we cannot do that now, because the environmental health officers have got at us. I am not making a facetious point. Using newspapers in that way, or for composting, which is referred to in the Government's official documents, may be a more environmentally sensible use of old newspapers than collecting them all, transporting them by lorries to recycling centres, melting them down with chloride, chlorine, other chemicals and goodness knows what else, burning huge amounts of energy to dry them out and then rerolling them and churning them out as part of the recycled content.

That is not just my fanciful idea, although I generally follow the view that the answer lies in the soil—so to speak. It is not just my view that we should not focus on a narrow approach. I have studied the Government's waste management strategy.

Mr. Brake: The right hon. Gentleman has moved on from the point about composting, but is he aware that no composting takes place within the Palace of Westminster?

Mr. Maclean: It may not take place within the Palace, but we can produce plenty of material that would be suitable—whether shredded or not—to go into organic recycling facilities and compost.

Removing the words that the amendment would delete and inserting the word "may" would provide flexibility, and give a chance for the principle of life-cycle assessment to take effect. Life-cycle assessment is the systematic identification and evaluation of all the environmental benefits and disbenefits that result from a product throughout its life. I do not know whether the Government have carried out any research, and I have not had a chance to study the work of the International Institute for Environment and Development, which has published many papers on the subject. It is concerned by the targets in the Bill, and those targets would be obviated if the amendment were accepted.

Life-cycle assessment enables us to decide what is the most environmentally friendly way to deal with newsprint and newspapers. I hope that the Minister will not skimp on his reply. Labour Members have made many important points, and I do not want him to accept the amendments on the nod. We require detailed answers. Is the Department of the Environment, Transport and the Regions aware of any organisation that has carried out a proper life-cycle assessment of newsprint and newspapers, so that we can be told what are the best ways to deal with them?

Composting appears throughout the Government's plan. Is it the Department's view that the best thing to do with newspapers is to compost them? Is it best to use them for fibreboard and insulation or to make them into briquettes that can be burnt? People in my constituency do that in a highly inefficient way as part of a work experience scheme. Or is it best to recycle newspapers? We need to know about the part that recycling plays in life-cycle assessment, and its merits compared with other methods of waste control.

Before giving the industry firm targets, and retaining the requirement in clause 2 for the Secretary of State to do that, we must examine waste reduction. Businesses must consider waste reduction options, from the design of a product through to its manufacture, transport, packaging and the way in which it is sold. Paper and cartons used in packaging food and other materials make a major contribution to waste. Developing them as environmentally friendly products would aid considerably the preservation of the environment. Government Members may say that by retaining the wording of clause 1(1) and forcing more newsprint to be recycled, more may be made into cardboard boxes and other material.

I do not object to more recycling of such materials, but recycling is too narrow a term, and we should consider re-use. If the Bill dealt with re-use of newspapers and materials in the widest possible context, I would take a more favourable view of its rather rigid targets and be less sympathetic to the idea of deleting certain words in clause 1 and inserting the word "may". If the amendment were accepted, that would make the Bill consistent with the Warm Homes and Energy Conservation Bill and other legislation in which the Government have deliberately got rid of firm targets. The Minister must justify why it is appropriate to keep rigid targets in the Bill, when similar targets, and reference to them, was deleted from the Warm Homes and Energy Conservation Bill. I shall not go further down that route today.

In their strategy document, the Government state they have three principles on recycling and waste—I am glad that they have found three. I am happy to be corrected if I am wrong, but I believe that the first principle concerns the best practicable environmental option, and requires those taking waste management decisions to obtain advice from waste management companies and others with relevant expertise, to use the life-cycle assessment tool currently being developed by the Environment Agency, which I have just described, and to involve local communities and take full account of local decisions.

Amendment No. 11 would require the Minister to consult

such environmental groups as he considers appropriate.

Amendment no. 25 would require him to consult

newsprint suppliers, newspaper publishers, retailers and consumer organisations.

Those are all worthy organisations. The amendments may not be phrased properly or correctly, but they share the same principle, which is identical to that in the Government's waste strategy and involves getting advice from waste management companies and others with relevant expertise, and following the life-cycle assessment principle.

[Mr. Maclean]

The Government's second principle of waste management concerns the waste hierarchy, and is relevant to deleting the words in clause 1. It suggests that reduction is the most effective environmental solution, which makes sense, as producing less material and less waste means that there is less to recycle. When reduction is not possible or practicable, the Government say that re-use should be implemented as the next fall-back. I agree with that. Failing that, one moves on to recycling, including composting. If none of those measures are possible, waste should be disposed of.

Does anyone in the House seriously disagree with that solution? One should reduce waste when one can, and when one cannot, re-use. If that is not possible, one should recycle and compost. If that is not possible, one should dispose of, dump or destroy the waste. The Bill, however, imposes a single solution.

It being half-past Two o'clock, the debate stood adjourned.

Debate to be resumed on Friday 21 July.

Remaining Private Members Bills

MEDICAL TREATMENT (PREVENTION OF EUTHANASIA) BILL

Order read for resuming adjourned debate on Question [14 April] on consideration of Bill, as amended in the Standing Committee.

A new clause—Consent of the Director of Public Prosecutions—

".—No prosecution under this Act shall be brought without the prior consent of the Director of Public Prosecutions."—*[Mr. Dismore.]*

Question again proposed, That the clause be read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 21 July.

HEALTH AND SAFETY AT WORK (OFFENCES) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

FOOD LABELLING BILL

Order read for resuming adjourned debate on Question [3 March], That the Bill be now read a Second time.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

MISUSE OF DRUGS (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

RESIDENTIAL CARE HOMES AND NURSING HOMES (MEDICAL RECORDS) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

LICENSING (CANNABIS) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

MARINE WILDLIFE PROTECTION BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

CHILDREN'S RIGHTS COMMISSIONER BILL

Mr. Deputy Speaker (Sir Alan Haselhurst): Not moved.

PROPERTY TRANSACTIONS BILL

Order for Second Reading read.

Hon. Members: Object. *[Interruption.]*

Mr. Deputy Speaker: May I say to the hon. Member for Cheadle (Mr. Day) that he is trying to do two things in one? He must first move the motion. If an objection is taken, he then offers a date.

To be read a Second time on Friday 21 July.

PUBLIC HOUSE NAMES BILL

POLICE BILL

PARDON FOR SOLDIERS OF THE GREAT WAR BILL

URBAN REGENERATION AND COUNTRYSIDE PROTECTION BILL

Mr. Deputy Speaker: Not moved.

CENSUS (AMENDMENT) BILL [*LORDS*]

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Monday next.

CORPORATE HOMICIDE BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

ZOO LICENSING (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

ROAD TRAFFIC BILL

Mr. Deputy Speaker: Not moved.

HUMAN FERTILISATION AND EMBRYOLOGY (AMENDMENT) BILL

Order for Second Reading read.

Hon. Members: Object.

To be read a Second time on Friday 21 July.

Low-income Pensioners (Tax)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Pope.]*

2.33 pm

Mr. Edward Davey (Kingston and Surbiton): I am grateful to the Chair for granting me this important debate. I am also grateful to those of my constituents who provided me with a great deal of information from their experiences with the Inland Revenue to assist me in preparing for the debate. Finally, I am grateful to the low income tax reform group of the Chartered Institute of Taxation, which has done much work on the subject, in particular the study published in December 1998 and entitled "Older people on low incomes: the case for a friendlier tax system." That study represents a manifesto for change which I hope the Government will make their own.

Why should we debate the issue today? I am sure that, in the constituencies of all right hon. and hon. Members, even the right hon. Member for Bromley and Chislehurst (Mr. Forth), pensioners on low incomes will be concerned about their state. There are 1.8 million pensioners on net incomes of below 50 per cent. of average household income. In other words, they are very poor. Fifty-seven per cent. of pensioners have incomes in the lowest four deciles. A significantly high percentage of people on low incomes are retired. When we consider the problems of those on low incomes, we must bear in mind that pensioners are greatly affected by them.

Should we worry about pensioners in the tax system? Ministers may say that more than two thirds of those aged 65 or more are not liable for income tax. However, a third of pensioners are liable for income tax. That amounts to nearly 3 million people. Even those pensioners who are not liable for income tax may have many dealings with the tax authorities under the current system. One reason why the debate is important, therefore, is that many pensioners are affected by the income tax system.

Why should tax administration issues that affect pensioners be a priority for the Inland Revenue? When one considers the system's impact, it becomes apparent that many pensioners experience practical difficulties in dealing with their tax affairs. That is not surprising. Pensioners are no longer in the workplace, so there is no administration department to help them through the pay-as-you-earn system. Many cannot afford professional advice, and many cannot access the free advice that the Inland Revenue provides. Disabled pensioners may not be able to get to a tax office; if they are deaf, they may not be able to use the telephone service. Many do not know about the free services that are available, as they may not have seen the existing literature.

The practical difficulties that pensioners face are compounded by the fact that they may deal with multiple agencies, including the Department of Social Security and local authorities. Pensioners may be hit especially hard by life events. Let us imagine the plight of a widow whose husband had looked after their tax affairs in the past. Suddenly, at a late stage in her life, she is expected to fill in tax forms of which she has no previous experience. One can think of many examples of life events that make pensioners vulnerable.

Pensioners face extra complexities in the tax regime. Many arise from facets of the regime that have been introduced to help pensioners and give them better

[Mr. Edward Davey]

incomes. For example, the age-related allowances and higher personal allowances that pensioners receive are tapered and clawed back on higher incomes. That causes significant complexities. The way in which the married couples allowance works is more complicated for pensioners.

Post-retirement income sources are also more complicated. Many are outside the PAYE system. Pensioners may have a variety of income sources from a variety of savings. The current system does not gather the data from those different sources especially effectively. More mistakes are made and the codings are more complicated.

The age group that we are considering is growing. One in five people are over 60; by 2010, that number will have increased to one in four; and, by 2025, it will have increased to one in three. The problems caused by the complexities that I outlined will therefore increase.

Why has not the problem been tackled until now? First, we might cynically say that the sums involved are relatively small. The Inland Revenue and previous Governments have paid little attention to the amounts involved and the overall issue. The Inland Revenue has established customer groups for people and companies that owe the tax man a lot of money, but not for those who owe little or nothing. Perhaps that is understandable, but in an age when more customer-focused methods are, I hope, being considered, that ideology must change.

Another practical reason why this issue has not be considered is the staffing cuts that the Inland Revenue has faced, especially under the previous Government. There are reasons why the matter has not been addressed, but it is time to do so, as is made clear in the Chartered Institute of Taxation report.

I could illustrate with a litany of examples, many of which are very emotive, the problems that many pensioners face with current Inland Revenue practices for administering the tax system. Pensioners have written to the institute to tell it about their disabilities, the fact that they have been widowed, the many problems involved in their lives as pensioners and how dealing with tax forms has been made difficult. However, I shall not do so, on condition that the Paymaster General gives me a nod of assurance. I should like her to assure me that she will re-read the report. For the record, she has shown that she has a copy of the report with her. I should like her to assure me that she will study it a second time so that I need not cite the examples.

The Paymaster General (Dawn Primarolo) *indicated assent.*

Mr. Davey: The Paymaster General nods. I want to focus on what we can do to tackle the many problems.

The solution that I propose is that the Inland Revenue should establish a pensioner unit and make pensioners a priority customer group in the way that the Department of Social Security has set up the pensioners directorate. It should ensure that a senior Revenue official, either at board level or just below it, is appointed as an older taxpayer customer service director. That proposal comes directly from the study to which I referred.

Why am I worried about the bureaucratic reform of those systems? I advocate not a policy proposal, but what some might call a rebadging of an Inland Revenue unit. That is important because if we are to tackle the root cause we must change the culture in the Inland Revenue. We must ensure that people are responsible for thinking about the issue on a daily basis. We must also ensure not only that the existing problems, which are cited in the report, faced by today's pensioners are tackled, but that we change the whole system so that there are people in the Inland Revenue who can deal with difficulties that may occur in five years, which we may not have encountered before. We need a champion in the Inland Revenue to create a dynamic for change and ensure that it treats older people better.

The Government should do that not only for the reasons in the report, but because they have introduced their better government for older people programme. To promote that programme, the Prime Minister said:

> For too long the interests of older people have not been a high enough priority for government. I want that to change. People are living longer, and enjoying many years of active life after retirement. We need to plan for this. But we must also make sure that excellent services are there for those who need them, especially the very old or frail.

He was right; the problem is that his lead has not been taken up properly by the Inland Revenue.

In a letter to John Andrews, who has led the group, the director of the personal tax division, who has been terribly helpful to the Chartered Institute of Taxation in many other ways, wrote that a key aim is

> to raise our customer service standards across the board rather than to focus available resources on any particular group. Older people should see the benefit of general improvements which we are able to make.

Given that the Government have a programme called better government for older people, that statement from the Inland Revenue is not good enough. It should consider older people as a particular group and focus available resources on them. They should be a priority.

The other reason why the Government should create such a group is that it will not cost them very much money. The group could carry out research for, and give advice to, Ministers on how to improve the system, provide advice, support and training to local tax offices and link in with other Departments.

My second proposal is that the Government should promote volunteering. People could volunteer to help elderly taxpayers with their tax returns. The state will never be able to tackle that problem alone. Tax systems are inevitably complex. The costs involved in providing better customer service are high. The Inland Revenue should think about how the private and voluntary sectors could do more.

I am advocating a publicly supported national tax volunteer scheme. The idea has been developed by TaxAid and supported by the Chartered Institute of Taxation and other professional and charitable bodies. It has been borrowed from the USA, Canada and Australia. Canada has a community volunteer income tax programme, and the United States has a volunteer income tax assistance scheme. The idea has already been supported by the Government: the Inland Revenue and the Home Office's active community unit have discussed how they can help.

In the first instance, what is needed is cash—about £100,000—to help support the pilots proposed by the Chartered Institute of Taxation. Then the idea needs commitment and political endorsement. I hope that the Minister will give that. The head office of the Inland Revenue needs to support it, to ensure that local offices help. It needs to help to train the volunteers that will come forward, and to provide materials.

I believe that the benefits of such a volunteer scheme would be huge. The elderly would be helped, tax compliance would increase, people's perception of the tax authorities would improve, and the Government's administration costs would be reduced. Furthermore, international experience has shown that the take-up of welfare benefits when provided through tax credits has been much greater when volunteer help has been available to pensioners and to low-income groups. The Government have gone down that route with the working families tax credit, and they propose to introduce a pensioner tax credit. If they want to make those important changes work and ensure that the pensioner tax credit has the take-up that they hope, they should introduce a volunteer scheme now so that it would be available when the pensioner tax credit is introduced and take-up would be that much greater. It is therefore in the Government's interests to support such a scheme.

The Government could make some small changes almost immediately, either in this year's Finance Bill or by administrative decree. They could uprate the pensioner age-related tax allowances automatically before the start of the year, so that they could go out in the coding notices. That would reduce the current confusion when those notices are not automatically uprated, and it would reduce administration costs.

I ask the Minister to consider changing the law by a tiny amendment to this year's Finance Bill, so that life assurance companies have to administer retirement annuities through the PAYE system, and the income element of the return from purchased life annuities also has to be administered through PAYE. That would ensure that hundreds of thousands of pensioners would get the correct amount of tax deducted at source, rather than having to overpay, as often happens. It would also reduce the Inland Revenue's administration costs. Many firms administer these saving plans through PAYE, and the cost for the rest to do so would be minimal. The Government could take that small measure very soon.

I should like the Minister to develop her excellent initiative from last July to ensure that even fewer low-income pensioners receive self-assessment forms. It is a matter of reprogramming the Inland Revenue's computers. We could ensure that fewer pensioners have fewer forms to fill in.

2.49 pm

The Paymaster General (Dawn Primarolo): I thank the hon. Member for Kingston and Surbiton (Mr. Davey) for the way in which he introduced the Adjournment debate on the important question of fairness in the tax system not only for pensioners but, I hope he would agree, for all who come into contact with it. I appreciate that he wants to concentrate on pensioners, and I shall do my best to answer all the points that he raised.

The hon. Gentleman knows how the tax system works. It treats income from different sources in different ways, according to whether it is investment, savings or capital gain. The treatment of income does not relate to age; it relates to the nature of the income.

The hon. Gentleman's questions have related to complexities in the system. I agree with the director of personnel in the tax division that these are issues not just for pensioners, but for all taxpayers. If we can get it right for all taxpayers, pensioners will benefit.

I agree with the hon. Gentleman that many retired people have to deal with the Inland Revenue for the first time, at what can be a traumatic time. Retirement may coincide with widowhood, and with income problems. However, the hon. Gentleman suggested that all pensioners were struggling with the tax system. Let me put the situation into perspective before dealing specifically with his points.

Six out of 10 pensioners do not pay any tax at all, and therefore have virtually no contact with the tax system. The tax of most who do pay it is collected entirely by the pension payer, through the pay-as-you-earn scheme. However, I do not for a moment dispute the point that, at traumatic times in their lives, pensioners do not always receive the service that we would hope from the Inland Revenue, and the Government are trying to deal with the problem.

The hon. Gentleman asked why nothing had yet been done. In fact, quite a lot has been done to bring people into contact with the Revenue, and to make that contact as painless as possible, in particular for pensioners. For instance, we offer face-to-face interviews to help people to complete their forms.

The hon. Gentleman mentioned the problems of deaf people. The same would apply to blind or infirm people. We offer home visits to those who cannot get to one of our offices, but most are equipped with magnifying lenses and induction loops, and all will be so equipped in the next few months. We have also ensured that all our leaflets are printed in large type, and they are available in both audio and braille. Leaflets that are not available to those visiting our offices are available on request.

Research shows that pensioners are the group most satisfied with their contact with the Inland Revenue—indeed, highly satisfied. The hon. Gentleman is right to suggest that we should not be complacent, but I urge him to see the position in perspective.

There is, of course, more that we should do. As the hon. Gentleman suggested, we want to minimise the number of people who have to complete self-assessment tax returns. That is why last July I announced changes in the criteria determining who received such returns. As a result, some 200,000 older people were taken out of the system. We are considering whether there are other changes that we can make.

This year, the Inland Revenue is running a taxback campaign to encourage those on low incomes, who do not receive the tax rebates that they should receive on their bank and building society interest, to claim. The hon. Gentleman mentioned that as well. We have worked closely with pensioner organisations. We started the campaign in March, but we will have a high-profile week in October to try to get that message across.

We have looked at rewriting our forms and leaflets, particularly those that are aimed at pensioners. In doing that, we have consulted the low income tax reform group,

[Dawn Primarolo]

Help the Aged and Age Concern. We already second to the group—I think that it is a half-time secondment—someone from the Inland Revenue to help to develop its campaigns. I understand that there is a part-time secondment to TaxAid. Obviously, it is in our interests to ensure that people are enabled. They have the information, they know their responsibilities, but they know their rights, too: they do not pay tax when they should not.

The hon. Gentleman mentioned volunteering. I have read the report by the low income tax reform group. I am happy to read it again because it has some interesting points. I welcome the idea that people with the necessary skills and time should volunteer to help in that area. Essentially, it is a good goal because it will help to create the inclusive, cohesive, mutually supportive society that at least he, his party and my party want to be developed.

We are having discussions with the low-income tax reform group. We are keen to participate in the pilot in particular, because that will show us a lot about the types of services that we might need. I understand that the group is making an application to the Home Office for funding under social exclusion—I think that that is the category, although do not hold me to it. We will continue to work closely on that because it will show us what needs to be done.

There are, of course, questions: for example, in what capacity would those people operate? How would we be sure that they had the authority to talk to the Revenue? Would they need to talk to the Revenue, or would they simply be volunteer advice workers? However, those are technical issues that can be sorted out in discussions. The concept is positive. I want to take it forward.

The hon. Gentleman raised the question of a special directorate centrally in the Inland Revenue to focus completely on pensioner requirements. Again, to keep it in perspective, we are talking about quite a small group of taxpayers. I cannot say today that we will go away and set that up. What I can say is that we have an overall customer service champion in the Inland Revenue at board level: the deputy chairman of a department that is looking seriously at developing customer services, and how we can ensure that all groups, particularly pensioners, get the service that they need. I have discussed before with that official what we can do for pensioners. I will certainly raise the matter again as a result of today's debate, discussing what is appropriate.

The hon. Gentleman asked me two other specific points. One was with regard to allowances and the coding notices, and pre-announcing those; he is talking about pre-announcing them in November. I will not delay the House on that, because I know that he is knowledgeable about how the coding notices are issued in relation to the Budget and when things are announced, but, again, I recognise that there is an issue there. It is something that I should like to address.

Equally, I recognise—as I am sure that the hon. Gentleman will—that the Chancellor of the Exchequer makes announcements in March. It would be a bit odd to send out coding notices that made all sorts of announcements in advance of a March Budget. There are some problems with how that works, but, again, I am looking at that matter.

The hon. Gentleman's last point was on annuities, which concern the financial institutions themselves—the insurance companies—as changes may impose administrative costs on them. We are, however, investigating ways of making progress on that matter. We are also in discussions with the industry on how to simplify the system and make it much more responsive to pensioners.

The hon. Gentleman has raised some important issues. I again assure him that we are very interested in examining the specific issue of volunteering—although we must also, of course, address issues such as who would fund it. I understand that the low income tax reform group is making an application on that matter. We are particularly interested in the group's pilot schemes, which will help us all better to appreciate necessary changes.

We also have a champion who is responsible for customer services, including pensioner care and pensioners' interaction with the tax system.

We also have a continuing review on self-assessment, which will help to ensure that the system's impact on pensioners is minimised. I should tell the hon. Gentleman that changing the self-assessment system is not quite as easy as reprogramming the computer. It is a very large computer, with a very complex programme, and it is not that easy to intervene in its operation. None the less, I accept his general point about trying to remove responsibility for complying with self-assessment from those people.

The hon. Gentleman made a point about coding notices. We are aware of that matter and are examining it. We have not yet found a solution to it, but we are still looking for one.

I hope that I have been able to reassure the hon. Gentleman and the House on those points, and that hon. Members will feel safe in the knowledge that the Government recognise the real issues that pensioners, in particular, face in dealing with the tax system. We realise that we have a duty to minimise the difficulties that they face, to maximise the benefits that they receive—through, for example, taxback campaigns—and to provide decent literature and a friendly service.

I also hope that the House will be reassured that we are making progress as quickly as we can on all those issues, and that we shall continue to have a very positive and strong working relationship with all hon. Members and with the low income tax reform group—which has made such an important contribution to the debate.

Question put and agreed to.

Adjourned accordingly at two minutes past Three o'clock.

House of Commons

Monday 12 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Lottery Awards

1. **Gillian Merron** (Lincoln): What steps he has taken to assess the equity of the distribution of lottery awards across the country. [123668]

The Minister for Sport (Kate Hoey): We require distributors to take into account the need to ensure that all parts of the country have access to funding and the need to reduce economic and social deprivation. We monitor lottery awards given to each constituency and remain keen to encourage a fairer distribution of funding across the country.

Gillian Merron: Will my hon. Friend ensure that the distributing bodies press ahead with redressing imbalances throughout the country, so that Lincoln people can see the gap close between the welcome £9.5 million that they have so far received and the national average of £11.9 million?

Kate Hoey: Yes, that is exactly why we set up the report into lottery funding for coalfield areas and former mining communities. Last week my right hon. Friend the Secretary of State announced a package of measures designed to ensure that those areas receive greater benefit from national lottery money. We have to try to get more equitable funding, while recognising that some areas of greater economic and social deprivation have not been as proactive as they might have been about getting their forms filled in and so attracting benefit from the lottery. Now, with the new powers under the National Lottery Act 1998, we are seeing changes and increases; it is all about equity.

Sir Sydney Chapman (Chipping Barnet): Further to the point that I made at the Department's previous Question Time, has the Minister had time to consider the amount and proportion of funds going to outer London boroughs? Understandably, much of the money that goes to London goes to great national institutions, and although we accept that the quality of applications is an important factor, there is a feeling among those living on the outskirts of London that we are not being dealt with correctly.

Kate Hoey: I understand how the hon. Gentleman feels. The amount of money that has gone to my constituency of Vauxhall seems huge, because it has several major tourist attractions along the River Thames; however, little money has gone into community projects. Furthermore, if a constituency contains the head office of an organisation, that constituency is credited with having received the money given to the organisation, even if it is spent in many other places and none is spent in the constituency itself.

Helen Jones (Warrington, North): My hon. Friend touches on an important point about how we assess the sums that go to each constituency. Will she discuss with the National Lottery Charities Board how it arrives at its figures? Many of the grants included in figures sent to me were made not in my constituency but in that of my hon. Friend the Member for St. Helens, North (Mr. Watts). Although I have no objection to my hon. Friend's constituency receiving grants, I would prefer that they were not included in the allocation for my constituency. Will my hon. Friend the Minister also examine the assessment of ticket sales, whereby tickets sales in town centres are often allocated to only one constituency, even though they are bought by people from several neighbouring constituencies?

Kate Hoey: As I said, I fully understand hon. Members' concerns. It is frustrating to be told that one's constituency is receiving a lot of money when one knows that it is not, in fact, going there. Such matters will be the subject of our on-going discussions and of the negotiations surrounding the award of the new franchise. The ticket-buying public want to know where their money goes, and they want the figures to be clear and objective; similarly, we as Members of Parliament want to know what is happening in our constituencies.

Mr. John Greenway (Ryedale): First, will the Minister join me in wishing the England team all success in Euro 2000, and echo our hope for a peaceful, trouble-free tournament?

On the question of lottery funding, does the hon. Lady agree with the recent comments of the vice-chairman of Sport England, Des Wilson? He says that because of the Government's raid on the lottery and the recent decline in ticket sales,

> many community organisations that could have taken a positive reply for granted five years back will now be disappointed. The money just won't be there.

Is not the truth that the Government's abuse of the lottery and total abandonment of the arm's-length and additionality principles will rob sports clubs throughout the country, especially those in areas that have done less well, of support for important projects that they could reasonably have expected to receive by now?

Kate Hoey: Of course I join the hon. Gentleman in sending the England team our best wishes for their first match tonight—and, indeed, for the whole tournament.

We are especially keen for the tournament to be free of trouble, and for our supporters to represent our country in the best possible manner.

I believe that the hon. Gentleman has misquoted the vice-chairman of Sport England. I heard Des Wilson speak on Radio 5 just a few hours after that quote came out, and he did not say that. I remind the hon. Gentleman that when the lottery was set up five years ago, it was said that about £1.8 billion would go to sport over the first seven years of the contract. That was guaranteed. In fact, the sum will be increased. The hon. Gentleman can talk about percentages and new developments, but the amount going to sport over the seven years will be more than was originally promised. In addition, some of the money from the new opportunities fund goes directly to after-school activities related to sport. Of course, we want more people to play the lottery, because if people do not buy tickets, there will be no money for any of the good causes.

Digital TV

2. **Mr. Ben Chapman** (Wirral, South): What action he is taking to promote take-up of digital TV. [123669]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): We have set in place two firm tests of availability and affordability, which must be met before the full switchover to digital television can take place. In the meantime, we are working with the industry on a public information campaign about digital television, and we will shortly set up a viewers panel to ensure that policy is well informed by consumer concerns.

Mr. Chapman: Does my right hon. Friend agree that when digital was rolled out, it was done in a way that perpetuated the anomalies inherent in the analogue system, in that some parts of the United Kingdom receive regional television coverage that is entirely inappropriate to the area? For example, my constituency, which is patently in the north-west, gets terrestrial television only from Wales and the midlands. Does my right hon. Friend agree that in any future broadcasting Bill, broadcasters should be required to provide appropriate regional television, and that the take-up of digital television would thereby be enhanced?

Mr. Smith: My hon. Friend raises a genuine concern with regard to analogue coverage, and I am well aware of the problems faced by a number of his constituents in that respect. Digital terrestrial television at present covers only about half of the country. That proportion will increase progressively over the next two years. My aim is to ensure that as digital television becomes universally available, it will provide a solution to the problem faced by my hon. Friend's constituents.

My hon. Friend's question highlights the fact that it is not only infrastructure that matters, but content as well. We have noted in recent days considerable concern about some of the content on television, particularly in relation to Channel 5. Government cannot and should not directly intervene, but I believe that the broadcasters have a commercial and a moral duty to take good account of the views of the public, and I urge them to do so.

Mr. Crispin Blunt (Reigate): Does the Secretary of State accept that one of the consequences of the roll-out of digital television is even more control of what people can receive is placed in the hands of the broadcasters? I am thinking, in particular, of access to sport. Individual broadcasters have a monopoly of the supply of television coverage of a particular sport to sections of the population who are keen on that sport. Should the Government now examine that issue?

Mr. Smith: We have put in place the list of protected sporting events that are of national importance and must be shown free to air on terrestrial television. Shortly after coming to office, we expanded that list to include more sporting events. In addition, it is important that the terrestrial broadcasters, not just the subscription broadcasters, ensure that sport forms a key part of their provision for the public. I certainly look to the terrestrial broadcasters to do that.

Mr. Derek Wyatt (Sittingbourne and Sheppey): Does my right hon. Friend's definition of digital television include digital access to the internet? We do not want digital television sets that deliver only television programmes. We want them to offer internet access as well. Does my right hon. Friend's definition that digital television should be widespread and available to 95 per cent. or more of the population include internet access?

Mr. Smith: As my hon. Friend knows, perhaps more than most, the boundaries between what we previously described as television and personal telephonic communication have been merging rapidly in recent years. In my speech to the Royal Television Society in September, I made it clear that one of our aims is to ensure that universal access to the internet forms part of the universal availability of digital television.

Millennium Dome

3. **Mr. Owen Paterson** (North Shropshire): If he will make a statement on his plans for the millennium dome. [123670]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The Millennium Commission's plans for the dome are, first, to help to ensure that the experience draws in increasing numbers of visitors throughout the rest of this year; they will experience the same great enjoyment as previous visitors. Secondly, it will assist with the regeneration of a previously derelict area of south-east London, which is in real need. Thirdly, it will provide a lasting legacy for the future.

Mr. Paterson: In the same spirit, the Prime Minister made an amazing speech in February to outline why the dome was good for Britain. He said that the project was on target and on budget, that it would not take taxpayers' money, and that it would take only £400 million of lottery funds. Every one of us has projects in our constituencies that cry out for lottery funds, yet this hideous failure has gobbled up £538 million. Will the Secretary of State now stand up and say that enough is enough, and that not one penny more of lottery funds—or any other public funds—will be spent on that national humiliation?

Mr. Smith: May I make three points to the hon. Gentleman? First, it was the previous Government who

began the project. Secondly, 85 per cent. of visitors to the dome say that it is a hugely enjoyable experience, which they would recommend to their friends and neighbours. Thirdly, the Millennium Commission has made it clear to the New Millennium Experience Company that it must cut its coat according to its cloth and operate within the budget that has been allocated to it.

Mr. Clive Efford (Eltham): Does my right hon. Friend agree that the dome's detractors have failed to recognise the benefits that it has brought to its part of London? Before the millennium project, there were no transport links, other than heavy rail, for people travelling to central London. The site was one of the biggest derelict areas, and heavily contaminated. Without a project of the dome's size, it probably would not have been decontaminated and used. More importantly, the project brought economic development and jobs to an area of London where, only a few miles from here, there are some of the most deprived communities in this country.

Mr. Paterson: What about Shropshire?

Mr. Efford: Opposition Members clearly do not understand the need for economic development and intervention to create jobs where there is no hope of jobs. Will my right hon. Friend give an undertaking to ensure that that issue remains at the top of his agenda when he considers future uses for the dome?

Mr. Smith: I certainly give that undertaking, although I am not personally involved in the decision about the dome's future legacy. However, I shall draw my hon. Friend's remarks to the attention of those of my right hon. and hon. Friends who are involved.

My hon. Friend's point about the dome's regeneration impact on the whole of south-east London is well made. That was one of the major reasons for the birth of the project, which was conceived by the Conservative party. Conservative Members' attempts to do down the project does them no credit and the country no good.

Mr. Peter Ainsworth (East Surrey): The Secretary of State's attempts, on the one hand to shed responsibility for what has gone wrong with the dome and place it with the previous Conservative Administration, and on the other to pretend that the project is a resounding success, are as convincing as the Prime Minister's performance at the Women's Institute conference last week. Are there any circumstances in which the Secretary of State would refuse the dome more money? How bad do things have to get? How deep must the hole be dug? In its contempt for history, its cheap gimmickry and its botched execution, the dome has become the perfect symbol of new Labour. Value for money, financial responsibility, lottery cash, and even public opinion, count for nothing, because what matters most to the Secretary of State and the chairman of the Millennium Commission is saving the Government's face.

Mr. Smith: The hon. Gentleman's assessment flies in the face of the assessment of the two and a half million people who have already visited the dome and enjoyed the experience enormously. Of course, the numbers have been lower than those originally projected, as everyone knows, and I accept that that has created financial problems. However, we have made it extremely clear to the New Millennium Experience Company that it must operate within the budget set for it. I was delighted that Mr. Gerbeau, the chief executive of NMEC, confirmed last week that he would not return to the Millennium Commission for extra funds.

Mr. Ainsworth: All I can say is, come off it. The Government are not having much luck. Even the new millennium bridge is beginning to look a little like new Labour. From a distance it is a rather attractive proposition, but once tested, it is given to bouts of violent wobbling.

I know that the Government do not like answering questions about the dome's finances. All too often, we are batted away with bogus claims about commercial confidentiality. However, it is unusual not to get any response at all, not even a holding reply. Will the Secretary of State answer the question that I tabled on 25 May, and say which accountancy firms have been paid by the dome and for what purposes?

Mr. Smith: That question will be answered in due course in the normal way.

The hon. Gentleman takes the apparent initial difficulties with the millennium bridge between St. Paul's and Bankside rather lightly. I do not. The safety of pedestrians on bridge is surely paramount, which is why I have already asked Millennium Commission officials for urgent advice on what measures need to be taken to ensure the public's safety. I would have thought that that was rather more important than making a few cheap jokes, as the hon. Gentleman did.

Museums and Galleries

4. **Mr. Gerald Howarth** (Aldershot): If he will make a statement on access to museums. [123671]

The Minister for the Arts (Mr. Alan Howarth): Our policy is to encourage all museums to offer the widest possible access to their collections. We have enabled national museums that are funded by my Department and offer free admission to continue to offer it. We have scrapped entry charges for children and the over-60s to museums that currently charge for admission. Funds have been set aside to enable trustees to introduce a standard admission charge of £1 from September 2001, and to grant free admission to all those, including people with disabilities, who are in receipt of the major social security benefits.

Mr. Gerald Howarth: Will the Minister scrap his fatuous, insulting and politically correct proposal that museums are to have funds withheld if they fail to attract enough ethnic minority visitors? If he will not scrap that ludicrous scheme, how are museums expected to distinguish between ethnic minorities and, for example, natives who are excessively suntanned? Will that ludicrous policy also apply to this place—which, thanks to the Prime Minister's indifference, is rapidly turning into the museum of democracy?

Mr. Alan Howarth: That scheme is a figment of the hon. Gentleman's imagination, fed by a peculiarly silly article in *The Daily Telegraph*. I assure him that there are no quotas and that there is no link between museum funding and ethnic minority visitor numbers. Of course we want people from all backgrounds to have access to the best of our culture. I regularly discuss that matter with the chairmen of trustees and the directors of our national museums and galleries, all of whom share the Government's enthusiasm for ensuring that our museums are accessible to the many, not the few. It is a pity that the hon. Gentleman does not share that vision.

Mr. Robert Sheldon (Ashton-under-Lyne): My right hon. Friend the Secretary of State is to be congratulated on presiding over a great increase in the number, and the enthusiasm, of people in this country who visit museums and art galleries. What discussions has my hon. Friend the Minister had with the Treasury on VAT, which, of course, limits the opportunities that we had hoped for as a result of my right hon. Friend's initiatives?

Mr. Howarth: I am grateful to my right hon. Friend for his kind words. We have scrapped admission charges for children and pensioners at 23 museums and galleries, and, in the first year, child visitor figures are up 18 per cent. In the two months since we abolished admission charges for pensioners, recorded numbers of visitors over 60 have increased almost two and a half times, which is encouraging.

My right hon. Friend rightly draws attention to the tension between our ambition to ensure that our museums and galleries are accessible to the largest number of people, and the impact of the VAT regime, which penalises museums and galleries that charge for entry. With that in mind, I convened a meeting last year with the directors of national museums and galleries and the National Art Collections Fund, as a result of which the NACF produced an extremely helpful paper, which is assisting us in our discussions with the Treasury.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Is it still the Government's intention that there should be free access for all to national museums and galleries, and is not the issue essentially one of working out ways of bringing that about and calculating the cost? Will the views of people such as generous benefactors—for example, Sir Denis Mahon—be borne in mind when it comes to the crunch?

Further to the point about VAT, in the two months since the Budget, have the Minister and his colleagues made progress in the discussion about the possibility of adding national museums and galleries to the bodies covered by section 33 of the Value Added Tax Act 1994? That seems to be the most sensible way of avoiding the nonsense whereby the Government give cash grants to national institutions and then reclaim them through VAT.

Mr. Howarth: I readily echo the tribute that the right hon. Gentleman paid to Sir Denis Mahon, who has been a most remarkable benefactor of our national museums and galleries. As we said in our pre-election document, "Create the future", access will be a cornerstone of our cultural policy, and we remain committed to making the best progress that we can towards extending free entry. I agree with the right hon. Gentleman that section 33 of the VAT Act seems to be the most promising avenue to enable us to overcome that important snag, and we shall continue to explore it.

Ms Claire Ward (Watford): What legal advice did Ministers receive before deciding to introduce free admission for the over-60s rather than linking it to pension age? Has that advice been made available to other Departments?

Mr. Howarth: If I may, I will write to my hon. Friend on that point. We had to make a judgment, and it did not seem sensible to persist with gender differentiation in free access for people of retirement age. I hope that she will feel that in opting for 60 rather than 65 we erred on the right side.

Mr. Dafydd Wigley (Caernarfon): Is the Minister aware of the progress that has been made on charges by the national museum and galleries of Wales, with free entry available not only to children and pensioners but to students and unemployed people? Is not that a good model for the other parts of these islands, and will he congratulate the national museum of Wales and the National Assembly for Wales on that scheme?

Mr. Howarth: I do, with pleasure.

Mr. Peter Ainsworth (East Surrey): The fact is that Labour stumbled into making a pledge about universal free access without having even thought about the Treasury implications. Is the Minister not aware of the growing frustration of museum directors and trustees about the way in which their service agreements are becoming increasingly intrusive, patronising and political? Does he not understand that they resent being bullied on access, when they have always tried to increase access anyway?

Now that the Government have completed the U-turn on their pledge for universal free admission, what practical assistance will the Minister provide to all the other museums throughout the country, many of which are local, which face an uncertain future under this Government?

Mr. Howarth: I do not recognise what the hon. Gentleman is talking about. We did not make the pledge that he described. Far from what he says being correct, the chairmen of trustees and the directors of national museums and galleries appreciate the opportunity that the negotiation of funding agreements gives them to explore our shared objectives in depth.

As for the important issue of how we are to ensure better support for regional museums and galleries, I draw the hon. Gentleman's attention to the £15 million designation challenge fund, which is already in place, to the funds to support museums and galleries in education spending and investment in information technology, and to the extension of the heritage lottery fund's access fund by £3 million a year into the future.

National Foundation for Youth Music

6. **Ms Glenda Jackson** (Hampstead and Highgate): How many schools are expected to benefit from the National Foundation for Youth Music in its first year. [123674]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): The National Foundation for Youth Music's remit is to support activities for young people that take place largely outside the formal education sector. However, as applicants are encouraged to form partnerships with the wider community, there will be benefits for schools. The foundation is currently considering applications under Music Maker, which aims to benefit up to 120,000 children, and Singing Challenge, which will serve at least 15,000 children. The instrument amnesty has attracted approximately 5,000 unused instruments, which will be re-routed to up to 1,000 organisations working with young people.

Ms Jackson: I thank my right hon. Friend for that extremely heartening reply, which shows the support provided not only by the foundation but by the Government, highlighting the importance of music making and ensuring that all our children have the ability to deal with the difficulties of music and musical instruments. Did not the previous Government make the most swingeing and savaging attacks, reducing the ability of all our children to enjoy the pleasure of music making? Although every part of the country suffered severe deprivation under the Conservative Government, will he ask the foundation to ensure that some of the most seriously deprived areas of the country will be at the top of its list, so that their children have access to music and music making?

Mr. Smith: My hon. Friend is right to draw attention to the serious decline in musical instrument teaching for young people in this country over the past 15 to 20 years. We have begun to put that right through the establishment of the national foundation and through money from the standards fund, which my right hon. Friend the Secretary of State for Education and Employment has also made available. Of course those initiatives will help in the areas that suffered most, especially in areas of social deprivation, where the need is arguably greatest.

Mr. Graham Brady (Altrincham and Sale, West): Did the Secretary of State note the reported comments last week by the head of the Yehudi Menuhin school, who said that opportunities for teaching music, art and drama were being squeezed out of the curriculum in schools throughout the country? Does he recognise that that problem is far from being confined to the past, but is continuing and getting worse? Is the Secretary of State doing anything in conjunction with his colleague in the Department for Education and Employment to set the record straight?

Mr. Smith: I did note those comments, and they do not reflect what is happening across the country as a whole. The Secretary of State for Education and Employment has made £150 million available to local education authorities through the music standards fund. Several local education authorities, some controlled by the Conservative party, have not taken up that funding. The Department for Education and Employment cannot force local education authorities to take up the money, but it is there.

Lottery Awards

7. **Mr. Tony McWalter** (Hemel Hempstead): What proportion of the national lottery funds allocated to *(a)* the arts and *(b)* sport has been allocated to dance. [123675]

The Minister for the Arts (Mr. Alan Howarth): The Arts Council of England has awarded lottery funds to 563 dance projects, totalling over £136 million—11 per cent. of the total ACE lottery awards made. Sport England has awarded funds to six specific movement and dance projects totalling £697,016—0.1 per cent. of the total lottery funds awarded by Sport England. Sums awarded to other projects in which dance is an element further increase those totals.

Mr. McWalter: I thank my hon. Friend for that answer, and for his continued interest in the development of dance in Britain, but is he aware that that very low figure for sport does not do justice to the fact that dance provides the main opportunity that many young girls have to develop kinaesthetic ability and enjoy competitive recreation? Will he ensure that the figure for sport is significantly increased in future, so that that population can be properly served?

Mr. Howarth: I am grateful for my hon. Friend's continuing interest in that subject and look forward to meeting him and my hon. Friends the Members for Salford (Ms Blears) and for Newcastle-under-Lyme (Mrs. Golding) before long to pursue our discussion at a meeting in my Department. In the meantime, I shall certainly talk to my hon. Friend the Minister for Sport.

However, as my hon. Friend knows, it is not for us to instruct the lottery distributors what particular projects they ought to support, although, with his assistance, we can ensure that the significance of supporting dance in schools and as an aspect of sport is more widely appreciated.

Royal Parks Constabulary

8. **Mr. Andrew Mackinlay** (Thurrock): When he last met the chief officer of the Royal Parks Constabulary to discuss the powers of constables. [123676]

The Minister for the Arts (Mr. Alan Howarth): I have met the acting chief officer of the Royal Parks Constabulary on several occasions to discuss that point. I will meet the new chief executive of the Royal Parks Agency regularly once he takes post on 10 July. I also meet, and receive advice from, the Royal Parks Advisory Board. We shall shortly undertake a review of the Royal Parks Constabulary.

Mr. Mackinlay: Will the Minister confirm that the chief officer of the Royal Parks Constabulary and the

chief constables of the Ministry of Defence and the British Transport police have asked for the powers set out in my Police Bill? What is he going to do about that and when?

Mr. Howarth: As I said, we shall review the Royal Parks Constabulary, and the issue that my hon. Friend raises will undoubtedly be an important focus of that review.

Theatre

9. **Mr. Paul Flynn** (Newport, West): What has been the percentage change in the *(a)* level of public subsidies and *(b)* size of audiences for live theatre in the past 10 years. [123677]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Public subsidy for theatre decreased by about 1 per cent. in real terms in the 10 years to 1997–98, but will have increased by 7.2 per cent. in real terms between then and 2000–01. Meanwhile, in the 10 years to 1997—the last year for which figures are currently available—audiences for subsidised theatre decreased by about 16 per cent.

Mr. Flynn: Does not that reveal a bleak situation? The majority of live theatres around the country outside tourist areas represent an art form in decline. While we would all say that live theatre is an important part of the artistic inheritance of all the nations of Britain, perhaps the time has come to consider subsidising those of great artistic excellence and to reconsider transferring money to booming art forms—for example, the publication of books of poetry has doubled in the past five years—and the infinite opportunities that the new technologies present to provide live theatre and other art forms universally through the internet.

Mr. Smith: I agree with my hon. Friend that those figures reveal that a small reduction in subsidy starves theatre of funds and results in a much greater decline in audiences. Therefore, reversing that decline, as we are in the process of doing, has been one of the important parts of the extra investment that we have put in place with the Arts Council. I am pleased that the Arts Council will allocate £1.4 million to literature in 2000-01, and more than 70 per cent. of that will be spent directly or indirectly on poetry.

Mr. Nigel Evans (Ribble Valley): I implore the Secretary of State to ignore what the hon. Member for Newport, West (Mr. Flynn) has just said and to do all he can to encourage live theatre, which is one of Britain's national treasures, not only in the west end but in provincial theatres all over the country. When there is so much spare capacity, it is a great shame that people and young schoolchildren who would dearly love to go to live theatre are unable to do so. Will he ask the theatres to allow more people to see live theatre by encouraging either discount schemes or the use of spare capacity by schoolchildren?

Mr. Smith: For once, I agree wholeheartedly with the hon. Gentleman. That is precisely the point of the new audiences fund, which we put in place two years ago and have continued since. It is aimed particularly at helping people who would not otherwise have the opportunity to do so, to see not only theatre but all forms of the performing arts. I am acutely aware of the plight of regional theatre—it has been highlighted by the Boyden report, which the Arts Council recently published—and, together with the Arts Council and the regional arts boards, we are considering how we can help in that matter.

Urban Regeneration

10. **Ms Hazel Blears** (Salford): What assessment he has made of the impact of millennium projects on the regeneration of urban areas. [123679]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Millennium projects are already making a significant impact in urban areas across the United Kingdom, providing new community facilities, cultural and educational resources, improved public spaces and boosted economies. The Lowry centre in Salford, the international centre for life in Newcastle and Tate Modern have all opened within the last couple of months. The Millennium Commission will be undertaking a detailed large-scale economic impact assessment of its capital projects this summer.

Ms Blears: I am delighted that my right hon. Friend had an opportunity to attend the opening of the magnificent Lowry centre. I hope that he enjoyed the experience.

Does my right hon. Friend agree that it is vital for centres such as the Lowry to involve their local communities, as well as providing venues for world-class opera, ballet and other performances? Will he confirm that his Department intends to continue expanding the fund to build new audiences and, crucially, to invest in the skills, talent and creativity of local young people so that they see the Lowry as their theatre—their centre—and a place where they can express the talents that we all know they possess?

Mr. Smith: I entirely agree with my hon. Friend. I pay tribute to the role that she has played, on Salford council and subsequently as Salford's Member of Parliament, in ensuring that the Lowry has been an enormous success.

The Lowry has already attracted a £72 million retail and leisure development—a commercial development—to an adjacent site. It has been a catalyst for the £4 million water quarter improvement programme in the area, and it is estimated that it has helped to create some 6,500 jobs in the local economy. That demonstrates that major cultural capital projects rooted in the support of the local community can be a major force for regeneration.

Mr. John Bercow (Buckingham): Can the right hon. Gentleman offer the House some assessment of the proportion of the jobs to which he just referred that have been created in the private sector, and the proportion created in the public sector? Can he also offer a rough indication of the proportion of those important jobs that he expects to be sustained?

Mr. Smith: I certainly expect the jobs in whole to be sustained. I do not know the exact breakdown between

the public and private sectors, but I imagine that the overwhelming majority are in the private commercial sector, although some people will be directly employed by the Lowry centre.

Forth Rail Bridge

11. **Mr. Tam Dalyell** (Linlithgow): Pursuant to his answer of 9 May 2000, *Official Report*, columns 379–80W, what liaison he has had with the devolved Administrations about nomination of the Forth bridge to UNESCO for world heritage site status; and if he will make a statement about how the UNESCO world heritage committee's priorities for action relate to the Forth bridge. [123680]

The Minister for the Arts (Mr. Alan Howarth): Although my Department liaises regularly with the devolved Administrations over United Kingdom world heritage site issues, including the possible order and timing of all future UK nominations, the Scottish Executive will decide when they wish to nominate the Forth bridge. UNESCO's world heritage committee is considering priorities for the number and types of sites it would like to see nominated from all countries in the future, and that will affect UK nominations.

Mr. Dalyell: When is the consideration to which my hon. Friend refers likely to reach a conclusion?

Mr. Howarth: I cannot answer my hon. Friend on that point, as it will be a matter for the Scottish Executive. I can, however, tell him that the Forth bridge is a category A listed building and, as such, should be properly cared for, whether or not it is nominated as a world heritage site. Should it be nominated, there is an expectation—indeed, I would say a requirement—for the site to be properly maintained to the highest standards in accordance with a management plan.

Holidays (People With Disabilities)

13. **Mr. Gordon Marsden** (Blackpool, South): What discussions he has had with the English Tourism Council about promoting and widening access to holidays for people with disabilities. [123682]

The Secretary of State for Culture, Media and Sport (Mr. Chris Smith): Widening access to tourism for everyone, including people with disabilities, is a key commitment for the English Tourism Council. I am pleased to note that, this summer, the ETC is publishing "Accessible Britain 2000", a complete list of accommodation awarded a category of accessibility by the tourist boards or Holiday Care under the national accessibility scheme.

Mr. Marsden: I thank my right hon. Friend for his answer. It is important, given the large number of people who cannot currently take a holiday, many of whom are disabled. Does he, like me, welcome the work done by other organisations such as the Association of British Travel Agents in promoting awareness, and in particular the scheme that it is pursuing with the Royal National Institute for the Blind? Does he agree that many small hoteliers in seaside towns still need advice and assistance from the ETC in making their establishments accessible, and will he consider the possibility of using the new opportunities fund for that purpose?

Mr. Smith: I certainly endorse what my hon. Friend says about the importance of encouraging and widening accessibility for people with disabilities. It is a notable fact that about 40 per cent. of the population do not take a holiday. I suspect that a substantial proportion of those do not do so because of difficulties of physical access. We need to continue to encourage the tourism industry to seek to overcome that. One of the features of the industry is that it is made up of many very small enterprises. We need to encourage and enable them to improve accessibility. The ETC will certainly seek to do that.

Football Taskforce

14. **Mr. Peter L. Pike** (Burnley): What discussions he has had with the football authorities about the football taskforce report on commercial issues, with special reference to the cost of going to professional football matches for families and children. [123683]

The Minister for Sport (Kate Hoey): With my right hon. Friend the Secretary of State, on 16 March I met representatives of the Football Association, the premier league and the football league to discuss the Government's response to the report. In further informal discussions with the football authorities and supporters groups, I have made clear the Government's desire that football's new regulatory body—whatever form it takes—should examine the costs of attending football matches.

Mr. Pike: My hon. Friend will know that the majority report expressed serious concerns about ticket pricing at some clubs and about the price of replica shirts supplied by some football clubs. Those are issues of great importance. Will she recognise the important step that has been taken by Burnley football club, which, newly promoted to the first division, has introduced a children's ticket to all parts of the ground for £35 for next season? Should not all premier clubs ensure that they issue concessionary tickets to all children?

Kate Hoey: I congratulate Burnley. Indeed, a number of other clubs have introduced quite innovative methods to ensure that children and families are attracted to football, but we take the issue seriously. As I have said, whatever form the regulatory body takes, when we announce our formal conclusions on the taskforce report, that will be a priority.

Miss Anne McIntosh (Vale of York): Does the hon. Lady agree that there should be a restoration of balance in favour of ordinary football-going supporters such as my brother and his family? There should be a restoration in the balance of interests, so that it is not just the commercial interests of big companies that take directors to football matches on a Saturday that are respected but those of ordinary football-goers who enjoy their Saturday.

Kate Hoey: I am sure that the hon. Lady's family are ordinary football supporters. They are the people without whom football would not be what it is. It is crucial that

football clubs, whether they be in the premier league or in another division, realise the strength and importance of their supporters and look at things in the long term. They should not just go for the short-term effects of short money, with no long-term solutions for football.

Swimming

15. **Mr. John Bercow** (Buckingham): If he will make a statement on the promotion of swimming in schools. [123684]

The Minister for Sport (Kate Hoey): Swimming is important in its own right as a school sport and as an essential safety tool. That is why it remains a compulsory element of the national curriculum for physical education, which requires that, by the age of 11, pupils should be able to swim 25 m and should be aware of the principles of water safety.

Mr. Bercow: I speak as someone who swims badly but persistently five times a week at the Living Well health club at No. 4 Millbank. Does the hon. Lady accept that I and many of my right hon. and hon. Friends are concerned about the diminution in opportunities in schools to participate in swimming? Will she guarantee to arrest the tide? Will she take this opportunity to spell out the importance not only of swimming in general, but of the excellent sport of synchronised swimming in particular?

Kate Hoey: The only information that the hon. Gentleman has not given me is the time that he goes swimming at the health centre, but I agree about the importance of swimming. Last October, I raised my concerns with Chris Woodhead of the Office for Standards in Education to encourage him and Ofsted to do more in terms of section 10 inspections of school swimming. It is something that a number of Members are interested in. Ofsted has now introduced an extra focused inspection on swimming. We will get the results of that very soon. They will be announced shortly.

Having watched synchronised swimming, I support it very much. It is a sport that requires a huge amount of physical effort; it is very demanding indeed.

CHURCH COMMISSIONERS

The hon. Member for Middlesbrough, representing the Church Commissioners, was asked—

Management of Investments

28. **Mr. Peter L. Pike** (Burnley): What steps the commissioners have taken to transfer day-to-day fund management of UK equities and their fixed interest portfolio; and if he will make a statement. [123698]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The commissioners have decided to transfer day-to-day fund management of their United Kingdom equities and fixed-interest portfolio to Churches, Charities and Local Authorities Investment Management Ltd. Additionally, several experienced members of the in-house team will transfer to preserve continuity of management, which, over the years, has produced such good results for the commissioners. It is planned that the transfer will take place on 30 June 2000.

Mr. Pike: I thank my hon. Friend for that answer. One thing that he has not told us, however, is the cost implications. Will large costs and hefty fees be paid to CCLA? If so, what effect will those have on the commissioners' ability to help fund the Church?

Mr. Bell: The commissioners will, of course, pay CCLA a fee. However, an increase in the overall costs of fund management is not expected to affect the distributions that the commissioners make for support of the Church. The policy remains to provide the maximum sustainable level of support to the Church.

Church Repairs and Renovations

29. **Mr. Gordon Marsden** (Blackpool, South): What assessment the commissioners have made of the contribution to the rural economy in England of repairs and renovations to churches. [123699]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The repair, renovation and development by parishes of rural churches make a significant financial contribution to the rural economy, to supporting and encouraging local skilled craftsman and businesses, and to maintaining rural community life.

Mr. Marsden: I thank my hon. Friend for that reply, which confirms the Historic Houses Association's view that that activity maintains about 7,000 jobs in the sector. Does he agree that the traditional labour-intensive skills to which he referred would be further enhanced and encouraged if £18 million of the £123 million that the Church spends yearly on repairs and renovations did not go straight into paying VAT? Will he also use that information to press home those points on colleagues and Ministers in the Department of the Environment, Transport and the Regions in time for the forthcoming rural White Paper?

Mr. Bell: I am grateful to my hon. Friend for drawing attention to the issue of VAT on church repairs, on which discussions are continuing with the Treasury and the DETR. We are also seeking to persuade the Government not only to review operation of the directive within the European Union, so that it will cover church repairs, but to reduce VAT to 5 per cent.

Mr. Tim Boswell (Daventry): In support of the point made by the hon. Member for Blackpool, South (Mr. Marsden), and in view of the encouragement that can be taken from the remarks just made by the hon. Gentleman, does the hon. Gentleman accept that, even when the Treasury has—as it often has—quite good arguments in principle for a general approach, there is a quite special problem in relation to churches, particularly small churches and large churches in small communities,

for which the cost of repair and renovation is entirely disproportionate to anything that they can realistically raise?

Mr. Bell: Those points were made to the Minister for the Arts when we saw him. It is not generally known that we have 16,000 parish churches in rural areas, and that they are among the best maintained in Europe. However, the additional burden of VAT on maintenance of those buildings is a serious burden on local, Church-worshipping communities.

Assets (1999 Results)

30. **Mr. Ben Chapman** (Wirral, South): What implications the commissioners' recently published 1999 results have for their support of the Church; and if he will make a statement. [123700]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The market value of the commissioners' assets stood at £4,400 million at the year end, and the assets provided £156 million in support of the Church's ministry. That sum includes an element of support targeted specifically at parish ministry in dioceses most in need of financial help. The total sum met 20 per cent. of the Church's overall running costs, in 1999, of approximately £760 million.

Mr. Chapman: Given that, could more be done for the very poorest of parishes? Could some of those funds be used to enable clergy to have decent conditions of service? Could the conditions of service and rights of employment that have increasingly been made available to other people in society now be made available to the clergy as well?

Mr. Bell: In fact, £20.6 million of parish ministry support is provided by the Church Commissioners, and £15.1 million is targeted to support parish ministry in areas of greatest need. The archbishop's council is examining the content of the clergy remuneration package, the remuneration of clergy in relation to that of other groups and the financial circumstances of clergy, and its review will be given to the General Synod in November 2000.

Investment in Zimbabwe

31. **Mr. John Bercow** (Buckingham): If he will make a statement on the commissioners' policy on investment in Zimbabwe. [123701]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): As at December 1999, the commissioners' overseas equities were valued at £648.1 million. The commissioners have no investments in Zimbabwe.

Mr. Bercow: In the light of the brutal behaviour of the Zimbabwean Government at home, the way in which they have offended everybody abroad and the fact that they are now, without doubt, international pariahs, is the hon. Gentleman aware that that answer, on behalf of the Church Commissioners, warms the cockles of my heart?

Mr. Bell: I am pleased to be able to warm the cockles of the hon. Gentleman's heart. I should point out that the commissioners' overseas investments are managed externally by three fund managers. Those managers have discretionary powers to invest in all world equity markets, including those of the emerging economies, while complying with the commissioners' ethical criteria. The hon. Gentleman makes an important point in relation to those criteria.

Church Land Rents

32. **Mr. Paul Flynn** (Newport, West): What has been the increase in real terms in the level of rents charged for church land in the last 10 years. [123702]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): I am not able to quantify the 10-year return on commissioners' farm lettings alone, but, over the last 10 years, the total return on all the commissioners' agricultural property has been 9.7 per cent.

Mr. Flynn: When the commissioners next adjust the rents, could I urge them to read the inspiring words of the Books of Isaiah and Hosea on Christian charity, which urged that it should be extended beyond the human race to the animal species? Could not the Church Commissioners devise a way to reward those tenants who have already banned the cruel activity of fox hunting on their lands?

Mr. Bell: I would not wish to anticipate the statement of my right hon. Friend the Home Secretary, but I will listen to it with great interest.

GM Crops

33. **Sir Sydney Chapman** (Chipping Barnet): What advice the Church Commissioners have received about the growing of GM crops on Church land; and how they intend to monitor the results of the current round of trials. [123703]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): Following extensive study and consultation, the Church of England's ethical investments advisory group—a copy of whose report has been placed in the House of Commons Library—has recommended to the commissioners that new agricultural tenancies should contain a clause restricting the use of genetically modified seeds and requiring the express consent of the commissioners to the use of their land for this purpose. The commissioners have considered and accepted this advice.

Sir Sydney Chapman: If it can be shown that there is no damage to the ecological system in introducing genetically modified crops—given, however, that controversy surrounds the subject—would the Second Church Estates Commissioner agree that it might be more

sensible if the Church Commissioners were unilaterally to change their leases and take over control of matters relating to cropping on their land?

Mr. Bell: The Church Commissioners have taken fully into account the continued controversy concerning GM crops. In law, the commissioners have no power to change leases already granted, as their tenants enjoy freedom of cropping within the terms of their lease. As responsible stewards of the land that we own, we remain prudently aware of developments in this controversial area from many perspectives, including environmental stewardship.

Vocations

34. **Mr. Desmond Swayne** (New Forest, West): If he will make a statement on recent trends in the number of vocations. [123704]

Mr. Stuart Bell (Second Church Estates Commissioner, representing the Church Commissioners): The trends in the number of vocations over the last four years have been rising in all categories—that is, among stipendiary ministry and also non-stipendiary and ordained local ministry. There are approximately 25 per cent. more ordinands in training than there were four years ago.

Mr. Swayne: Is the hon. Gentleman confident that the Church Commissioners will be able to meet the expenses that that increase anticipates, particularly in respect of the long-term future regarding pensions?

Mr. Bell: The hon. Gentleman is right to draw attention to the burden on the commissioners of meeting pension commitments entered into and to the need to provide a proper stipend and proper conditions for those within the Church. We are on target for that, but we are in the hands of actuaries, who often investigate these matters and give us their views.

Hunting With Dogs

3.30 pm

The Secretary of State for the Home Department (Mr. Jack Straw): With permission, I shall make a statement on the report of the committee of inquiry into hunting with dogs in England and Wales, which I am publishing today. Copies of the report are available in the Vote Office.

The House will recall that, last November, I announced that there would be an inquiry into hunting and that Lord Burns had accepted my invitation to be the chairman. The other members of the inquiry were appointed for their expertise in agricultural and rural economics, and in veterinary science. I am most grateful to Lord Burns, and to the members of his committee, for their hard work and for the fact that the report has come in on time.

The committee was not asked to recommend whether hunting should be banned, for that is a matter for Parliament to decide. Nor was it asked to consider moral or ethical issues. The Burns report instead covers four key areas in relation to hunting. First, it considers the contribution that hunting makes to employment and the rural economy as well as to social and cultural aspects of life in rural areas. Secondly, it deals with animal welfare issues and matters of population management. Thirdly, it considers whether drag hunting is a viable alternative to hunting with hounds. The final area covered by the report is an assessment of the consequences of any ban on hunting, and how a ban might be implemented. The report also assesses how some people's concerns in regard to particular aspects of hunting might be addressed should hunting not be banned.

The committee visited different parts of England and Wales to witness at first hand a number of hunting activities. Academics were commissioned to undertake research. The inquiry organised a number of seminars, which were attended by all sides of the debate. It also held public meetings and ensured that working papers were publicly available on its website. This inquiry into hunting was the first official one since the Scott-Henderson inquiry reported to the House in June 1951.

I have had the opportunity to read the Burns report over the weekend. I thoroughly commend it to all right hon. and hon. Members. I hope that when they have had the same chance as I have had to study the report, they will share my view that it is a profoundly impressive study, cogent and well argued, dispassionate and careful in its conclusions.

The report needs to be read and considered as a whole, and it is hard to do justice to its views in a few paragraphs. None the less, the House would, I think, wish me to summarise some of its key observations.

On employment, the report states that

> between 6,000 and 8,000 full-time equivalent jobs . . . depend on hunting.

It states that most of the employment effects of a ban could be offset in the long term, which it describes as between seven and 10 years. However,

> in the short and medium term, the individual and local effects might be more serious,

as they would be for a number of local communities.

The report contains details of research commissioned in four specific rural communities where hunting is actively pursued, and says that this research suggests higher levels of support for hunting in such areas than previous surveys have indicated.

In chapter 6, the committee considers animal welfare aspects of hunting and the relative effects on the welfare of foxes and other species of different methods that are currently used to control their population. It concludes—I quote paragraph 6.49—

> There is a lack of firm scientific evidence about the effect on the welfare of a fox of being closely pursued, caught and killed above ground by hounds. We are satisfied, nevertheless, that this experience seriously compromises the welfare of the fox.

The report says that a ban on hunting with dogs would have no significant impact on the population of foxes in lowland areas, but could lead to an increase in the number in upland areas.

Several recommendations are made about the regulation and licensing of hunting if a ban were not imposed, and the committee also concludes that, generally, any ban should apply nationwide, without different legislative provisions in different regions of the country.

The purpose of the inquiry was to get to the facts, in order better to inform the debate. I am sure that when right hon. and hon. Members have read the report they will see that it has achieved that objective.

Let me now turn to the arrangements that I propose to the House for it to consider the report and reach conclusions on it. Right hon. and hon. Members will first want the chance to study the report. Then, subject to the agreement of business managers, I would like the House to have an opportunity, before the recess if at all possible, to debate the report itself, on a motion for the Adjournment.

I want now to say what I propose should follow that debate. In our manifesto, we said that there would be a free vote on hunting with hounds. The Government are, and remain, neutral on the merits of whether hunting with hounds should be banned, but, in the light of that commitment, we have an obligation to ensure that the decisions of the House can have effect.

That is why, when I announced the establishment of the Burns inquiry last November, I said that the Government would provide Government time and assistance to allow the House to come to a proper legislative conclusion on a free vote. Our original plan was to do that by means of a private Member's Bill, drafted with Government assistance, and in Government time, but I now believe that it would be better for the convenience of the House to have a Government Bill, in Government time, containing a series of legislative options on the merits on which there can be free votes. Such a Bill would, I believe, provide for a more structured debate and better allow for consideration of a wider range of alternatives in the light of the report. The House will recall that such an arrangement worked satisfactorily for the Sunday Trading Bill six years ago, in 1994.

In the meantime, arrangements are being made for the main interest groups, and for the police and other relevant public authorities, to be consulted so that the options in the Bill reflect the alternative legal regimes that could properly be put into force. The consultation will take place as soon as possible, and I anticipate that a Bill will be introduced early in the next Session.

I well recognise—all too well—the strength of feeling on this matter. It is only right that all sides of the debate should be given the opportunity to have their point of view considered fairly and that Parliament should then have the chance to come to a proper conclusion. I hope

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that the House will agree that a procedure of the kind that I have outlined provides that opportunity. Meanwhile, I repeat my thanks to Lord Burns and his committee, and I commend his report to the House.

Mr. David Lidington (Aylesbury): First, I thank the Home Secretary for his customary courtesy in— *[Interruption.]*

Madam Speaker: Order. The Home Secretary was heard in silence and Mr. Lidington must be, too.

Mr. Lidington: I thank the Home Secretary for his customary courtesy in giving me early sight of both the Burns report and his statement.

On behalf of the Opposition, regardless of our individual opinions, I express our appreciation for the work that Lord Burns and his team have done. In the short time that I have had to acquaint myself with the findings of the report, it has become clear to me that it is a thorough and painstaking piece of work and that all Members of Parliament, on all sides of the argument, would do well to study it in detail.

The fact remains that the Government's introduction of a Bill on hunting is a distraction from the issues that really matter to the people whom we represent. The Government appointed Lord Burns and his committee six months ago. They waited for half a year while that committee examined in meticulous detail the evidence on the subject and consulted individuals and organisations representing all sides of the argument. Astonishingly, however, they could not be bothered even to wait for the report to be delivered to the Home Secretary's desk before they started to brief selected journalists that, regardless of the report's conclusions, they would press forward with their own Bill, in Government time.

The Home Secretary reminded the House that decisions on the options that he proposes will take place on a free vote. However, he will be responsible for introducing a Bill that may create new criminal offences. I have three questions about his responsibilities, and those of his Department, as that Bill is prepared.

First, Lord Burns states that a ban on hunting would be open to challenge under the European convention on human rights. Will the Home Secretary confirm that, over the next few months, he will carry out and make publicly available an analysis by his Department and the Law Officers of the convention's potential impact on the Bill?

Secondly, the Home Secretary's plans involve the creation of new criminal offences. Does the right hon. Gentleman intend to include in the Bill a detailed description of the new offences, so that people know exactly where they stand, or does he propose to frame the Bill in more general terms? He will know that Lord Burns drew attention to the importance of that decision.

Thirdly, will the right hon. Gentleman make a detailed assessment of the demands on the police service of enforcing the law if a ban is eventually enacted? Has he consulted the Association of Chief Police Officers on the matter? Does he really regard enforcing laws such as would be involved in a ban on hunting as a priority for our police service, which is especially hard-pressed in rural areas? *[Interruption.]*

Madam Speaker: Order. The House must come to order.

Mr. Lidington: It is clear from the Burns report that more jobs would be at stake from the Government's proposed Bill than were stake in the recent crisis at Longbridge. Are the Government planning to consider a form of direct compensation, or some other arrangements, to help people whose livelihoods may be taken away from them by an Act of Parliament?

The Home Secretary will know that Lord Burns draws attention to the role that hunts play in respect of dealing with fallen stock, and to the importance of that for the farming community. Are the Government starting to think about alternative arrangements for disposal if the hunts were no longer available to deal with carcases?

When the Bill comes before the House in the next Session, will the Home Secretary confirm that it will apply to England and Wales only, and that any decisions in respect of Scotland will be devolved to the Edinburgh Parliament? If so, will he therefore urge all hon. Members representing Scottish constituencies at Westminster to refrain from taking part in debates and votes on the Bill? Will not this be the first important test of the principle that laws that affect England and Wales should be made by the representatives of England and Wales?

May I conclude on a note of agreement with the Home Secretary? I agreed completely with his statement to *The Times* in March 1998, when, talking of hunting, he said:

> I am well aware there are strong opinions on this matter, but it is not uppermost in the minds of the majority of the population. What they want are decent schools, a decent health service, and to be able to walk down their streets safely.

Has not the Home Secretary's statement today demonstrated, once and for all, that the priorities of this Government are no longer the priorities of the British people?

Mr. Straw: I am grateful to the hon. Member for Aylesbury (Mr. Lidington) for the appreciation that he expressed to the noble Lord Burns and to members of his committee.

The hon. Gentleman says that bringing forward a Bill on hunting is a "distraction". There is at stake quite an important constitutional issue, which arose in exactly the same way in respect of shops legislation a dozen years or more ago. It was perfectly plain that the House wished to come to a conclusion on the issue. As it turned out, I was on the losing side, because I was against an extension of Sunday trading. Be that as it may, as a private Member, I strongly believed that the House needed to come to a conclusion. Given that a large number of private Members' Bills and motions had failed to reach a conclusion, the Government of the day took the view that the public expected that there should be a legislative conclusion. They sensibly arranged for a Bill containing a series of options to be introduced, on the merits of which right hon. and hon. Members on both sides of the argument would be able to come to a conclusion and exercise their own vote. I think that that is a sensible way to proceed.

The hon. Gentleman asks whether I agree that a ban is open to challenge under the European convention on human rights. He was right to read out paragraph 10.17 of the report, which says:

> Legislation to ban hunting might be open to challenge under Article 1 Protocol 1 . . . and, possibly, Article 8 . . . of the European Convention on Human Rights.

Of course, any Bill that is presented to the House by a Minister is subject to a section 19 statement by the Minister presenting it as to whether or not it is compatible with the convention. That will happen in this case. I am glad that Conservative Members have now discovered the merits of our incorporating the European convention on human rights in legislation. Conservative Members keep forgetting this, but they wished the Human Rights Bill well on its Third Reading.

The framing of any Bill will, of course, take careful account of the importance of drafting the criminal offences so that they are comprehensible to the law enforcement authorities, the courts, the police and any potential offenders. I understand that the Association of Chief Police Officers offered evidence to the Burns inquiry. As I made clear in my statement, we shall, of course, be consulting ACPO and the other police associations in the consultations that are about to take place.

The hon. Gentleman then made a series of comments about whether this was a distraction. His view is obviously not shared by the person who normally takes his role, namely the shadow Home Secretary, the right hon. Member for Maidstone and The Weald (Miss Widdecombe). After all, she said under the heading "Widdecombe backs Blair over hunting":

> Foxhunting is rightly doomed. It is time for the last "tally ho!"

That is the right hon. Lady's opinion. She has been banished from the House under the freedoms that the Leader of the Opposition offers his members of the shadow Cabinet, and she obviously does not take the view that any difficulties would arise so far on the framing of criminal offences. That is her view. Of course, I shall go into those matters in much greater detail.

Finally, the hon. Gentleman raised the absurd point as to whether Members of Parliament who represent Scottish constituencies—[HON. MEMBERS: "Rubbish!"] It is absurd for members of the Conservative party; I thought that, above all, they supported the Union. The change that we introduced was to give a degree of devolution to Scotland in order to bind the Union. It is most interesting that Conservative Members now say that they want to break the Union.

Mr. Michael J. Foster (Worcester): I congratulate the Home Secretary on his statement, which brings with it the real prospect of an end to the cruel and unnecessary practice of hunting with dogs. I look forward to reading the Burns report, as I urge all Members to do. Will my right hon. Friend confirm what was said way back in November 1999—that, on this matter, after the free vote has been taken, the guillotine may be used and the Parliament Act may be invoked to ensure that the will of the House prevails?

Mr. Straw: My hon. Friend is right to look forward to reading the report. I emphasise again that I am the only person in the House who has had the opportunity to do so and that it should be read before people come to a final conclusion, whatever side of the argument they take—or none.

As for the procedures of the House, as the Bill will be a Government one in Government time, it follows that the normal procedural arrangements could apply to any such measure.

Mr. Simon Hughes (Southwark, North and Bermondsey): As the other shadow Home Secretary has not been sent to earth today, I shall tell the Home Secretary that we welcome the report and the use of such a process. Furthermore, we welcome the Government's clarification that they will adopt the Bill in Government time, after a reasonable period has been allowed for people to read and understand the report. The idea of a Bill with options, which has a precedent, seems to us an entirely appropriate way to proceed.

On a practical matter, will the right hon. Gentleman ensure that a report selling at £32.50 is made fully available to people throughout the country on a website and in other ways, so that everyone who wants to do so can read it?

In relation to the hunting of foxes, deer, mink and hares, does the right hon. Gentleman agree that the big issue is whether the country wants to decide that hunting with hounds is the only acceptable or civilised way of dealing with the problems caused by those animals and that, if it is not, the country is entitled to decide that, in a civilised society, we might want to move on and to deal with those animals in other ways? Does he agree that dealing with animal welfare issues is just as much a priority as how we manage the public services? Does he agree that the loss of some jobs and the reordering of the rural economy is of course important, but that it should not be an absolute issue? If jobs that support a particular activity are inappropriate, they may have to change.

On the very proper question of whether the measure might be in breach of the European convention—so that there can be no argument in future—may we have not only the Government's assurance as to the compatibility of such a Bill, but, if necessary, a declaration from the courts in advance that the draft Bill would be compatible with European law? Could a decision about Wales be taken separately from one about England?

Mr. Straw: I am grateful to the hon. Gentleman for his welcome for the report and for the procedure that I have outlined. When I saw the price of the report, I, too, thought that it was rather steep. However, the report is available on a website, which is important. I will not respond to the arguments that the hon. Gentleman used to support his opinions; my job today is to deal with issues of process.

On the point about the European convention, the same procedures will have to apply to the proposed Bill to determine whether it is compatible with the convention as apply to any other legislation. That point is laid down in section 19. I am afraid that there is no procedure by which it is possible to gain a pre-emptive declaration by the courts in advance of legislation in respect of a convention point any more than it is in respect of any other point that might be taken before our courts or before the court in Strasbourg. I emphasise that, even were the convention

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not incorporated into British domestic law before the Bill comes before the House, it is still possible that convention points could have found their way to Strasbourg.

Mr. Gordon Prentice (Pendle): I have not said this before, but let me say it now: my right hon. Friend the Home Secretary is a hero. The Bill is not a distraction because Labour Members speak for the vast majority of people, and that rabble in Parliament square speak for no one but themselves. Is it not the case that the real distinction is not between town and country, but between the people who relish the idea of killing for fun and those who, like me, are repelled by that? The legislation is long overdue. Is my right hon. Friend relieved to hear that, in view of what I have said, I shall withdraw new clause 5 to the Countryside and Rights of Way Bill?

Mr. Straw: I thank my hon. Friend for his compliment. In my job they are few and far between, so I will savour it. His views are very strongly held and I respect that. However, as with the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), I hope that my hon. Friend will forgive me if I do not follow up those views. I am grateful to learn—as I am sure my hon. and right hon. Friends in the Department of the Environment, Transport and the Regions will be—that my hon. Friend regards the proposed Bill as an appropriate legislative vehicle for the issue of hunting with hounds.

Mr. Nicholas Soames (Mid-Sussex): To paraphrase Lord Burns, in what I am sure is an excellent report, legislation to ban fox hunting will seriously compromise the welfare of the Government. Has the right hon. Gentleman seen anything in the Burns report or in any of the evidence that has been placed before him that shows him that there is either the necessity or the evidence to justify a ban on fox hunting?

Mr. Straw: Everybody in the House will have to make his or her own judgment about whether fox hunting should or should not be banned. That is a matter for a free vote by individuals. I remind the hon. Gentleman that many Conservative Members—not a majority, I accept—support a ban on hunting with hounds and some Labour Members support a continuation of hunting with hounds. This is quintessentially an issue for a free vote, but I have already explained why I and the Government think that it is important now to bring this matter to a conclusion.

Whether there are arguments in the Burns report that support the views of all sides—there are more than two sides to this argument—is a matter for the readers of the report. Again, I urge hon. Members to read the report before they come to conclusions about it.

Mr. Robin Corbett (Birmingham, Erdington): May I commend my right hon. Friend on the calm and sensible manner with which he has responded to the views of the overwhelming majority of Members of the House? Did he happen to see photographs on BBC's "Newsnight" of the Beaufort hunt terrier man, Thomas Burton, feeding foxes in man-made dens? Does that not give a lie to claims that this barbaric pastime has anything to do with pest control?

Mr. Straw: Unusually, I did not see "Newsnight" that night, but I have seen newspaper reports subsequently. There is considerable discussion in the Burns report of some of the current practices in relation to hunting. As right hon. and hon. Members will see when they read it, the report is categorical that certain practices—including, although I speak only from recollection, those identified in the "Newsnight" report—should be prohibited, whether or not hunting with hounds continues.

Mr. Roger Gale (North Thanet): Nobody in the House will be surprised to know that I welcome any move from any quarter that hastens the day when the hunting of wild animals with hounds is brought to an end. However, I find the Home Secretary's position, with one leg on each side of the barbed wire, a little inelegant. Notwithstanding the Prime Minister's selective amnesia and his continued assertion that the previous fox hunting Bill was killed in the House of Lords, when everybody knows that it did not even reach there, it is a fact that he made a clear commitment on television that fox hunting would be brought to an end by the conclusion of this Parliament. I fail to see how that squares with the Home Secretary's statement of agnosticism on the part of the Government. Will he make himself plain—do the Government intend to bring fox hunting to an end within the life of this Parliament or not?

Mr. Straw: I have made myself as plain as possible. Our commitment is to ensure that the House can come to a conclusion about the matter on a free vote. It has always been known—there is no dubiety about it—that the Government, as the Government, are neutral on the matter. What we are doing, as I have already explained, is to ensure that Parliament can come to a sensible conclusion. I am surprised that the hon. Gentleman seeks to resile from that, given the position he takes overall. As for whether there is time to do it in the lifetime of this Parliament, I remind the House that that does not necessarily expire until late May 2002.

Mr. Gerald Kaufman (Manchester, Gorton): As a Member of Parliament who became involved in putting forward legislation to end hunting with dogs from the moment I was first elected to the House 30 years ago this month, I thank my right hon. Friend for at long last introducing legislation to deal with that odious pursuit. The junior spokesman for the Conservative party—the unspeakable in pursuit of the unbeatable—said that the Bill is a distraction, so can my right hon. Friend explain why there are three times as many Conservatives here this afternoon as there were for their pension debate last Thursday? I hope that I do not have to wait another 30 years for other of my pet causes to be fulfilled—but I am ready to hang around to make sure.

Mr. Straw: I take this opportunity to congratulate my right hon. Friend on his 30 years, and I look forward to the celebration in his constituency, which I shall attend, next month. He slightly, and uncharacteristically, understates the position on Conservative attendance, because there may now be three times as many present for this statement as there were for the Opposition day debate on pensions, but there are 10 times as many

Conservative Members present as there were for what was flagged up as a major, headline debate on crime, organised by the Conservatives just two weeks ago.

Mr. Alan Duncan (Rutland and Melton): In terms of his party's policy and its purported principles, will the Home Secretary take a moment to explain to the House the basis on which he thinks it is ever right for a majority to constrain the rights of a minority?

Mr. Straw: The hon. Gentleman touches on a central issue of how liberal democracies, in the best sense of the phrase, should operate. He is, of course, right to ask that question, which has been consuming political philosophers since political philosophy first developed. Having said that, I have to say that there are many opinions on both sides as to precisely the point at which the criminal law should be imposed by the majority on the minority.

If the hon. Gentleman reads the Scott-Henderson report, published 50 years ago, he will find that it considers that issue. The committee concluded that, at that time, certain practices of hunting generally were sufficiently cruel that they should be banned, but that, at that stage, fox hunting did not come into that category. That was the test that the committee and, subsequently, the House chose to use. As the hon. Gentleman knows, those who support the ban, who include many Labour Members as well as quite a few Opposition Members, take the view that there is sufficient and unnecessary cruelty in fox hunting to warrant a ban. Others take a different view, and the Government, as I have said repeatedly, are neutral on the issue. What is clear, not least from the intense interest generated today, is that the issue can no longer be allowed to fester. Parliament needs to come to a conclusion.

Ms Chris McCafferty (Calder Valley): May I, too, congratulate my right hon. Friend on his historic statement? I should like to pass on the gratitude of the vast majority of my constituents in Calder Valley, who believe that fox hunting is an astonishingly cruel and outmoded activity that has no place in a modern society.

Does my right hon. Friend agree that drag hunting provides a popular and viable alternative to fox hunting that can help to sustain similar jobs in the rural economy? When, in 1997, I visited one of the two manufacturers of riding habits in my constituency, I was surprised and delighted to find that staff expressed more concern about whether the Chancellor would put VAT on children's clothing and how soon we would enter the euro than about fox hunting. The other manufacturer exports 95 per cent. of the clothing it makes to Europe and has won the Queen's award for export to countries that do not have the fox.

Madam Speaker: Order. Hon. Members are getting into the Adjournment debate that has been half-promised by the Home Secretary, in that they are debating the issue, not asking questions. I shall take a few, but only a few, more questions, and I hope that they will be both questions and pertinent. Would the Home Secretary care to respond to the hon. Lady?

Mr. Straw: Very briefly, Madam Speaker. I thank my hon. Friend for her comments. There is an interesting discussion of drag hunting in chapter 8 of the report.

Mr. Peter Luff (Mid–Worcestershire): May I assure the Home Secretary that the people of Worcestershire, including the city of Worcester, will regard today's announcement as a massive distraction from the real issues facing their county and the country? However, given the Home Secretary's determination to distract the House and the country in this way, will he give an assurance that one of the options contained in the Bill will be the middle way group's proposal for the licensing of hunting, which is a compromise on the issue that satisfies most sensible people?

Mr. Straw: The answer is yes, albeit not directly the middle way group's proposal. As I have said, there are more choices available than simply the one between an outright ban and the continuation of current practice. The committee of inquiry was specifically asked to consider the question of regulation and I do not doubt that the Bill will contain two or three options in addition to what would result from the Bill being negatived, which is the continuation of the status quo.

Mr. Dale Campbell-Savours (Workington): May I congratulate my right hon. Friend on introducing the Bill, and express the hope that we will all read the report? Can my right hon. Friend give me an assurance that one of the options that he will set out in the Bill will provide for an exemption for the fell packs in the national parks? It is utterly inconceivable that people should be allowed to roam the fells—which tourists visit—shooting foxes and endangering the general public.

Mr. Straw: As my hon. Friend will see when he reads the report, different conclusions are reached about the effect of hunting with dogs on the welfare of the foxes hunted, and the effect of a ban in upland areas, compared with other areas of the country. I stated, accurately, the report's conclusion that generally there should be no geographical distinction between the regime that should apply in one area or another. However, the report went on to state that that should be the case unless there were objective reasons for differences—in other words, for a ban not to apply to one part of the midlands, say, rather than another. We shall certainly take my hon. Friend's point into account in framing the alternatives, so that they can be put before the House.

Mr. James Gray (North Wiltshire): Does the right hon. Gentleman recall telling *The Times* the following on 6 March 1998?

> We do not have a mandate for a hunt ban . . . But you ask me what is my opinion, Jack Straw? The answer is I do not see a role for Government

in bringing in any such ban. Why has the right hon. Gentleman changed his view on that? If he covers himself by saying that the Bill will offer a number of options, may I ask him a specific and detailed questions about those options? Will the option that secures the largest number of votes win the day, or will it be an overall majority that wins the day? If the vote in this place is different from the vote in the other place, will the Parliament Act apply?

Mr. Straw: The Government do not have a mandate for bringing in a ban on hunting, and we, as a Government, are not bringing in a ban on hunting. We are seeking to respond to the clear view on both sides of the House that the matter should be brought to a conclusion.

[Mr. Straw]

I do not make predictions about the conclusion that will follow, except to say, as I explained, that it is a matter on which the House needs to conclude its opinion.

This has been a wonderful afternoon for some further insights into the Conservative party. We have discovered that Conservative Members are fully in favour of the incorporation of the European convention on human rights, which is a good thing. We have also discovered, from what I understand the hon. Gentleman to say, that a number of hon. Members of his opinion want a different voting system, a kind of proportional representation system, on the issue to ensure that the minority vote becomes the majority. Personally, on a free vote, I regard that as a bad thing.

On the Sunday Trading Bill, a clear and logical hierarchy of alternatives was established. That is a matter that we shall have to consider, so that the House can properly exercise its opinion. That hierarchy worked to produce a logical opinion of the House, although, as I said, I happened not to agree with it, and that is what we shall seek to do in this Bill.

Mr. Kevin McNamara (Hull, North): May I declare an interest, as vice-president of the League Against Cruel Sports? That organisation has campaigned for many years for an end to hunting with dogs. I congratulate my right hon. Friend on the decision that he announced this afternoon. It will be warmly received in my constituency and by the majority of people in the area hunted by the Holderness hounds.

The compromise position of the fox is a matter that concerns us all, as foxes were not asked their opinion, but my right hon. Friend could get their opinion if he listened to recordings of foxes, and also hares, being torn to bits by dogs. He would then understand the pain and trauma that they experience. An autopsy is not necessary to discover that.

Mr. Straw: I am grateful for my hon. Friend's remarks. An important and interesting chapter—chapter 6—of the report deals with the definition of animal welfare that the committee followed, and its conclusion about the welfare of the relevant quarry species.

Sir Teddy Taylor (Rochford and Southend, East): We all know that many people voted Labour at the last election because they were given a firm pledge that time would be provided for early legislation on hunting. Does the Home Secretary realise that grave suspicion will exist in some quarters about the timing of the Government's announcement? Even with a guillotine, there will be no almost no chance of enacting the legislation before the next election. Does the Home Secretary accept that the only way in which he will overcome the feeling that the Government are trying to play politics with fox hunting is to give an assurance that they will enact the legislation before they call an election? Otherwise, the announcement will simply look like another dirty public relations trick.

Mr. Straw: I understand that the hon. Gentleman was expressing his support for a ban on fox hunting; many Conservative Members support such a ban. On a point of accuracy, we gave a clear pledge in our manifesto: we advocated a free vote on hunting with hounds. The implication was that such a vote would lead to a legislative conclusion. However, that did not happen; I have already explained the reasons for providing the same alternatives as for the Sunday trading legislation.

On enacting legislation, we intend to introduce the Bill early in the next Session, which will be in the autumn. Many examples exist of Bills that become law in six or seven months. That means that, even according to the most fevered speculation about the date of the general election, the Bill could become law.

Mr. Alun Michael (Cardiff, South and Penarth): I welcome my right hon. Friend's statement. Like many who have consistently supported a ban on hunting with hounds, I shall read the Burns report objectively and carefully as a fresh contribution to the debate. I am sure that the right hon. Member for Maidstone and The Weald (Miss Widdecombe) will do likewise, and that her substitute today will not.

Does my right hon. Friend agree that we would not have had to be diverted into using Government time had not so much energy been spent on frustrating the will of the House and defeating a private Member's Bill? My right hon. Friend has made it clear that the Government will be neutral. However, if, having considered the Burns report, the House clearly votes for a ban on hunting with hounds, will my right hon. Friend confirm that the Government will bend their best efforts towards enacting the Bill as quickly as the procedures of both Houses allow? Will he also invite the Opposition to treat the views of the House with similar respect?

Mr. Straw: It is a delight to respond to a question from my right hon. Friend, who is also an old and close friend. I do not regard the implementation of a manifesto commitment as a distraction for a Government. It is interesting that Conservative Members believe that manifesto pledges are there to be broken—they learned that trick when they were in government. We believe that manifesto pledges are there to be implemented. We are delivering on hospitals, schools, law and order and many other issues. The reasons why people vote for one party and not another is a matter for them. However, there is no doubt that when voters considered our manifesto and commitment to implementing it, they took all our pledges into account.

Mr. Peter Lilley (Hitchin and Harpenden): Will the Home Secretary establish a further inquiry to ascertain whether there is a consistent moral principle in banning hunting with hounds while permitting angling, shooting and other field sports which result in cruelty or pain to animals? In the absence of such a principle, must we not conclude that the measure is either motivated by class antagonism or is the thin end of the wedge?

Mr. Straw: Moral balance and principle must, ultimately, be a matter for hon. Members. We are elected to make such judgments. I personally thought that it would have been wrong to try to delegate responsibility for making those moral and ethical judgments to a committee, as we are here to make such judgments. As the committee of inquiry made clear, whether some sporting activities involving hunting or killing animals should or should not be banned must be seen as a relative matter.

However, the right hon. Gentleman may be saying that all current measures against gratuitous cruelty to animals and their hunting—which, in the past, involved many kinds of so-called sports—which have been supported by members of his party and of mine should be abandoned.

Dr. David Clark (South Shields): I thank my right hon. Friend for his statement and for his intention to ban the barbaric and cruel practice of hunting with hounds, which will be welcomed by the vast majority of people in the House and throughout the country. Will he confirm once and for all that, once the House has made its wish clear, the Bill will be a Government Bill subject to all the ramifications to which such a Bill is subject, including the Parliament Act 1949?

Mr. Straw: The Bill will be a Government Bill at all stages and will leave the House for the other place as a Government Bill, a clear view on its contents having been expressed by the House. As I have already made clear, all the procedural arrangements for Government Bills will apply to it, as to any other Government Bill.

Mr. Simon Thomas (Ceredigion): I am sure that the report is excellent and makes a vital contribution to the debate. I am sure, too, that changes for rural areas are on the way. Nevertheless, the report contains a mistake, as Wales and England are not one country. Will the Home Secretary confirm that the Bill will include an option to allow the National Assembly for Wales to decide the issue of hunting for itself, as the Scottish Parliament can do?

Mr. Straw: Of course I accept that Wales and England are not one country. However, with respect, I have to tell the hon. Gentleman that Wales and England are one common law jurisdiction. Indeed, one Crown court circuit extends across the border and, historically, has always done so. The criminal law has always applied in the same way in England and Wales so, in my judgment, there would have to be strong arguments for seeking to impose a territorial distinction solely on the grounds of their being different countries, although that is a matter for the House as a whole to decide.

The report brings out a separate argument about whether there should be any objective differences between, for example, the regimes that should apply in upland and lowland areas. Finally, the issue is not devolved to the Welsh Assembly, but it would be open to the hon. Gentleman to table amendments suggesting that it should be during the passage of the Bill.

Mr. Dennis Skinner (Bolsover): Will my right hon. Friend confirm that, given the vagaries of the private Members' Bill system, in the many years that we have been around in this place on a Friday, there was never a cat in hell's chance of getting a Bill banning hunting with dogs through the House of Commons? Will he also confirm that, at the election, the Labour party made a distinct promise to give the Government and its Members an opportunity to vote to ban hunting with dogs?

Governments must be seen to be carry out their promises: that is one of the most important things in today's politics. I can therefore only wish my right hon. Friend well in this endeavour and trust that we make sure that we get the Bill on the statute book, which is something that no other Labour Government have been able to achieve.

Mr. Straw: As ever, I am grateful to my hon. Friend for what he has said and subscribe to his view that Governments should carry out their promises. We promised to provide a free vote, with the obvious implication that that vote would have a conclusion, as we are not just a debating society. We are doing that, and the merits of the case are a matter for free votes. As we have seen, opinions on the matter differ on both sides of the House.

Mr. Tim Collins (Westmorland and Lonsdale): Will the Home Secretary reflect carefully on the points made by the hon. Member for Workington (Mr. Campbell-Savours) on the special circumstances in the Cumbrian fells? Is he aware that hunting there takes place not on horseback but exclusively on foot and that there is no drag-hunting alternative? Hill farmers, who have suffered enough in recent years, would feel that they had been stabbed in the back if their ability to protect their livestock were to be removed in this way. How does the Home Secretary reconcile the Government's declared wish to create one nation with the introduction of legislation that will arouse feelings of anger, bitterness and betrayal among many millions of our fellow citizens?

Mr. Straw: I do not think that the hon. Gentleman's last remark is particularly realistic. Many hon. Members in his party take the same view as us, including, famously, the right hon. Member for Maidstone and The Weald (Miss Widdecombe), who is not present in the House, even though—*[Interruption.]* The Minister for Sport, my hon. Friend the Member for Vauxhall (Kate Hoey), is not the shadow Home Secretary or the Home Secretary, and she is not responsible for this issue; she is fully entitled to her view.

On the hon. Gentleman's main point, the report, which I commend to him, contains many interesting insights into hunting with dogs, but not on horseback, in upland areas such as those represented by the hon. Gentleman and by my hon. Friend the Member for Workington, as well as its effect on animal welfare and the effect of any ban. As the hon. Gentleman will see when he reads the report, its conclusions for upland areas are different from those for other areas.

Orders of the Day

Criminal Justice and Court Services Bill

As amended in the Standing Committee, considered.

New Clause 9

COMMUNITY SENTENCES: ELECTRONIC MONITORING OF REQUIREMENTS

'. After section 36A of the Powers of Criminal Courts (Sentencing) Act 2000 there is inserted—

"Electronic monitoring of requirements in community orders

36B.—(1) Subject to subsections (2) to (4) below, a community order may include requirements for securing the electronic monitoring of the offender's compliance with any other requirements imposed by the order.

(2) A court shall not include in a community order a requirement under subsection (1) above unless the court—

(a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant areas specified in subsections (7) to (10) below; and

(b) is satisfied that the necessary provision can be made under those arrangements.

(3) Where—

(a) it is proposed to include in an exclusion order a requirement for securing electronic monitoring in accordance with this section; but

(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,

the requirement shall not be included in the order without that person's consent.

(4) Where—

(a) it is proposed to include in a community rehabilitation order or a community punishment and rehabilitation order a requirement for securing the electronic monitoring of the offender's compliance with a requirement such as is mentioned in paragraph 8(1) of Schedule 2; but

(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,

the requirement shall not be included in the order without that person's consent.

(5) An order which includes requirements under subsection (1) above shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

(6) The Secretary of State may make rules for regulating—

(a) the electronic monitoring of compliance with requirements included in a community order; and

(b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with requirements included in the order.

(7) In the case of a curfew order or an exclusion order, the relevant area is the area in which the place proposed to be specified in the order is situated.

In this subsection "place", in relation to an exclusion order, has the same meaning as in section 40A below.

(8) In the case of a community rehabilitation order or a community punishment and rehabilitation order, the relevant areas are each of the following—

(a) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 7 of Schedule 2, the area mentioned in sub-paragraph (6) of that paragraph,

(b) where it is proposed to include in the order a requirement for securing compliance with a requirement such as is mentioned in sub-paragraph (1) of paragraph 8 of that Schedule, the area mentioned in sub-paragraph (6) of that paragraph,

(c) where it is proposed to include in the order a requirement for securing compliance with any other requirement, the area proposed to be specified under section 41(3) below.

(9) In the case of a community punishment order, a drug treatment and testing order, a drug abstinence order, a supervision order or an action plan order, the relevant area is the petty sessions area proposed to be specified in the order.

(10) In the case of an attendance centre order, the relevant area is the petty sessions area in which the attendance centre proposed to be specified in the order is situated.".'.— *[Mr. Boateng.]*

Brought up, and read the First time.

4.26 pm

The Minister of State, Home Office (Mr. Paul Boateng): I beg to move, That the clause be read a Second time.

Madam Speaker: With this it will be convenient to discuss the following Government amendments: Nos. 19, 22, 24, 25, 31, 101, 108 to 113 and 119.

Mr. Boateng: The amendments relate to the electronic monitoring of community sentences proposed in the Bill. The measures will provide the probation service and other agencies with vital new tools to increase the protection of the public and to improve the effectiveness of community sentences through increased compliance and tougher enforcement.

The amendments relate to a change that we trailed in Committee, but before I say anything more, I would point out that these changes have nothing to do with the home detention curfew or electronic monitoring of prisoners on release on licence. I know that there has been some confusion on that point in the past, and I want to establish the facts early and to make it clear to hon. Members who want to address curfews and prisoners on licence that they will have the chance to do so, but now is not the time, as the amendments deal with other matters.

In Committee, I advised that, later in the Bill's passage, we would be considering how best to use electronic monitoring to strengthen enforcement of a range of orders. The amendments are the result of that further consideration. They replace clause 47 on monitoring of requirements in community rehabilitation orders and several other references to electronic monitoring of freestanding exclusion and curfew orders with a new, better-ordered and more comprehensive clause that enables the court, when imposing a community order, to secure the electronic monitoring of the offender's compliance with any of the requirements imposed by the terms of the order.

Obviously, that will include the electronic monitoring of offenders subject to curfew and exclusion. It will also, in due course, allow us to use technology such as voice verification systems, which could enable us to identify whether an offender is speaking from a location on an agreed list and whether the right person is responding to pre-planned or random checks. All such schemes would of course be properly piloted, but that is an example of the scope that the clause would open up in enforcing community sentences.

The amendments draw together powers enabling the electronic monitoring of the terms of freestanding curfew and exclusion orders and any requirements of any community order.

As I stated in Committee, the purpose of the amendments, apart from the obvious benefits in clarity and scope, is to enable electronic monitoring to be used to enforce more of the requirements of community orders. In addition, they apply to a wider range of those orders. Of course such schemes will be subject to the same rigorous testing and piloting as other new initiatives before they are rolled out.

The amendments also broaden the definition of an "affected person" in relation to exclusion requirements and orders to include not only those who have to give their consent to allow electronic monitoring to occur, but individuals who are, to some degree, being protected by the order or exclusion in question. The former group is already covered by the Bill, and hon. Members who were present in Committee will remember our short debate about persons who might have an interest.

An offender's victims would have an opportunity to be advised, as affected persons, about exclusion requirements and orders. That is reasonable and sensible. For example, if an offender, who hangs about a woman's house during the night, is excluded from those premises between the hours of 8 pm and 8 am, the victim should know that that is the case. That would tell her exactly what she should expect under the order, when the exclusion is in effect and when it is not. They are the only changes of substance that will be achieved under these amendments. The rest of the detail will remain effectively the same.

4.30 pm

Mr. Nick Hawkins (Surrey Heath): The Minister is right to say that the issues relating to whether it is appropriate for people to be released early on tags will arise in later debates. He knows from our extensive debates in Committee that there are many such issues, but I entirely agree that this is not the right debate in which deal with them. However, I shall put some specific questions to the Minister. He will be aware that our concern throughout—indeed, it has been expressed by Labour as well as Opposition Members—has been that proper account should be taken of working probation officers' views in particular.

The Minister is well aware that the National Association of Probation Officers has expressed grave concerns about several aspects of the Bill. As he says, he trailed in Committee the fact that further changes might be made, but has he fully consulted working probation officers and, in particular, has he taken account of the views of probation committees and the National Association of Probation Officers? The concerns expressed on both sides in Committee were real. Although it is only a relatively short time since the Committee completed its proceedings, the Government want to replace a fairly large chunk of the Bill and we want to be sure that they will not change it for the worse. I hope that the Minister will tell us about that.

I accept that many of the amendments in the group are consequential. We are discussing only one substantive change, although the grouping of amendments makes it seem as though there are many changes. We are discussing the major change in new clause 9, from which the other changes in detail flow. I hope that the Minister will also tell us whether he has taken account of the views of police officers, police organisations and the Council for Circuit Judges.

The Minister will recall that there was much discussion in Committee about whether circuit judges and lay magistrates, who are at the sharp end of using such provisions, had been consulted. There is a grave weakness in that the Government are making changes at a late stage, but they have not necessarily taken into account the views of those who will impose the sentences. There are still grave concerns. We want the Minister to tell us exactly who has been consulted on these further, detailed changes. Having said that, I do not propose to press him further, on the basis that he will deal with all those points.

Mr. Humfrey Malins (Woking): I wish to raise with the Minister four short, slightly nuts-and-bolts points. I did not serve on the Committee and come to the matter slightly afresh, but the Minister knows my background in terms of sentencing and so on. When the Select Committee on Home Affairs visited an experiment in tagging and electronic monitoring in Manchester some months ago, the stipendiary magistrate told us that one of problems was that too many people who were not the defendant turned up or volunteered to be tagged and monitored to give the defendant a free hand elsewhere. That was happening quite a lot in Manchester and we were told that it was the only way in which a breach could be made. When a person reported for tagging, no accurate check was made on whether he was the one who had been sentenced. Can the Minister reassure me that that problem has been overcome?

Secondly, I speak as a sentencer when I say that quite often nowadays, when consent needs to be given, the law seems to change from time to time. For example, one used to have to get the defendant's consent before sentencing him to community service, but that is no longer the case. The new clause provides for consent on one occasion, but not on another. Although I see the point of needing consent, that leads me neatly to the third point.

Judges, recorders and stipendiaries find that many forms of sentence are being introduced nowadays and I can tell the Minister—I was about to say in confidence, but nothing I say here is confidential—that a lot of new sentences are not imposed by the courts because the form of words for them has not been issued by the Judicial Studies Board. That is a most extraordinary point to make, but it is true. It is terribly important that either the Home Office or the Lord Chancellor's Department makes sure that all sentencers are completely familiar with new forms of sentence that are being introduced and, furthermore, with the form of words to be used. If one does not know the form of words exactly, it is all too easy to think of another sentence, which might not be quite as good.

[Mr. Humfrey Malins]

Finally, is the Minister content that the new clause's requirements for electronic monitoring are not moving us into too heavy a cost area? Will the resources be available to ensure that those problems are dealt with?

Mr. Boateng: I am glad to assure the hon. Member for Woking (Mr. Malins), who speaks with great authority on these matters, that the resources will indeed be available before the amendments are brought into effect. We are anxious to ensure that we pilot and evaluate before rolling out. That also gives us the opportunity to make an assessment as to cost and, therefore, of cost-effectiveness and value in terms of that process. I hear what the hon. Gentleman says about individuals' rumoured swapping of identities in an attempt to fool those responsible for administering tagging, but I have yet to have brought to my attention a single substantiated case in which that happened. That point is developing the characteristics of an urban myth.

Mr. Malins: It is anecdotal.

Mr. Boateng: As the hon. Gentleman says from a sedentary position, it is anecdotal. However, we are determined to ensure that that anecdote has no substantive basis and that those responsible for administering the tag are alert to the possibility that there might be an attempt to subvert the system in such a way. So far, we are not aware of a single substantiated case in which that happened.

I endorse wholeheartedly the hon. Gentleman's expression of concern that sentencers should be informed and adequately and appropriately trained in the form of words used to impose sentences. It will be important to ensure—the process has already begun in relation to other aspects of the Bill—that magistrates and other sentencers have the knowledge of the content of the sentences that they are asked to impose necessary to give them the confidence to impose those sentences. With respect, those points are well made and certainly taken.

In response to the points made by the hon. Member for Surrey Heath (Mr. Hawkins), who speaks for the Opposition on these matters, I say that he over-eggs the pudding. I do not accept that concerns exist to the extent that he suggests. I believe that anyone who wants to ensure that the public are better protected sees the potential that the new technology represents in providing that better protection, and giving victims of crime, and those who might otherwise become victims, a sense of security and safety.

I have spoken to sentencers, probation and chief probation officers and those who head probation committees, and have widely trailed our proposals. Those to whom I have spoken have broadly welcomed them, and I have no reason to believe that the Home Office probation unit has not received the same response from those whom it has consulted.

I hope that, on that basis, Opposition Members will give these modest and, in my view, non-controversial, proposals a fair wind.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 10

SHORT-TERM PRISONERS: RELEASE SUBJECT TO CURFEW CONDITIONS

'. In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(a) there is inserted—

"(aa) the sentence is for an offence to which Part I of the Sex Offenders Act 1997 (notification requirements for sex offenders) applies;".'.—*[Mr. Boateng.]*

Brought up, and read the First time.

Mr. Boateng: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: New clause 12—*Exclusion of assault on police from power to release short-term prisoners on licence—*

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(b) there is inserted—

"(bb) the sentence is for any of the following offences—

(i) an offence under section 89 of the Police Act 1996 (assaulting, obstructing or resisting a constable);

(ii) an offence under section 38 of the Offences Against the Person Act 1861 (assault with intent to resist arrest);

(iii) an offence under section 18, section 20, or section 47 of the Offences Against the Person Act 1861 (wounding, causing grievous bodily harm and causing actual bodily harm) committed against a constable in the execution of his duty.".'.

New clause 13—*Court to have power to direct that power to release short-term prisoner on licence shall not apply—*

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(a) there is inserted—

"(ad) the court, when passing sentence, has directed that subsection (3) shall not apply in the interests of justice, or because of the serious nature of the offence, or because the offender is a persistent offender;".'.

New clause 14—*Exclusion of offenders convicted of offences punishable by maximum term of ten years or more from power to release short-term prisoners on licence—*

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(a) there is inserted—

"(ac) the sentence is for an offence for which the maximum term of imprisonment is ten years or more;".'.

New clause 15—*Exclusion of offenders subject to minimum sentence for burglary from power to release short-term prisoners on licence—*

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(a) there is inserted—

"(ab) the sentence was imposed under section 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum of three years for third domestic burglary);".'.

New clause 16—*Exclusion of sex offenders from power to release short-term prisoners on licence—*

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(a) there is inserted—

"(aa) the prisoner is subject to the notification requirements of Part I of the Sex Offenders Act 1997;".'.

New clause 17—*Repeal of power to release short-term prisoners on licence—*

'Sections 34A, 37A and 38A of the Criminal Justice Act 1991 are repealed.'.

Government amendments Nos. 40 to 44.

Mr. Boateng: The purpose of the Opposition new clauses is clear: to abolish the home detention curfew scheme in its entirety. That comes as no surprise, as on several occasions the Leader of the Opposition and, indeed, the right hon. Member for Maidstone and The Weald (Miss Widdecombe) have made no secret of the fact that it is to be one of their manifesto pledges. I consider that to be profoundly misguided, and contrary both to the public interest and to the safety and security of our fellow citizens who benefit from the scheme.

We have no intention of abandoning the scheme, which has had a highly successful performance record in the 16 months since its implementation. It was heralded by an all-party Select Committee report, which endorsed it, and to which a number of Opposition Members—including an Opposition spokesman—were knowing and willing signatories.

The scheme is designed to assist in the successful resettlement of selected short-term prisoners, supporting the transition from custody to the community. In the overwhelming majority of cases, that is exactly what it has achieved. At its introduction, it received the unanimous support of the Committee to which I referred—the Select Committee on Home Affairs—to which the hon. Member for Surrey Heath, among others, put his name. He has now reneged on that, and put his name to new clauses seeking to abolish or reduce the scheme. No doubt we shall be told why he has changed his mind.

The Committee's report said that the scheme would

provide adequate protection to the public because of the tagging element, and will give prisoners an opportunity to readjust to life outside prison.

That expectation has been borne out by experience.

Prison governors have shown great care in conducting risk assessments. Only about 30 per cent. of eligible offenders have been placed on home detention curfew to date, and the authorities have been notified of reoffending by fewer than 2 per cent. of those people while they have been on curfew. Overall, the scheme continues to have a high successful completion rate of about 94 per cent. I challenge Opposition Members to identify a scheme in the field of criminal justice, designed to protect the public in this way, that has a better record.

4.45 pm

Overall, the scheme continues to enjoy the high successful completion rate to which I have referred. It is an impressive record by any standards. Of course, we deeply regret any further offences committed on curfew, and all breaches, but the fact remains that, in the vast majority of cases, the careful risk assessment conducted before a prisoner is allowed to join the scheme is working properly and the right decisions are being made.

Mr. James Clappison (Hertsmere): My knowledge of the matter is a little rusty. Perhaps the Minister can help me. If someone who is sentenced by the courts to six months' imprisonment is released at the earliest opportunity under a home detention curfew, how long does that person actually spend in prison, when the public have been told that he has been sent to prison for six months? How long will it be?

Mr. Boateng: Sentencers know very well about the scheme. Indeed, it is not a scheme that is hidden from the public. They know very well that such a person would have an opportunity, if he were eligible—and only if he were eligible—to qualify for the scheme and to be released before the halfway mark at which he would normally be released.

Mr. Clappison: Will the hon. Gentleman give way?

Mr. Boateng: No, I will not give way again. If the hon. Gentleman would like to remain in his seat a bit, he may learn more about the scheme.

That is not a secret or hidden. It is the basis of the home detention curfew scheme and what it is designed to achieve. Someone who is sentenced to six months in those circumstances would become eligible for a HDC having served six weeks—one and a half months—of his sentence. That is not to say that, having become eligible, he would be granted release on HDC.

I hope that that assists the hon. Gentleman. It is not a secret. It is there. People will draw their own conclusions as to how best to reintegrate such people into the community. The all-party Select Committee unanimously found that the scheme was a good way of doing that. The hon. Gentleman may take a different view. Others will take the view that it is the right way. The conclusion that we have come to, having considered the all-party Select Committee's unanimous endorsement and the evidence of how the scheme is working, is that, on balance, it is the right way forward and that now is not the time to go along the route proposed by Opposition Members.

Many of the new clauses are about reducing the scope of the scheme by excluding various categories of offenders all together. I am glad to say that, in one instance—namely, new clause 10—the Opposition support our policy. Their new clause 16 recognises, as we do, that it makes eminent sense to strengthen the existing home detention curfew scheme by excluding from it sex offenders who are subject to the Sex Offenders Act 1997. That is, in any event, our practice; it has been from the outset. We now believe it right to put that in statute, but the other proposals tabled by the Opposition are far less helpful and are designed to undermine the scheme. We are simply not going to go along with that because, in our view, that is not the best way in which to protect the public.

Under new clause 12, the Opposition wish to exclude from the home detention curfew scheme those sentenced to a range of offences committed against the police, including assault; obstructing or resisting a constable;

[Mr. Boateng]

assault with intent to resist arrest; wounding; and causing grievous bodily harm or actual bodily harm to a police officer in the execution of his duty.

The aim of new clause 13 seems to be to exclude from the home detention curfew scheme any offender who the sentencing court has directed should not be eligible for the scheme, whether in the interests of justice, because of the serious nature of the offence, or because the offender is a persistent offender, while new clause 14 would exclude prisoners convicted of an offence for which the maximum term of imprisonment is 10 years or more. New clause 15 would exclude from the scheme prisoners sentenced to a minimum of three years for a third domestic burglary.

The issue of whether there should be a statutory exclusion for sex offenders was raised initially when the House first considered the home detention scheme, during passage of the Crime and Disorder Act 1998. At the time, we argued for retaining a discretion to consider whether to place an offender subject to the 1997 Act on the scheme in cases in which the risk assessment suggested that there was minimal or no risk to the public and that there would be a clear potential benefit to the chances of successful resettlement, treatment or supervision.

The example on sex offenders that we gave the House at that time was one in which release to a treatment centre was judged to be central to a prisoner's release plan, and curfew was considered to be necessary to support the likely completion of the treatment. In practice, in the 16 months since the scheme went live, it has been apparent that establishments have not identified circumstances that justify releasing on HDC offenders subject to the 1997 Act. In fact, only one such offender has been placed on the scheme, and that placement was contrary to policy because the Director General's approval had not been sought, which was highly regrettable.

We have, therefore, taken the view that the time has come to include in statute an exception—that, if one is subject to the 1997 Act, one will not qualify for HDC. The exception reflects current practice and puts the position beyond doubt. The statutory exclusion will also ensure that, in future, there are no errors of the type that permitted the release of that particular individual without the director general's approval. I am glad that the Opposition join us in taking that step.

I should say—without labouring the point on the Opposition's new clauses on other exceptions—that, although I share the sense of outrage and even disgust at some of the categories of offence dealt with in their new clauses, I really do not believe that the way to deal with those offenders is to exclude them from the scheme. The scheme is designed to smooth the transition from custody into the community. We believe that if that transition is made in the context of order and supervision, it is less likely that the individuals concerned will offend again. For that reason, and because we are satisfied that, in each of the instances highlighted in the Opposition's new clauses, we have in place sufficiently robust risk assessment standards and tools to assess individual cases and ensure that the public are well protected, we do not feel that the Opposition's new clauses take the matter any further forward.

We urge the House to reject the Opposition's new clauses and to accept our new clause 10, which we believe gets the balance right. Our new clause will ensure that the public are protected by providing for a smoother and more ordered transition for offenders from custody into the community, and it will uphold the HDC scheme—which would be undermined if the Opposition's new clauses were accepted. The scheme is working and it is founded on sound policy. I urge the House to reject the new clauses whose effect would be, in effect, to wreck it.

Mr. David Lidington (Aylesbury): As the Minister said, the amendments deal with what the Government term their "home detention curfew scheme", which might be more accurately labelled as the special early release scheme for prisoners convicted of serious offences.

As the Minister rightly pointed out, the Opposition have disliked the scheme from the very beginning. Our reservations were made clear during the early proceedings on what became the Crime and Disorder Act 1998, by my right hon. Friend the Member for North-West Cambridgeshire (Sir B. Mawhinney), and my hon. Friends the Members for Hertsmere (Mr. Clappison)—whom I am glad to see in his place—and for Ryedale (Mr. Greenway).

New clause 17 would seek to scrap the home detention curfew scheme altogether. Our other new clauses would seek to ameliorate some of the worst aspects of the Government's early release scheme by excluding from it certain categories of offender or offence. The Opposition would wish, if possible, to press for divisions on new clause 12 and on new clause 17, although I understand that there might be procedural difficulties.

As I said, new clause 17 would scrap the special early release scheme altogether. New clause 12 would exclude from the scheme people convicted of assaults or other serious offences against police officers. The police, who are—particularly, but not exclusively—responsible for law and order in our inner-urban areas need the support and protection of the law. That includes being certain that when someone has been sentenced to prison for an assault on a police officer, they will serve the full term that the law prescribes and will not be let out of jail early because that suits the Government's release scheme.

New clause 13 would give the courts power to direct that the home detention curfew should not apply in particular cases. New clause 14 would exclude from the scheme offenders who were imprisoned for any offence that carried a maximum sentence of 10 years or more. That clause has been drafted with an eye to the Government's own proposals on immigration rules.

The Government are saying in their consultation document following the Tyson case that they propose, as a matter of rule, to exclude from entry to the United Kingdom anybody who has been convicted of an offence which, were it committed on British soil, would carry a maximum sentence of 10 years or more.

Through the new clause, we accept that the Government are right to identify such offences as serious, and worthy of condemnation and severe penalty. We are saying that, as a matter of justice, people who have been convicted of such serious offences and sent to prison for them should be excluded from the privilege of the early release scheme.

New clause 15 would exclude from the early release scheme burglars who had been persistent offenders and had been sentenced to a mandatory minimum prison term

under the terms of the Crime (Sentences) Act 1997, which has been consolidated into the Powers of Criminal Courts (Sentencing) Act 2000.

I wish to refer to the Government's new clause 10 and how it relates to our new clause 16. New clause 10 would remove from the early release scheme people who were serving a sentence following conviction for which they had been included in the sex offenders register. I welcome that concession especially because it is an aspect of the law that my hon. Friend the Member for Hertsmere has been pressing ever since the Government introduced their original proposals for the early release scheme. Time and again, my hon. Friend and other Opposition Members have argued that the scheme should, as a matter of policy and of justice, exclude people who have been convicted of serious sexual offences and who are on the sex offenders register.

5 pm

Hitherto, the Government have said that there is no need for such statutory exclusion. They have written into the rules for prison governors to follow in carrying out their risk assessment a detailed series of steps that each must follow when considering the case for the early release of a particular sex offender. Against that background, I am glad that the Government have come forward with a concession, at least as far as it goes.

In a genuinely non-adversarial spirit, I put it to the Minister that the Government's new clause still leaves a loophole. As I read it, it would not exclude from eligibility for early release a criminal who was on the register of sex offenders because of a previous conviction but who, at the time when his case was being considered, was serving another custodial sentence for a crime that was not a sexual offence. It is not an academic prospect. I recall within the past few weeks reading of a case where a convicted paedophile who had served time in prison for such offences was subsequently released, and thereafter charged with other offences. In the end, he was convicted of an offence which, although related to his sex crimes, was not a sexual offence.

I can envisage a situation, for example, where someone is convicted of the abduction of a child, of kidnapping or of assault. He might, because of his previous convictions and his known record of sexual offending, be sent to prison on account of that non-sexual offence. However, under Government new clause 10, he would be eligible for early release under the home detention curfew scheme. Our new clause 16 seeks to relate exclusion from the scheme to the offender rather than to the particular offence for which he is serving a sentence at the time when he comes up for consideration for early release.

I would welcome the Minister taking advice on this point of detail. It may be something on which the Government wish to reflect and to which they may wish to return to at a later stage in the Bill's consideration, if they share my concern about a potential loophole in the law.

The Opposition's objections to the early release scheme remain fundamental. More than 20,000 criminals have so far been released early from prison as a result of the scheme. They are being released at an earlier point in their sentence than the normal statutory remission of 50 per cent. There are just under 2,000 offenders who are now out of prison under the scheme, when the Opposition would argue that they should still be behind bars.

Part of our objection stems from the fact that a significant number of offences have been committed by people on early release. The Minister is right to say that the number is small as a proportion of the total number of people who have been released early, but we know of 395 offenders who have been released early and have gone on to commit other crimes. Those crimes have often not been trivial. They have included five cases of threats to kill, 51 violent crimes, three rapes and 135 burglaries, robberies, thefts and similar property crimes. That represents a large number of victims. It may seem small as a percentage on the Home Office statistical returns, but it means real anguish, grief and loss for those individuals and families who have been the victims of those criminals who the Government have chosen to let out early.

Mr. Simon Hughes (Southwark, North and Bermondsey): I understand the logic of the hon. Gentleman's argument, but do he and his party think that if a significant number of people commit offences when they are on licence, no one should have the right to release on licence? Does he take the view that, if the reduction of a sentence leads to any risk of an offence being committed, that category of release should not be permitted by law?

Mr. Lidington: I do not want to stray too far from the new clauses, Mr. Deputy Speaker, but the Opposition's view is that there should be much greater honesty in sentencing, so that the sentence passed by the judge is the sentence served in prison.

My party and I believe that there is certainly a place for supervision under licence at the end of a determinate sentence or after someone has served the appropriate portion of a life sentence. We see a place for tagging being used to enforce supervision and for its use in support of non-custodial penalties, but we object to its use as an excuse for the early release—release earlier than under the normal statutory arrangements—of people on whom the courts passed a particular sentence knowing what the statutory rules were. We believe that that is an affront to justice and that is why we tabled the new clauses.

The Government's early release scheme adds to the dishonesty of our sentencing system.

Mr. Boateng: Who introduced that sentencing system? Who was responsible for 18 years for the sentencing policy that we inherited? Who is now reviewing that policy? The answer is that Conservative Members were responsible for the system and the Government are reviewing it.

Mr. Lidington: I remind the right hon. Gentleman that my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), when he was Home Secretary, introduced proposals for honesty in sentencing. If the Labour party wants to pick a fight with us over our call for greater honesty in sentencing, no one will be more delighted than the Conservative party.

Let us consider the facts. A written answer from the Home Office at column 402W of *Hansard* on 23 May 2000 listed the average custodial sentences passed on people who had been released early and compared them with the actual term served. For burglars, for example, the average

[Mr. Lidington]

sentence passed by the judge was 19.3 months, whereas the average term served was 7.4 months. For arsonists, the average sentence passed was 22.8 months and the average served only 9.8 months. For wounding, an average sentence of 15.6 months was passed, but the average sentence served was 6.2 months.

Most of our constituents would be outraged at the gulf between the sentences passed by judges in court and the sentences actually served. They would want Parliament to take whatever steps it could today to redress the imbalance in the law and to provide for greater honesty in sentencing.

Mr. Simon Hughes: This is an important matter, and I have heard the hon. Gentleman and other hon. Members talk about it on the radio. I have one simple question for the hon. Gentleman: is it the Conservative party's view that what the hon. Gentleman calls honesty in sentencing would mean that significantly more people would go to prison and serve significantly longer sentences? I had understood that the Conservative approach was that roughly similar sentences would be passed, and that there would be similar numbers of people in prison, but that judges would hand out shorter sentences, which would be served in full.

Mr. Lidington: My right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) has made our approach very clear. We believe that honesty in sentencing and length of sentence are distinct. We assume that honesty in sentencing is desirable as a good in its own right. In calling for the abolition of the statutory 50 per cent. remission, we assume that judges would take that into account in determining the length of sentence to be passed.

We assume that the average length of sentence would come down at first. We argue that sentences for particular crimes should be longer, especially mandatory minimum sentences for repeat offenders. We have said consistently that we would regard it as a Conservative Government's prime duty to ensure that sufficient prison places were provided to house the criminals whom judges decided to send to prison.

Mr. Edward Garnier (Harborough): I agree with the principle underlying my hon. Friend's contribution, but my hon. Friend the Member for Woking (Mr. Malins) and I are the only two people in the Chamber who have sent people to prison. Does my hon. Friend accept that when a judge sentences a person to a term of imprisonment, he goes on to say that the person will serve half the sentence and that the remainder will be served on licence? I accept the use of the word "dishonesty" in this argument, but the sentencing judge is not guilty of any dishonesty.

Mr. Lidington: Absolutely. The judge knows what he is doing. Our criticism of what I have termed dishonesty in sentencing is that although the arrangement is familiar to those who operate the courts and the criminal justice system, the general public do not understand it. The sentencing process must be made more transparent.

I turn now to the Government's claims for the home detention curfew scheme. The Government argue that the scheme is a rehabilitative measure that works. I want to repeat that the Opposition support effective rehabilitation measures. My right hon. Friend the Member for Maidstone and The Weald in particular has made clear her passionate determination to establish a more effective rehabilitative regime in our prisons.

However, the Home Secretary has said that he measures the success of the home detention curfew by the occurrence, or absence, of convictions for reoffending only during the curfew period. In a written answer of 7 April, he made it explicit that any offending that took place after the curfew period had ended was not a factor in defining the success rate of the home detention curfew scheme.

That seems a crazy way of carrying out an assessment. If the scheme works in terms of rehabilitating criminals, surely we ought to see some results, in that criminals subject to home detention curfew will be less likely to reoffend after the end of their sentence and the curfew period, than other prisoners who have not had the benefit of early release under the Government's scheme. I think that the Government's measurement of their scheme's success is deeply flawed.

5.15 pm

Our case boils down to this: it is a matter of justice that the early release scheme should be ended. Among the 20,000 criminals who have been released early so far there are 210 people who have either committed or attempted homicide. There are people responsible for 3,342 violent crimes. There are 1,187 burglars, 811 robbers, 4,433 thieves, 3,236 drug offenders and 125 arsonists. I believe that the Government's scheme is an insult to justice and an insult to the law-abiding constituents whom we are sent here to represent and to defend.

Jackie Ballard (Taunton): I think that we all agree that imprisonment has a number of roles. One is the proper punishment of offenders; another is the protection of the public. By definition, while people are in prison they cannot commit further crimes, although there is some argument about the effectiveness of deterrence when it comes to committing further crimes after they leave prison.

Prison must also have a rehabilitative role. If it is to carry out that role effectively, we need to keep the provision for early release on licence with, in these cases, the added safeguard of tagging. In cases in which people have benefited from the experience of imprisonment, and the risk of early release has been properly assessed, we believe that the scheme enables the proper transition for a number of prisoners from prison to freedom. We must not underestimate the fact that some people find that difficult to cope with, because for them, prison is an easy option, as they cannot offend while they are in, and coping with freedom is a challenge for them. It is in the interests of public safety that ex-prisoners are successfully reintegrated into the community.

As the Minister said in his opening remarks, eligibility for early release does not imply that a person will automatically be released. The hon. Member for Aylesbury (Mr. Lidington) said that Conservatives Members would press for a vote on new clause 12, if not on one of the other new clauses in the group. In that case, the Liberal Democrats will oppose it.

Mr. Clappison: I am grateful to my hon. Friend the Member for Aylesbury (Mr. Lidington) for his comments,

particularly on the sex offences provisions in new clause 10, and I am grateful to the Minister for his reply to my question. I also admired his bravura performance of ministerial confidence. The scheme that he is defending—early release through home detention—is so alien to the common sense and sense of fairness of the majority of members of the public that it takes a performance such as his to try and sweep it under the carpet and get away with it.

It would be churlish of me not to welcome new clause 10 on sex offences and the fact that the Government have, after all, accepted the point that we pressed on them from the start—namely, that serious sex offenders who are liable to registration under the Sex Offenders Act 1997 should be statutorily prevented from being part of the scheme. That is right.

I listened to the Minister's rationale for the Government's original view that, under certain circumstances, it would be possible for sex offenders to be eligible for early release. According to a written answer of 6 April 2000, there has been only one case in which such an offender was released. As the Minister accepted in his remarks, that one case illustrates just what can go wrong and how seriously it can go wrong under the arrangements that the Government have allowed to be in place for home detention curfew. The person in question had committed a serious offence of unlawful sexual intercourse with a 15-year-old girl. He was given a sentence of six months. I think that in fact he did not even serve six weeks. Because of some administrative oversight, he was released after only 35 days, and his case was not considered by the Director General, which was one of the safeguards originally recommended by the Government. The system clearly did not work then; it will be much better if, by statute, sex offenders are not eligible for early release. Most members of the public would agree with that.

The public would also be concerned at the number of violent offenders who appear to have been released under the scheme. If the statistics read out by my hon. Friend the Member for Aylesbury are correct, the number is significant. Members of the public would be concerned about the overall honesty of the system—a point that my hon. Friend was right to make. I agree with the gist of the intervention made by my hon. and learned Friend the Member for Harborough (Mr. Garnier) about how the courts operate and that judges are honest in passing sentences. The dishonesty occurs when the length of time an offender spends in prison bears little relationship to the sentence passed—when offenders serve only a fraction of the time that the public are told they will serve.

In his response to my intervention, the Minister pointed out that, under the provisions, someone sentenced to six months could be, and in many cases is, released after only six weeks. Six months must not mean six weeks. Such a bulging gap strains the credibility of the public and their confidence in the criminal justice system.

I cannot accept the Minister's defence—not among his best-considered remarks—to part of the speech of my hon. Friend the Member for Aylesbury, as, in essence, the right hon. Gentleman was self-contradictory. He said that the previous Conservative Government had allowed prisoners to be released after serving only part of their sentence. That is correct, although towards the end of their period in office, they were moving towards a closer relationship between the sentence imposed and the length of time served.

However, the Minister is now adopting the position that the sentence should be less. In every case, the average sentences to which my hon. Friend referred are less than they would have been before the home detention curfew provisions were introduced. Prisoners are allowed on home detention curfew after they have served only a small fraction of their sentence in prison. We are not being honest in what we tell the public.

The public do not like such dishonesty. I am not convinced that they would be so severe in passing sentence. Research shows that, in the majority of cases—especially those involving non-sexual or non-violent offences—members of the public would not pass especially severe sentences. They do not constantly demand ever more severe sentences. What they want is honesty. That is the inconsistency in the Government's system.

The points made by my hon. Friend are correct. The new clauses will give a little assistance in improving a bad system—especially in cases involving police officers. It is unfair that the public should be told that a man who has assaulted a police officer will be given a sentence of six months, when that person will be out on the streets in six weeks. That cannot be honest.

I emphasise those points about honesty in sentencing because I am not against tagging as such. Tagging has an interesting history. It was pioneered by the previous, Conservative Government—*[Interruption.]* An hon. Member says it was abandoned. It was certainly not greeted by bouquets and assistance from the Labour Opposition. Whenever possible, they opportunistically extracted the maximum political advantage—whether or not their statements were consistent. They certainly did not hand out bouquets.

The previous Government were right to persist with tagging, even though there were some technical problems initially. Tagging is right as a sentence. It is also an acceptable way to deal with someone whose liberty needs to be constrained while awaiting a court appearance. It is better for such people to be tagged than to be locked up in prison. However, it should not apply to people sentenced for serious offences. The Minister will confirm that people are eligible to be tagged for offences when the courts have sentenced them to up to four years imprisonment. The offences committed can encompass serious offending.

It would be far better if we explored the use of tagging as a sentence in its own right and as an alternative in appropriate cases to people going to prison. For example, it is particularly appropriate for tagging to be considered for women prisoners. In the past few years, under the previous Government and under this Government, there has been an extraordinary growth in the number of women prisoners. Under this Government alone, the number of women in prison has risen by 30 per cent., which is faster than the rate at which men are being imprisoned. However, women do not tend to commit the serious violent offences that cause most concern to the public. The Government are creating more prison places to lock up more women while they are releasing under the home detention curfew scheme men who have been convicted of serious offences, including offences of violence.

[Mr. Clappison]

The Government are getting criminal justice sentencing into a crazy mess. The system needs to be put right and our new clauses would go some way to doing that. However, the system is so dishonest that we need to take a much more root-and-branch approach. I hope that such an approach will come in due course so that we can give the public a system of sentencing that is honest with them and in which they can have confidence.

Mr. Malins: I do not think that it is so much honesty in sentencing—of course, we need that—but clarity in sentencing that we want. One of the problems that I face as a sentencer is that I must scratch my head before I pass a sentence. If I pass a sentence of six months, I tell the defendant that he will be released on licence after three months. Provided that he keeps his nose clean while he is on licence, that is the last he will hear about it. However, if he does not, he will return to prison to serve the balance of his sentence. The same principle applies if I pass a sentence of four years in the Crown court for a serious case of burglary. Before someone passes sentence, the question that he or she must ask is, "Wait a minute. Do I really want this person to serve four years, or shall I say four years on the basis that he or she will serve two?" It is a head-scratching exercise.

The home detention curfew scheme will cause a little more head scratching. As I understand it, when we pass a sentence, we do not mention the home detention curfew scheme at all. It is purely an administrative rather than a judicial matter. In sentencing a person, one passes what one considers to be the right sentence and warns about offending on licence. However, whether someone comes out under the home detention curfew scheme is an administrative decision and, unfortunately, the judge knows nothing about that—someone else makes the decision.

I hope that the Minister will confirm that the decision as to who, under the home detention curfew scheme, comes out and is tagged for the balance of the sentence is made not by the judiciary, but by either the Home Office or a prison governor. I might not have a problem if either of them takes the decision, but it makes it a bit difficult for the sentencer to understand whether the sentence that he has imposed will mean what he intends it to mean.

That takes us back to the thorny old question of whether release on a home detention curfew is meant to rehabilitate. Clearly, the scheme is Treasury-driven because it will save money. I remember that, in the 1980s, the Conservative party released many prisoners because it was cheaper to do that. I am sure that we did that.

Mr. Hilton Dawson (Lancaster and Wyre): Is there not a qualitative and profound difference between releasing people early to save money and home detention curfews that attend to the rehabilitative needs of the prisoner and to the protection of society?

Mr. Malins: I understand the hon. Gentleman's point, but I do not think that the home detention curfew scheme is rehabilitative. We need to see some pretty firm statistics to show that people do not reoffend, not just in the period while they are under the curfew, but in the period after the curfew. Rehabilitation is meant to be a long-term process.

The Minister will accept that we must be careful about sentencing in general. We must not take a mismatch approach by which we add to, and subtract from, the legislation each year. If the result of such an approach is that sentencers do not understand the sentences that they pass, that defendants need to employ a senior Queen's counsel to explain to them and that the public do not understand what is happening, we have a problem.

The Minister teased my hon. Friend the Member for Surrey Heath (Mr. Hawkins) about his work on the Home Affairs Committee, and I speak for my right hon. and hon. Friends when I say that my hon. Friend contributed massively to the Committee during the all-too-brief period for which he was a member of it. The Minister knows as well as I do that sometimes on Select Committees one has to cede point A to gain point B and that the fact that the report was unanimous does not mean that everyone agreed with all its conclusions. Otherwise, I would have been thought to have changed my mind at least six times on various issues in the past few months.

5.30 pm

Mr. Boateng: I am afraid that I am less charitable than the hon. Member for Woking (Mr. Malins) towards the hon. Member for Surrey Heath (Mr. Hawkins), but perhaps that is not a surprise, bearing in mind our respective positions. We have had a good debate, although I did not think we would.

Mr. Stephen Day (Cheadle): It has been brief.

Mr. Boateng: I hear the silent one mutter that it has been brief, but it has also been important in teasing out the issues and where we agree and where we do not. The hon. Member for Hertsmere (Mr. Clappison) made a serious and considered contribution to the debate, and I shall reflect on several of the remarks he made. I am bound to say that I come to a different conclusion on the home detention curfew scheme, but I welcome his support for electronic tagging and the new technology as an aid to sentences. We need to ensure, however, that we have greater clarity and transparency in sentencing, and I agree with the hon. Member for Woking in that respect.

I prefer the phrase "clarity and transparency" to the language adopted by the hon. Member for Aylesbury (Mr. Lidington), which rather marred his contribution. He seeks to be all things to all people in this matter and seeks to give the impression that he would, given half the chance, be tougher on crime than me or the Government. That simply is not the case. He must understand that he is being disingenuous in his call for greater honesty in sentencing, thereby suggesting that the existing system is dishonest, bearing in mind the fact that it was successive Conservative Governments who were responsible for the sentencing system that we inherited.

The hon. Member for Woking argued that one has to cede some points in order to gain others, but the difficulty for his party is that it signed up to the sentencing system for 18 years. You cannot now wriggle out of the consequences of your actions in relation to existing sentencing policy and the framework that you established when you were in government. *[Interruption.]* I mean the Conservatives, Mr. Deputy Speaker, because you, of course, had no part in it whatever.

We recognise that the sentencing framework is flawed and we are going to change it. I look forward to a considered and constructive contribution from, among

others, the hon. Members for Hertsmere and for Woking, as well as the shadow Attorney-General, to that process. It has to be done, because we need greater clarity and transparency. I would argue that we also need, in some cases, greater toughness in terms of the length of sentences. It is however disingenuous of the Opposition, in their call for greater honesty in sentencing, to attempt to give the impression that longer sentences will necessarily be served as a result of such a policy being implemented. We believe some categories—certainly in the case of burglary and arguably in cases of violent crime, in which there has been an unacceptable increase—ought to lead to longer terms of imprisonment being served by offenders, hence the action taken by my right hon. Friend the Home Secretary in introducing the "three strikes and you're out" policy.

We have to understand that, although the home detention curfew scheme is designed to ensure a smoother and better-ordered transition between custody and freedom, it is part of the sentence. A home detention curfew and the paraphernalia of a tagged person are signs that society requires limitations on liberty and a certain form of order and conduct as part of a sentence served, not in a custodial setting, but in a home setting, as a precursor to ultimate liberty.

Mr. Garnier: So that our debate is better informed, will the Minister state the relative cost, on a daily, monthly or annual basis, of a home detention order, a tagging order and a prison place; and, in the event of there being no tags or home detention orders, how many additional prison places the Government would need at their disposal?

Mr. Boateng: I shall certainly write to the hon. and learned Gentleman with that detailed information. His intervention enables me to draw the House's attention to the suggestion made by the hon. Member for Woking that the measure is Treasury-driven. That is a simplistic approach. As the figures that I will make available to the hon. and learned Member for Harborough (Mr. Garnier) will illustrate, a degree of saving to the public purse is entailed, but that should not cause the House to underestimate or ignore the added benefit and value of creating, after a rigorous process of risk assessment, a framework of law and technology around the offender by which that individual's transition from custody to the community is better managed.

That issue was touched on by my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson) in his intervention. The HDC scheme continues to have a high successful completion rate of about 90 per cent., and only 2 per cent. have been notified as having reoffended while on curfew. That demonstrates that, in the vast majority of cases, the careful risk assessment undertaken is working as it should, and that the care and attention given to the matter by governors is ensuring that public protection is enhanced by these arrangements for the return to the community of offenders who have been carefully selected as eligible and properly placed on the scheme. It also demonstrates that the risk assessment carried out manages and minimises the risk of individuals reoffending during that period.

Mr. Simon Hughes *rose—*

Mr. Boateng: I am not giving way now. The hon. Gentleman has just returned to the Chamber, and we must make progress.

The effectiveness of the risk assessment management and the minimisation of risk during the period that would otherwise have been served in custody are the proper measure of the success or otherwise of the scheme. That does not mean that one should overlook the ultimate goal of rehabilitation in the medium and longer term. That applies across the board, but we judge the success or otherwise of the scheme by what occurs during that period.

This group of amendments includes Government amendments Nos. 40 to 44, which are technical changes relating to the power to attach conditions to release licensees. The amendments will ensure that all young offenders who are released following a period of detention may have electronic monitoring or, in the case of over-18s, drug-testing requirements imposed as release conditions.

Amendments Nos. 40 to 44 correct a technical flaw in the current draft of the Bill which would prevent young offenders—including those up to 21 years of age—from having electronic monitoring or drug-testing conditions imposed. That, clearly, is undesirable, for the reasons outlined by the hon. Member for Hertsmere. Technology has something to offer sentencers in terms of public protection, and should be used.

The need for amendment arises from the fact that clauses 56 and 58 refer specifically to those released from sentences of imprisonment. However, sentences imposed on young offenders are not legally defined as sentences of imprisonment. Young offenders are sentenced to periods of detention and may serve their detention in accommodation other than a prison. The exclusion of young offenders from the provisions in the Bill was not intended, and the amendments remedy the situation, while retaining the proviso that drug testing conditions will not be available in respect of under-18s.

With that explanation, and following a good debate, I hope that the House will give the Government new clause and amendments the fair wind that they deserve.

Mr. Garnier: I had not intended to contribute to the debate, but some of the right hon. Gentleman's remarks have provoked me, in a gentle way, to do so.

Any savings that will be achieved through the home detention curfew or by the tagging of early-release prisoners will fall to the benefit of the Treasury as a whole. I invite the Government to allow the Prison Service, which is already under huge financial strain—I speak as a Member of Parliament for a constituency that has within it Gartree prison and also part of the estate of the Glen Parva young offenders institution—to keep the savings made, so that it can reinvest that money in additional facilities at prisons and in additional services for prisoners, especially for the rehabilitation of prisoners.

I note that in my constituency prison, Gartree, the probation service is less well represented in terms of numbers—the quality, I am sure, is excellent—and the education services have had to be cut as a consequence of Government restrictions on Prison Service finances. I trust that the Government, who, I have no doubt, believe in honesty in all things, will allow honesty in financing, as well as honesty in sentencing.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 11

REMAND CENTRES

'. In section 43(1) of the Prison Act 1952 (places of detention provided by Secretary of State), paragraph (a) (remand centres) is to cease to have effect.'.—*[Jane Kennedy.]*

Brought up, and read the First time.

5.45 pm

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendments Nos. 32 to 39, 63 to 96, 100, 103 to 107 and 117.

Jane Kennedy: In Standing Committee, a new clause—now clause 55—was introduced to abolish the sentence of detention in a young offenders institution. Following the abolition of that sentence, all convicted defendants over the age of 18 will be sentenced as adults. The Government consulted on those proposals last year and there was broad agreement on them. In Committee, my right hon. Friend the Minister of State said that further minor amendments would be tabled around the clause. We are now considering those amendments.

Despite the number of amendments—that may have caused a few raised eyebrows among Conservative Members—I assure hon. Members that they are minor and consequential. We are also considering an amendment to the Police and Criminal Evidence Act 1984 to provide a power for the police to authorise a young person's release on bail for administering a reprimand or a final warning. If I take a few moments to explain the amendments and answer one or two questions about them, it may save later interventions. I am conscious that there is a great deal of interest in the next group of amendments.

New clause 11 and one set of amendments in the group deal with the repeal of the power to set up remand centres. No remand centres have ever been set up under that power. Clause 55 is founded on an acceptance of the age of majority as the best sentencing threshold. That removed the principal rationale for the existence of remand centres.

Another set of amendments in the group relates to the repeal of section 108 of the Powers of Criminal Courts (Sentencing) Act 2000. The amendments will ensure that all persons aged 18 or over who are detained for default in the payment of a fine, or for contempt of court, are treated in the same way.

A further set of amendments in the group will ensure that the legislation governing sentences issued by courts martial reflects as far as possible the changes that clause 55 makes to the civilian sentencing regime.

The main principle of abolishing the sentence of detention in a young offenders institution has not changed. The amendments, together with consequential changes to other legislation, make no substantive changes. They simply complete the legislative picture.

I am conscious of the interest in the next group of amendments. I therefore invite the House to give these amendments a fair wind.

Mr. Hawkins: The Parliamentary Secretary is right to say that there was some discussion in Standing Committee of the way in which the original provisions would apply to young offenders. We also accept that the Government's proposals were fairly trailed in Standing Committee. We divined that many amendments in the group were consequential.

All parties share a special concern about the treatment of young offenders. As the Parliamentary Secretary knows from our debate in Committee, before becoming Members of Parliament, many members of the Committee in differing professional capacities had experience of dealing with young offenders. I prosecuted and defended in juvenile courts over several years. It is fair to say that hon. Members are united in wanting to ensure a proper regime for young offenders.

We acknowledge the accuracy of the Parliamentary Secretary's comments on the relevant clause of the Prison Act 1952. It has not been used, and there is no reason for it to remain on the statute book. We are not therefore considering a matter of enormous division between the parties. However, I ask the Parliamentary Secretary, as I asked the Minister of State, Home Office on an earlier group of amendments, to confirm whether the Government have consulted the National Association of Probation Officers, the Council for Circuit Judges and others about the further amendments. As my hon. Friend the Member for Woking (Mr. Malins) and my hon. and learned Friend the Member for Harborough (Mr. Garnier) stressed, we think it important that those who are sentencing are clear about what the Government are doing.

In his helpful and considered contribution, my hon. Friend the Member for Woking referred to the report of the Select Committee on Home Affairs, which the Minister of State has repeatedly prayed in aid on Second Reading, in Committee and in his remarks today. He and the Parliamentary Secretary will be aware that a substantial part of that report relates directly to young offenders.

I reject some of the more specious arguments used by the Minister of State in our earlier debate. Indeed, to use his own word, he was disingenuous. In examining the whole Select Committee report which, as he said repeatedly, is unanimous, one must look especially carefully at the sections relating to young offenders. I am sure that we are not divided on that. As the Government arrange the passage of the Bill through its remaining parliamentary stages, I hope that they will examine carefully what is contributed by experts in various professional fields dealing with young offenders, and that they will take into account further submissions.

In Committee, both Ministers said, fairly, that they had an open mind about looking at the treatment of young offenders and ideas that may be brought forward. I should be grateful if the Parliamentary Secretary, in winding up the short debate on this group, confirmed that the Government's mind remains open to further suggestions. Clearly, this is an area in which there can be great scope for expert opinion to put forward new ideas all the time. In the light of concerns expressed about the disposal of young offenders in serious cases, arising from the treatment of Thompson and Venables in the James Bulger case, which we debated extensively in Committee, the Government must be careful to bear in mind the views of the European Court on such matters.

In relation to what was said about treating all those over 18 as adult offenders, in the past and under Governments of both parties it has been an article of faith in the criminal

justice system that there are special factors affecting those between 18 and 21. The Parliamentary Secretary will recall that, in Committee, we debated the tragic history of suicides of young adults remanded to adult prisons, and of those in places such as Feltham and Armley. The Government take that suicide rate very seriously indeed, but I am earnest in urging the Parliamentary Secretary to say again that the Government recognise the particular vulnerabilities of those aged 18 to 21 who are serving sentences. In Committee, we had quite a lot of debate about whether 21 was a crucial age. The Government take such matters seriously, as both we and the Liberal Democrats sought to do in Committee, and I hope that the Parliamentary Secretary will confirm that they will continue to do so.

Jane Kennedy: I have sat through many hours of interesting debate in Committee and on the Floor of the House and have listened to my right hon. Friend the Minister of State on many occasions. I cannot recall an occasion on which one could have accused him of being disingenuous. I assure the hon. Member for Surrey Heath (Mr. Hawkins) that my right hon. Friend has an open mind and will continue to have an open mind. I genuinely hope to reassure the hon. Gentleman on his point about the expert opinion expressed to the House on these serious matters. We bring an open mind to the issue.

The hon. Gentleman made an important point about young offenders who may currently be sentenced to a period in a young offenders institution, those who may be subject to custody for life, and those whose sentences will continue to run in the period immediately following the Bill's implementation. There will clearly be an immediate impact on the prison estate as a result of the amendments which will require management. It may be worth noting that those young offenders whom I have just mentioned and to whom the hon. Gentleman drew attention will not be disadvantaged by the change, as they will remain subject only to the maximum punishments currently available for 18 to 20-year-olds, as opposed to those currently available for prisoners aged 21 and over.

Issues such as ensuring that vulnerable young adult prisoners will not be put at risk and making sure that movement of young adult offenders between young offenders institutions and prisons takes account of their regime needs will be addressed before the changes are implemented. I hope that the hon. Gentleman will accept that reassurance in response to his serious point.

Question put and agreed to.

Clause read a Second time, and added to the Bill.

New Clause 1

DEFENCE UNDER SECTION 8 OF THE MISUSE OF DRUGS ACT 1971

'. It shall be a defence for a person accused of an offence under section 8 of the Misuse of Drugs Act 1971 that he did not wilfully permit an activity under section 8 to take place.'.—*[Mrs. Anne Campbell.]*

Brought up, and read the First time.

Mrs. Anne Campbell (Cambridge): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss amendment No. 190, in title, line 4, leave out "dealing with".

Mrs. Campbell: It may be helpful if I begin by reminding hon. Members that section 8 of the Misuse of Drugs Act 1971 states:

> A person commits an offence if, being the occupier or concerned in the management of any premises, he knowingly permits or suffers any of the following activities to take place on those premises.

That is to say:

> producing or attempting to produce a controlled drug . . . supplying or attempting to supply a controlled drug . . . or offering to supply a controlled drug to another . . . preparing opium for smoking . . . smoking cannabis, cannabis resin or prepared opium.

New clause 1 would strengthen the defence of someone accused under section 8, which includes the words "knowingly permits". The new clause would allow an offence of wilfully permitting activities under section 8: that wording is slightly stronger. New clause 1 is grouped with amendment No. 190, which is a consequential amendment to the long title of the Bill which, in its current form, does not allow for the new clause. Amendment No. 190 makes further provision for persons suspected of, charged with or convicted of offences, as opposed to provision for dealing with such persons.

It will come as no surprise to anyone in the House that I have tabled the new clause, given my concern about Wintercomfort and my constituent Ruth Wyner who at present is serving a sentence in Highpoint prison under section 8 of the Misuse of Drugs Act. She was convicted at the same time as her co-worker John Brock, who is not my constituent but who, nevertheless, was working in the charity, which is based in my constituency. I do not pretend to be an expert on the issue, but I shall use my experience as a constituency Member of Parliament of visits to homeless accommodation and day shelters, to explain why a change to the existing law is necessary.

6 pm

People work in this part of the charity sector because they care about people, and not just ordinary people, but those who have problems, which are often severe. They may be angry and disturbed, and many of them have lost hope. I have enormous admiration for the workers who want to help such people, and I feel in awe of the dedication that, day after day, takes charity workers into situations where people are often hostile and unfriendly, and desperately in need of help.

The charity Wintercomfort in Cambridge offers not only a cooked meal and hot drinks, but a place where homeless people can see a doctor, have a haircut and wash and change their clothes. It helps them to feel civilised and human. In many cases it offers a sympathetic ear so that people can talk about their problems, and it helps them out of a crisis. Such work is essential if we are to rehabilitate homeless people who may have spent many years on the street.

We know from surveys that many people who are homeless are addicted to drugs. The exact figure is not known. According to my latest edition of *The Big Issue*, the number is somewhere between 20 per cent. and 70 per cent. of the homeless population. I would never condone homelessness shelters becoming havens for drug abusers or places for dealers of hard drugs to make a quick buck. That is not shelters' intention, and such activity is disruptive to the local population.

If, however, there is drug taking and drug dealing on a shelter's premises, despite the best measures being taken, it should be a defence for a person charged under

[Mrs. Campbell]

section 8 of the Misuse of Drugs Act that it was not wilfully permitted. That provision is needed to safeguard the livelihood of the many dedicated men and women who do a very difficult job to the best of their ability and to protect them from possible criminal prosecution.

I shall address the precautions that charity workers must take now to avoid prosecution, and I hope to demonstrate that theirs is not a simple task and that it would be easy for somebody to fall into the same trap as my constituent Ruth Wyner. The 1971 Act applies to anyone who is a director, manager, deputy manager or team leader or anyone in control of the premises. Other workers and even volunteers also need to be aware of the Act, since anyone who has the authority to exclude someone from the premises would be considered to be concerned in the management. That is the advice of the charity Release which was published on the internet shortly after Ruth Wyner and John Brock were convicted. It has implications for the running of hostels and for training, which must be extremely thorough so that all staff and volunteers are aware of their responsibilities.

The supply of drugs need not necessarily take place in the building for an offence to be committed; if it is done outside the building, on the front steps or in the doorway, garden, yard or outbuildings, it still constitutes an offence. It is therefore necessary for staff to be extremely vigilant and to use mirrors and cameras and to have regular staff checks. Failure to adopt such measures could indicate unwillingness to prevent the supply of drugs and lay the staff open to criminal prosecution.

The situation is difficult because dealers do not pass drugs openly. The undercover surveillance conducted by the police at Wintercomfort indicated that drugs were not passed when staff were present, and it was only the surveillance that determined that drug dealing was going on.

A drugs policy is necessary for any organisation in this sector, and clearly it is good practice to put up notices and inform service users of the rules. The sanctions should also be clear; people who are caught with drugs are normally banned. Difficulties arise if people are banned and the police then require the names of those who have been banned.

Release has issued guidelines that suggest that a book with the names of those banned should be open for all workers and the police to look at, but confidential information, such as the reason for the ban, can be kept separately and privately and will not be open to police scrutiny. Those are only guidelines, however, and charity workers are worried that their shelters will not be used if users perceive that any information handed over in good faith will be passed to the police. There is a conflict of interest.

When my constituent Ruth Wyner first went into Highpoint prison, she was asked if she would like to train to counsel other prisoners, particularly on drug abuse. She went to her first training session and asked the inevitable question, "If somebody gives me information about drug abuse, do I have to keep it confidential?" She was told, "Of course, it is important that you keep it confidential." I find it ironic that, in prison, such information must be kept confidential, but outside prison, in a homelessness shelter, people are expected to give names to the police. That is a difficulty that we need to resolve.

Mr. Malins: I congratulate the hon. Lady on her approach and her thoughtful and well constructed speech, which comes from the heart. The current offence is knowingly to permit drug dealing or drug taking to take place, and we think that we understand what that means. The hon. Lady suggests that the offence should be wilfully to permit that activity. I find it hard to see the difference. Is there is a real difference, and could she try to draw it out so that we are better informed?

Mrs. Campbell: The hon. Gentleman enables me to come on to my next point. There is a difference between "knowingly" and "wilfully". It is possible for workers to suspect that drug dealing is going on, but they may find it difficult to catch the perpetrators, and in that situation they would be knowingly permitting the offence to take place. "Wilfully" is a stronger description, and somebody would be wilfully permitting drug dealing if they deliberately turned a blind eye to it. There is a subtle distinction between the two, and I hope that my explanation has clarified that.

Well meaning workers who carry out their work conscientiously and diligently within the spirit of the law need an extra line of defence. That is what I propose, and I hope that my right hon. Friend the Minister will accept it.

Mr. Peter Bottomley (Worthing, West): I agree with the hon. Member for Cambridge (Mrs. Campbell) that the change should be made. Although it is not the practice of the House to debate a conviction, and it must be said that up to now Ruth Wyner and John Brock have not had permission to appeal against their conviction, I do not believe that they should be held to be guilty of knowingly allowing drugs to be used.

I shall give an example to support my argument. A Home Office Minister is responsible for the Prison Service, in which the supply of illegal drugs is detected only one in every 30 times that a prisoner is detected to be using drugs. In Highpoint, Ruth Wyner and John Brock are in a place where the rate of detection of drugs use is lower than that at the Wintercomfort project in Cambridge.

I should say that, before becoming a Minister in the early 1980s, I was chairman of the executive council of the Church of England Children's Society. One of the 100 projects that we ran involved young people who misused drugs. I am aware of the difficulties that staff have in trying to get those who are drug misusers to become ex-drug misusers. According to the definition used by Cambridgeshire police and the Crown Prosecution Service, I would not have been surprised to join Ruth and John in prison. I hope that I would not have done so.

Mr. Malins: My hon. Friend could not have done.

Mr. Bottomley: My hon. Friend says that I could not have done, but in practice, if I knew that those who occasionally misused drugs were present, or if I were responsible, as a director or manager, for a project that had a needle exchange system—clearly, people who

misused drugs would be involved—I would know that drugs users used the facilities. Therefore, as I understand the Cambridgeshire Two case, I could have been convicted if I could not show that I had prevented any exchange of drugs for money. I hope that I would have been allowed leave to appeal against conviction, and I hope that they will be allowed leave to do the same. I say in passing that it would be interesting to calculate how long a sentence they would have completed in jail before their leave to appeal against conviction could be heard.

If the Home Office is concerned about new clause 1—I, too, pay tribute to the hon. Member for Cambridge (Mrs. Campbell) for the way in which she moved the motion—it should tell the law authorities that, because this is an untested case, they should bring forward the appeal and the application for leave to appeal to next week. If the higher court allowed leave to appeal against conviction and allowed the appeal against sentence, that would at least provide a chance for the House to know what the state of the law actually is, as well as remedying the injustice involving those two people.

During the march from Hyde park to Trafalgar square on 25 March, the most telling slogan was "Help the homeless, jail the social workers." I am concerned about prison governors and Home Office Ministers as well as social workers. People under the control of the state in prison were detected as having used illegal substances 18,000 times last year—in simple terms, they had used drugs. The number of people who were prosecuted in the Prison Service and allied employment was three. Two thirds as many people were prosecuted in the Cambridge case as in the whole Prison Service during the past 11 or 12 months.

One of the reasons why I am sensitive to the matter is that one of my brothers-in-law—Dr. George Reid—is a trustee of Wintercomfort. This country owes a debt of gratitude to his colleagues and those in similar projects throughout the country. We have a choice: should those who misuse drugs and who are on the streets be ignored, or should people try to work out what they basically need? They need the opportunity to remain in touch with the kind of medical services that the hon. Member for Cambridge mentioned. Should not they have a chance to be helped to come off drugs?

I pay tribute to Ministers and the Prison Service for the practical help that is available to drugs misusers in prison. I understand that that they even go so far as to have drugs-free wings in some prisons. Help similar to that provided in prison should be provided out of prison. Wintercomfort and the Bus project were trying to provide such help, but the impact of those convictions has been to close access rather than to open it. Many people around the country need open access to the schemes.

The hon. Member for Cambridge referred to *The Big Issue*. I do not know to which edition, but I bought the teenager-edited issue at about 1 o'clock today from someone on the non-swinging bridge between St. Paul's and Bankside. People under the age of 20 had written very openly about subjects about which they felt strongly, one of which was access to drugs. If a pupil says that drugs are available in a school, will the school governors, the education authority or the head be open to the same charge as that which the hon. Lady refers in the extra, stronger defence that she proposes, which might help those who are against drugs?

In the Wintercomfort case, it was clear that Ruth and John were against the use of or dealing in drugs. In fact, secret surveillance was required by the police, not the policeman who was passing; it was part of the protocol—

Mr. Deputy Speaker (Mr. Michael Lord): Order. Hon. Members can refer to relevant cases in discussing the Bill, but they should not seek to interfere with the process of the courts. I hope that that is clear.

6.15 pm

Mr. Bottomley: I am most grateful to you, Mr. Deputy Speaker. That is one of the reasons why I made it clear that there was no present leave to appeal against conviction. I said that, in my view, there should be, but I made that remark in passing. An application for leave to appeal is in a different category, but I have moved on from that passing reference. Your remarks have reminded us that there is an urgent need not just for new clause 1 to be considered, but for the Home Office to ensure that, if it wants to establish that there is no need for the law to be changed, the leave application is heard quickly.

I was referring to schools. So far as I am aware, until now, no head teacher, governor or education authority has faced a similar charge to that faced by the people in Cambridge. If we need to protect those in our schools who try to ensure that drugs are not available there, or, if they are available, that dealing and their use are stopped, I suspect that those who say, "Something needs to happen in my school because I know drugs are there and want to stop it," will be guilty of knowingly allowing drugs to be provided. Or must that unit, project, social project, school or prison be closed, if necessary in extremis? That was said in the case to which I shall not refer again. That is a disgrace.

If Ministers care about those who are helping the homeless and trying to reduce the number of people affected by drugs, those issues and new clause 1 matter. We have seen in the newspapers this week how many glamorous writers in this country appear to have had a heavy drugs habit, but should we convict editors and proprietors for knowingly employing those who misuse drugs? The underlying point is that the people who do a decent job for some of the least well off in society, who have the most need to come off drugs, need to be supported, not to be locked away in a place where there is more drug misuse than in the projects that they run.

Mr. Paul Flynn (Newport, West): I am happy to support new clause 1 and congratulate my hon. Friend the Member for Cambridge (Mrs. Campbell) on tabling it. To understand the need for new clause 1, we must appreciate the precise nature of what is normally known as homelessness or rough sleeping. Only very briefly, and rarely, is the lack of a home the problem with those who sleep rough. In the great majority of cases, the problems for those who persistently sleep rough are not the transient ones of parental abuse or family trouble, but those of mental ill health and alcohol or drug addiction.

Large sums are being spent to overcome the problems of homelessness, but all the schemes end up dealing with long-term problems involving a relatively small group of people. The great difficulty is to take them into homes where they can spend the night away from the streets, but is it reasonable and practical to expect those people to end

[Mr. Paul Flynn]

their addictions that night—immediately? We know that there are schemes in other countries in which intermediate homes are provided, but they are not practicable or possible under British law. Those who come into the homes will say, with the best will in the world, that they will never touch a drop of alcohol or take a drug again. They often stay dry or do not use drugs for a short period, but inevitably, there is a great danger that those who have alcohol or drug addictions that stretch back many years will backslide.

There is great fear throughout the organisations and places in this country that deal with homeless people. With the best will in the world, and although they will make every effort to ensure that people do not take drugs on their premises, there is a real possibility that drugs will be acquired from outside. There is no way that anyone can ensure that drugs are not taken and it is wholly unreasonable that those who work for such organisations should risk ending up with a prison sentence, perhaps of four years.

Making a change is essential. As the hon. Member for Worthing, West (Mr. Bottomley) said, we are in a strange position. Drugs turn up in unexpected places. This weekend, we heard of a drug turning up where one would least expect it. I do not know whether the head of the household will be arraigned before the courts and threatened with a sentence. Drugs are in prisons, in schools—everywhere. The people who do wonderful work for the homeless feel demoralised and frightened by the present situation, but we can give them a confidence boost by passing this valuable new clause.

Mr. Simon Hughes: I thank the hon. Member for Cambridge (Mrs. Campbell) for introducing the new clause and it will not surprise the House to learn that, like others, I received a large amount of correspondence from people who support a change of the law in this direction. Their experience is a practical one of which we are all very conscious, and it does not matter whether a person offers youth service provision or runs either a shelter for homeless people, as in this case, or a centre in which people stay overnight or during the day.

Many of those who have management responsibility, the more removed responsibility of a trustee or a committee of management responsibility could be caught by the law and, if I may say so to the hon. Lady, it is entirely appropriate for her to have put the issue before the House. There has been a conviction and the matter has been dealt with. The people involved must pursue their appeal and I support the view of the hon. Member for Worthing, West (Mr. Bottomley) that the sooner it can be dealt with, the better. That is in everybody's interest and I hope that those who manage court and appeal business not only read our debate—we can make sure that they receive a copy—but respond to it.

We need to get to the essence of the matter, and I want to make two points. The first concerns the broad issue of how to deal with people who, technically, might be caught. To be honest, unless people with important management responsibility in social work in the wider sense are able to risk being with potential criminals, a lot of the work will not be done. I used to be a youth leader and the implication of that was that I sometimes dealt with people who had weapons or drugs on them. Unless I had their confidence, I would never get into the relationship that allowed me to deal with the issue.

Members of Parliament have similar experiences. A single parent came to my door on Saturday after being referred to me. That person's giro had not come, the children were at home and the family had no money. I took the best steps that I could. I went to the person's house and we then tried to sort things out with the Benefits Agency on Saturday evening. We are all often in positions in which we could have a responsibility to people who could break the law; we do not know their circumstances. The two people who have been convicted assumed that responsibility as part of their job. They took in vulnerable people who were at risk and near the margins of offending.

The hon. Member for Newport, West (Mr. Flynn) was absolutely right to say that people can become homeless as a consequence of a number of factors. I remember a tragic incident. A person came to my surgery who in three months had gone from having a home, being married and being employed as an officer in the services to having no employment, no marriage and no home. He had also become addicted to drink. Inevitably, the engagement requires the risk. The hon. Member for Cambridge is therefore right to say that we need a definition in law that does not risk the prosecution of people who are not knowingly party to the commission of offences and do not encourage those offences.

The second issue is the debate about the proposed wording and the law as it stands. I guess that we shall hear from the Minister a summary of the case law on the Misuse of Drugs Act 1971. There is plenty of it and plenty of people have pleaded as a defence that their case did not comply with the terms of the law. The Bill should contain a legal definition that distinguishes between those who specifically and unequivocally know that somebody is dealing in drugs and do not take action—in colloquial terms, they go along with it, and do so actively rather than passively—and those who are in a position from which they may suspect, have concerns about or even be aware of possibilities of drug dealing, but do not participate in, condone or associate themselves with it, although it is part of their work.

I am sure that the hon. Member for Cambridge will not object if I say that it may be that Parliament needs two bites at the cherry to get it right: tonight's debate and the formal response as well as negotiation, in collaboration with the Home Office and others who have made representations to us, to find a form of words that works.

Mr. Peter Bottomley: The hon. Gentleman rightly goes far beyond the debate held in Westminster Hall on 29 February and takes us back to the discussions that took place before and after the 1970 general election. It was absolutely plain that the provision was to deal with those who organised drugs-type parties and could say, "I didn't see it; I wasn't involved." That is very different from what he and the hon. Member for Cambridge have spelled out this evening.

Mr. Hughes: The hon. Gentleman is right. I practised in cases in which such a crime was the charge and recollect that the provision was intended to deal with people who sought commercial gain, whether they

operated in a nightclub, a bar, a pub or other premises. Basically, turning a blind eye meant that they were able to facilitate the passage of drugs through their kebab house, pub or club. I know of loose management of commercial premises in my constituency which has given a place a reputation. The hon. Members for Cambridge and for Newport, West will know of examples in their constituencies and Members of the House do not have to be very streetwise to learn about specific places that are more likely than others to be venues for such activity. Even the slightly older Members soon get to hear about it.

I went into a certain establishment on my way home from the House late one night to get some food and remember being told that, if I did not know it already, this was the place where, at any moment during the night, such activity was likely to take place. It is not the place that the hon. Member for Newport, West uses when he stays up in London during the week so he is quite safe.

The hon. Member for Worthing, West is right to say that the law was not intended to deal with social workers or the equivalent who run such places, or those who do a professional job in an effort to rehabilitate and support people. Nor was it intended to catch those who knew that they had to take risks, but did not conspire with others to break the law. The law is being misrepresented. We can have our views about the sentence—none of us was in court for the trial that has been referred to—but there is widespread public disaffection with the way in which the law has been applied in that case.

Not only have people written to us in significant numbers, but I know that in my own party, steps have been taken to have the matter debated more widely and to call for the law to be changed. That is entirely appropriate and if we can manage to achieve that before the end of this parliamentary term, the hon. Member for Cambridge will have done the House, her constituent and the colleague convicted with her a service. I hope that we make the law more like the law it was intended to be—one that does not sweep up people who were never intended to be criminalised. To be honest, they will not be able to do their jobs properly if we keep on the statute book a law that is interpreted in such a way.

6.30 pm

Mr. Dawson: I associate myself with the congratulations offered to the hon. Member for Cambridge (Mrs. Campbell), and also with what hon. Members on both sides of the House have said about the need for the Government to deal with this important matter as quickly as possible.

At Christmas, I spent a little while at a night shelter in my constituency. The shelter has operated over many Christmases, and I have often visited it, but I have never witnessed such anxiety among people there—one or two of them paid workers, but most of them volunteers—who, for goodness' sake, had given up their Christmas to offer comfort and support to some of the most vulnerable people in Lancaster.

Those workers and volunteers were extremely worried about their own positions in the light of the case in Cambridge. Even the first whiff of concern about drugs dealing led to the police being called immediately, with sniffer dogs, and to the whole place being searched from top to bottom. It is to the credit of all concerned, not least those who were using the night shelter—and the police, and the staff of the shelter—that the search, which in fact revealed nothing, was taken in good part; but it was profoundly disruptive to what had been a pleasant evening at Christmas.

I hope that the Wintercomfort case represents a significant aberration. However, it sent a chilling message to those who work with vulnerable people, often in extremely difficult circumstances and for little or no pay. They may be under physical threat, and they are likely to experience emotional difficulties; the hours are long, and the pressures are many. I hope that the situation can be resolved.

I believe that the Government are determined to deal with drugs issues, and to help with the rehabilitation of drug addicts and those involved in the complex world of drugs sub-cultures. Many difficult issues confront those who work in such a setting: there are tremendous subtleties. Sometimes there are hints of what is going on, and sometimes there is more evidence. Sometimes, I suppose, it is necessary to allow a situation to develop in order to deal with it properly. I regularly talk to my local police divisional commander, who tells me that, while he is aware of criminals operating in the division, it is sometimes necessary to allow that to continue in order to catch the criminals and deal with the matter properly.

It seems to me that, in the case we are discussing, two people committed to social work in the most difficult circumstances have been dealt with in a draconian way. The issue is plainly of great concern to Members on both sides of the House, and it needs to be dealt with. The Government need to take a view, and people working in such circumstances need proper protection.

Mr. Hawkins: I, too, compliment the hon. Member for Cambridge (Mrs. Campbell), who has done the job that all of us, as constituency Members, seek to do in drawing attention to a serious issue in her area. The same applies to my hon. Friend the Member for Worthing, West (Mr. Bottomley), who—along with others—explained his personal connection with one of the trustees of the project, and his general concern about the issue.

I think that we all recognise that there is no more serious issue than that of drugs. I know from my experience in the courts both prosecuting and defending in drugs cases, and from my experience as a constituency Member, that there are many dedicated people who try to wean others off drugs. The hon. Member for Southwark, North and Bermondsey (Mr. Hughes) mentioned his dealings with such people, and, like all constituency Members, I too have met a number of them. In recent years, I have worked closely with Dr. Tony Blowers and the Surrey drug action team, and I know that there are similarly dedicated people in all areas. No doubt the Minister will join me in paying tribute to them.

I am sure that the hon. Member for Cambridge will not consider me churlish if I say that all of us, as Members of Parliament, must recognise the truth of the old saying that hard cases make bad law. We must also be conscious of the separation of powers doctrine. It is for Parliament to make laws, and for the courts to interpret them. You, Mr. Deputy Speaker, rightly warned us all not to stray over the boundary and comment on the courts. In relation to the case that we are discussing, I have only read what has been in the press, and all of us who have ever dealt with court cases know that it is often not possible to

[Mr. Hawkins]

obtain a full picture from press reporting. Sadly—although this is not a criticism of them—journalists frequently do not fully understand the nuances involved in a court's response to a case. It may be necessary to have sat in the court to know exactly what went on. I therefore do not wish to comment on this case, but I will say that we recognise that the issues are serious.

The hon. Member for Cambridge presented her views very reasonably, as did all the other speakers, and we look forward to seeing how the matter progresses. However, the official Opposition will not support the hon. Lady's proposal. Although we feel that she was right to draw the House's attention to what happened in her constituency, we think that the new clause is akin to a private Member's Bill. She has made her case, supported by my hon. Friend the Member for Worthing, West and others, and we shall be interested to see how this difficult issue develops.

Mr. Boateng: My hon. Friend the Member for Cambridge (Mrs. Campbell) has used this Report stage as a vehicle to raise a case that she has raised privately in the past with my officials and me, and has also raised in a related debate in Westminster Hall. I congratulate her on her assiduity and determination in pursuing her constituent's interest.

It would not be proper for me to comment publicly on the Wintercomfort case, and I do not intend to do so. The matters involved have been before the courts, and are the subject of appeal. I should say, however, that, as far as I am aware, this is the first prosecution of care agency staff—it is, I believe, the first to be drawn to the House's attention—since the 1971 Act came into force. Care agencies have a duty to uphold the law; they are in no way exempt from it. The fact that this is the only case brought against care agency staff since the 1971 Act would not seem to support the contention that the current law in some way works against the interests of therapeutic interventions in this difficult and complex area, or works in a way that inhibits care staff from carrying out their proper functions and duties.

Section 8 of the Misuse of Drugs Act 1971 makes it an offence for an occupier or person concerned in the management of premises knowingly to permit certain specified actions to take place there: the production or attempted production of a controlled drug; the supply or attempted supply of a controlled drug; the preparation of opium for smoking; and the smoking of cannabis.

Mrs. Anne Campbell: Will my right hon. Friend give way?

Mr. Boateng: Not at the moment.

Section 8 replaced a similar section in the Dangerous Drugs Act 1965 and was specifically drafted to ensure that only a person with guilty knowledge could be caught by its provisions. Section 8 as drafted properly requires those concerned in the management of premises to accept responsibility for taking all reasonable steps that are available to them to prevent drug dealing.

I want to allay some concerns that anyone reading *Hansard* might have stimulated in them by the suggestion that, to found liability under section 8, it is enough to know that people on the premises use drugs. That is not the case. The law is very clear, which is why we do not need to amend it as my hon. Friend suggests. What is required is that someone responsible for the management of premises should knowingly permit certain actions to take place on those premises; the offence is committed only if that person knowingly permits or suffers the illicit activity to take place. If he or she takes reasonable steps to deal with the problem and does not condone, encourage or turn a blind eye to the activity, there is no question of the offence having been committed.

Mr. Peter Bottomley: Will the Minister give way?

Mr. Boateng: May I just finish, because both my hon. Friend the Member for Cambridge and the hon. Gentleman have had their say? I intend to lay out what we believe the law is. Then I will of course give way, first to my hon. Friend and then to the hon. Gentleman.

It was argued that, if people, for example, did not tip off the police as to their suspicions that someone was taking drugs on the premises, that would in some way breach section 8. Nothing in section 8 should give cause for that belief. What is required is that they do not condone, encourage or turn a blind eye, and that they take all reasonable steps to prevent the premises from being used in that way.

Let us draw on our own experience. We had the discussion in the debate in Committee. Many of us here have run youth clubs of one sort or another. The hon. Member for Surrey Heath (Mr. Hawkins) has; I have; and I suspect that other hon. Members have. There is a decision we must make when running a youth club: do we or do we not allow the stuff on the premises? It is a decision that a number of us have had to make in our own lives.

Once we make the decision, we enforce it. We say, "We are not having drugs on the premises. If you use drugs on the premises, you are out", and we enforce that. We are required to ensure that the youth club is managed in such a way that, if people are caught smoking on the premises, we tell them to leave and they do so. If they do not, we may well have to call the police. No one who takes that line in relation to the management of premises will find themselves falling foul of section 8.

Mr. Peter Bottomley: On a point of order, Mr. Deputy Speaker. It is very difficult for those of us who are concerned with the particular case to accept what the Minister is saying, because some of the issues that he is canvassing were brought up in the case, which we have been warned not to go into in detail. If the Minister could more easily stick to what the law was thought to be for the case under discussion, it would make for a rather better debate.

Mr. Deputy Speaker: I think that I made it plain earlier that it is possible to refer to the case in very general terms. I see no reason why the points that are being made cannot be made in that way. I think that that is what the Minister is trying to do.

Mr. Boateng: I am much obliged, Mr. Deputy Speaker.

6.45 pm

The law is as laid down in a succession of Court of Appeal judgments to cope with the matter. The case to which the hon. Member for Worthing, West (Mr. Bottomley) and my hon. Friend the Member for Cambridge referred has, at first instance, its own very specific facts. I do not intend to go into that case. It is, of course, open—subject to the direction given by you Mr. Deputy Speaker—to hon. Members to raise it in a general manner, as they see fit. I do not seek to do that. I seek to share with the House the law as it currently is, and the interpretation by the Court of Appeal and existing case law of the impact of section 8.

The impact is as I have described it. For the offence to be made out, there is a requirement for an individual knowingly to have committed, or to have suffered, the illicit activity on the premises. If reasonable steps are taken to deal with the problem and there is no action to condone, encourage or turn a blind eye, the offence is not committed.

Mrs. Anne Campbell: I refer back to a point that my right hon. Friend made at the beginning of his speech. He said that it was not necessary to change the law because there had been only one such conviction under the law. Does he agree that the case has given rise to enormous anxiety among people working in the homelessness sector, who are very worried that they will now be caught in exactly the same way?

Mr. Boateng: I have not said in terms that we do not need to change the law because there has been only one case. What I said is that the fact that only one prosecution has been brought shows that there is not a widespread problem of care activity being inhibited by ill-founded prosecutions, accusations and convictions in this area. It is different from the gloss that my hon. Friend has put on it, but, having heard her and being aware of the concern that the publicity around the case has generated, we are concerned to ensure that there is clarity on the activities of care agencies in that important area. As has been said—it is certainly accepted by me—some very difficult and challenging tasks must be performed by dedicated and committed workers in the front line in relation to drugs and to the care and support of vulnerable and, at times, difficult and damaged people. Such workers need to be reassured and supported in their work.

Therefore, the Government and the relevant agencies are considering what further guidance should be issued to those who work with homeless drug misusers to clarify the law, and proper practice and procedure in that area. Clearly, there are concerns out there and they need to be addressed. We are anxious to ensure that they are addressed while the existing law continues to be upheld, as it must be upheld for very good reason.

Mr. Peter Bottomley *rose—*

Mr. Boateng: Once I have given way to the hon. Gentleman, I will come to that.

Mr. Bottomley: The House will be grateful for the Minister's comments on consultation. It would be very useful if he included the Association of Chief Police Officers in that consultation, as I think that some chief police officers would issue guidance to their forces that is quite different from that issued to the Cambridgeshire constabulary.

Will the Minister also include the Prison Governors Association in the consultation? Is it not true—on the issue of turning a blind eye—that, if prison governors know that drugs are getting into their prisons and extra resources and more hidden cameras would enable detection of those drugs, but that, if they do not get those resources, they would be in the same position as social workers who are unable to deal with drugs on their premises? I do not want to trade points of law with the Minister. As he said, we are dealing with an unusual case on which the Court of Appeal has not yet delivered a judgment, and neither he nor I can put ourselves in the court's position.

Mr. Boateng: As I have previously said to the hon. Gentleman, it is profoundly misconceived to compare the position of prison governors in relation to drugs in prison with the position of a care agency manager. Prison governors are required to take all reasonable action to deal with the use and misuse of drugs in prison—not only to prevent drugs from entering prisons, but to seek to detect and dissuade those who use drugs when they do enter prisons. Prison governors are given a range of powers and facilities, which they exercise, to take that action.

How the hon. Gentleman puts his case is entirely a matter for him, but comparing the position of a prison governor with that of someone who manages a care agency or those who are engaged in front-line work is not his best point. I see the attraction of making such a comparison, as there clearly are concerns about drugs in prisons, but it flies in the face of reason to suggest that prison governors are likely to fall foul of section 8 of the Misuse of Drugs Act 1971.

Mr. Flynn: Is not the difference between the two circumstances the fact that prison governors have a group of people who are confined to prison, under their control and surveillance, 24 hours a day, whereas those who run places such as Wintercomfort supervise people for only a small part of the day? Additionally, those people are not only free to go outside and to make outside contacts, but are well used to disguising their addictions. Are not prison governors much better placed to be responsible for drugs misuse than those who run places such as Wintercomfort?

Mr. Boateng: I shall not be drawn down that particular path, because I simply do not think that the situation of a prison governor and that of a front-line worker in a care agency are analogous. My hon. Friend, the hon. Member for Worthing, West and I clearly disagree on that point, and they will make their point as they see fit.

Section 8 was widely drawn intentionally to apply to all public and private premises and was not designed solely to deal with the type of premises that the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) drops into for a late-night snack on his way home or that the hon. Member for Worthing, West described as causing concern in the swinging 60s, when he was young. The 1970 *Hansard* extracts of the Committee's debates on the 1971 Act show that the Act was drafted deliberately to include not only pubs and clubs but care agencies and any other premises where there was a concern to ensure that no unlawful drugs are supplied.

[Mr. Boateng]

For many years, across the country, drug treatment agencies, probation hostels and homelessness projects have acted on the basis that they need to take action to stop drugs from being supplied and used on the premises. That was, has been and always will be very much part of what those organisations do to create a desirable environment. In no circumstances is it desirable that people should turn a blind eye to—or in any way condone, encourage or collude in—the supply and use of drugs on premises.

It is quite reasonable that the law should require those who are concerned in the management of care agencies to accept responsibility for taking all reasonable action to prevent drug dealing. Managers can and do take a range of actions to combat drug misuse on their premises. Managers and staff should ensure that all reasonable action is taken, in accordance with the law, to prevent the supply of controlled drugs on the premises.

The key lies in an effective drugs policy which is known and understood by managers, staff, residents and others who use the premises. They will also understand that that policy has been developed on the basis of best advice, involving liaison with police and health agencies. Such a policy is the way forward and the basis of good practice.

Managers across the country have daily to deal with those issues. We owe the overwhelming majority of them a debt of gratitude for the way in which they perform that function.

We are unable to accept new clause 1, which we believe would weaken and certainly make less clear the provisions of the 1971 Act. The new clause would enable owners and managers to argue that, although they had what is currently considered to be a guilty knowledge of illegal activity, they had not permitted it wilfully, by showing that they had taken some, but not all reasonable measures to prevent the production, supply or use of illegal drugs on their premises.

I do not think that, in those circumstances, the new clause would achieve the clarity and transparency that my hon. Friend the Member for Cambridge and the other hon. Members who tabled the new clause seek to achieve to enable those who do that difficult and complex work better to order their affairs.

Mr. Simon Hughes: The Minister may not be able to answer this question now. If he cannot, I should be grateful if he would write to me on it. He said that, in the context of care provision, the measure was used for the first time in the case that we discussed. Can he give us the figures on how frequently the measure has been used generally since 1971?

Mr. Boateng: No; but I shall certainly write to the hon. Gentleman on that.

Clarity is crucial in the drafting of criminal offences. I do not believe that new clause 1, as drafted, would meet that test, as those who tabled the new clause intended it to do. However, I well understand the concerns about the general point that my hon. Friend the Member for Cambridge articulated, while avoiding comment on the specific case. In considering further guidance, we shall certainly bear in mind the contribution of all hon. Members to this debate. It has been an important debate about a serious issue and I am grateful to my hon. Friend for raising it in the way that she has.

7 pm

Mrs. Anne Campbell: I thank everyone who has taken part in the debate, which has been important in terms of clarification. I thank also my right hon. Friend the Minister of State for the courteous way in which he responded to my concerns.

I accept that care agencies are not exempt from the law, nor would I wish them to be so. It is important that we take steps to ensure that there is no illegal drug abuse on premises where we can reasonably expect people to be protected from such activity. It is important that care agencies should not be exempt from the law; indeed, that was not what I was arguing.

I was arguing that there should be more clarity, and my right hon. Friend has said that he will issue guidance. I hope that that will come soon, because of the enormous anxiety that the case to which I referred has created. Of course, care workers must take reasonable steps to show that they have not knowingly permitted or suffered actions to take place. They must not condone, encourage or turn a blind eye.

I believe that reasonable steps were taken in the case of Wintercomfort when people who were suspected of drug taking were excluded from the premises. That does not appear to be a sufficient way of demonstrating that reasonable steps have been taken. Many people were excluded—not on the basis that they were seen to be exchanging drugs or money but, in some cases, simply on the basis that they were suspected of doing so. It may have been because of their behaviour. They may have been sitting close together in a huddle, having a conversation which looked as though it was not intended to be overheard.

My right hon. Friend maintains that this is not a widespread problem. I will be happy if that is the case, but there is a concern, held by many in the sector, that having once brought a successful case and gained a conviction, the police might be encouraged to bring others, and innocent victims may be caught.

Mr. Peter Bottomley: Does the hon. Lady agree that some of the more interesting words used by the Minister of State were that, often, Court of Appeal judgments in these sort of things helped to make the law clear, and that it would be convenient if the Court of Appeal could do that in this case?

Mrs. Campbell: The hon. Gentleman has been assiduous in pursuing this case and makes an important point. Like many others, I will read the words of my right hon. Friend on the clause with care. I hope that the further guidance from the Government will be issued and I urge that that be done as quickly as possible. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 2

PROTECTION OF CHILDREN ACT 1978—MAXIMUM TERM OF IMPRISONMENT

'—For section 6 of the Protection of Children Act 1978 (Punishments), there shall be substituted—

"(6) a person guilty of an offence under this Act shall be liable—

(a) on conviction on indictment to imprisonment for a term not exceeding ten years or to a fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.".'.—*[Mr. Lidington.]*

Brought up, and read the First time.

Mr. Lidington: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: New clause 3—*Repeat Child Sex Offenders: Minimum Sentences—*

'.—(1) (a) Subject to subsection (b), this section applies where a person over the age of 18 years is convicted in England and Wales of a sex offence against a child and has previously been convicted in any part of the United Kingdom of a sex offence against a child.

(b) This section shall not apply to any person to whom section 2 of the Crime (Sentences) Act 1997 (Mandatory life sentence for second serious offence) applies.

(2) Where the person referred to in (1) above has one previous conviction for a sex offence against a child, the court shall impose either

(a) a sentence of imprisonment of at least five years, or

(b) a sentence of life imprisonment.

(3) Where the person referred to in (1) above has more than one previous conviction for a sex offence against a child, the court shall impose either

(a) a sentence of imprisonment of at least 10 years, or

(b) a sentence of life imprisonment.

(4) The court may not impose the prescribed sentences specified in (2) and (3) if it is of the opinion that there are specific circumstances which relate to any of the offences or to the offender which would make the prescribed custodial sentence unjust in all the circumstances.

(5) Section 58 of the Crime and Disorder Act 1998 (Sentences extended for licence purposes) shall apply to sentences passed under this section.

(6) In this section "sex offence against a child" means any of the following offences where the victim or intended victim of the offence was or would have been under the age of sixteen years at the time of the offence or intended offence:

(a) offences under the following provisions of the Sexual Offences Act 1956—

(i) section 1 (rape);

(ii) section 5 (intercourse with a girl under 13);

(iii) section 6 (intercourse with a girl between 13 and 16);

(iv) section 10 (incest by a man);

(v) section 11 (incest by a woman);

(vi) section 12 (buggery);

(vii) section 13 (gross indecency);

(viii) section 14 (indecent assault on a girl);

(ix) section 15 (indecent assault on a boy);

(x) section 16 (assault with intent to commit buggery);

(xi) section 23 (procuration of a girl under 21);

(xii) section 28 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under 16);

(b) an offence under section 1(1) of the Indecency with Children Act 1960 (indecent conduct towards young child);

(c) an offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse);

(d) an offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children);

(e) any offence under

(i) section 70 of the Army Act 1955;

(ii) section 70 of the Air Force Act 1955; or

(iii) section 42 of the Naval Discipline Act 1957,

of which an offence under paragraphs (a) to (d) would constitute a corresponding civil offence (within the meaning of that Act)

(f) any offence of aiding, abetting, counselling, procuring or inciting the commission of the above offences;

(g) any offence of conspiring or attempting to commit such an offence;

(h) any offence under the law of Scotland or Northern Ireland that, if committed in England and Wales, would constitute an offence under paragraphs (a) to (g) above.'.

New clause 4—*Possession of Indecent Photographs of Children—*

'.—For section 160(3) of the Criminal Justice Act 1988 there shall be substituted:

"(3) a person guilty of any offence under this section shall be liable—

(a) on conviction, on indictment, to imprisonment for a term not exceeding 10 years, or a to fine, or to both;

(b) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.".'.

New clause 5—*Procuration of child under sixteen—*

'.—For section 23 of the Sexual Offences Act 1956 (Procuration of girl under twenty-one), there shall be substituted—

"Procuration of child under sixteen

It is an offence for a person to—

(a) procure or attempt to procure a child under the age of sixteen for the purposes of sexual activity anywhere in the world with a third person;

(b) incite or attempt to incite another to procure a child under the age of sixteen for the purposes of sexual activity anywhere in the world with any person."

(2) In the second schedule to the Sexual Offences Act 1956, in the column headed "offence", for the term "Procuration of girl under twenty-one (section 23)", there shall be substituted "Procuration of child under sixteen (section 23)"

(3) In the second schedule to the Sexual Offences Act 1956, in the column headed "punishment", for the term "two years" relating to "Procuration of girl under twenty-one (section 23)", and an attempt to commit that offence, there shall be substituted "ten years".'.

New clause 6—*Indecency with children—*

'.—For section 1 of the Indecency with Children Act 1960 (Indecent conduct towards young child), there shall be substituted—

"—(1) In this section, except where otherwise stated, 'child' means a person under the age of sixteen years.

(2) Any person who—

(a) knowingly commits an act of gross indecency with or towards a child, or who incites a child to commit such an act with that person, or with another, or

(b) travels with the intent of committing any act of gross indecency with or towards a child; or

(c) knowingly employs, uses, persuades, induces, entices or coerces a child to engage in, or to assist any other person to engage in, an act of gross indecency with or towards any child; or

(d) transports a child with the intent that that child engage in an act of gross indecency,

is guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(3) Any person who—

(a) abducts, detains or otherwise restricts the liberty of a child for the purpose of sexually exploiting that child; or

(b) organises or knowingly facilitates such abduction, detention or restriction.

is guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(4) Any parent, guardian or other person having for the time being custody or control of a child who knowingly permits that child to engage in, or to assist any other person to engage in, sexual activity, or who knowingly permits the sexual exploitation of that child, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine or to both.

(5) References in the Children and Young Persons Act 1933 to the offences mentioned in the first Schedule to that Act shall include offences under this section.

(6) Offences under this section shall be deemed to be offences against the person for the purpose of section 3 of the Visiting Forces Act 1952 (which restricts the trial by the United Kingdom courts of offenders connected with visiting forces).".'.

New clause 7—*Use of computers to commit act of gross indecency with a child*—

'After section 1 of the Indecency with Children Act 1960 (Indecent conduct towards young child), there shall be inserted—

"Use of computers to commit act of gross indecency with a child

1A.—(1) In this section, except where otherwise stated, 'child' means a person under the age of sixteen years.

(2) Any person who uses an electronic communications system, including (but not limited to) computers, computer networks, computer bulletin boards and newsgroups, computer chatrooms, the internet, and other analogous electronic means, for the purposes of

(a) engaging in an act of gross indecency with a person he knows or has reason to believe is a child; or

(b) engaging in a sexually explicit discussion with a person he knows or has reason to believe is a child; or

(c) soliciting a person he knows or has reason to believe is a child to engage in any that would constitute an offence under section 1 above or under subsections (2)(a) or (2)(b) of this section is guilty of an offence and shall be liable

(d) on conviction on indictment to imprisonment for a term not exceeding ten years, or to a fine, or to both; or

(e) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.

(3) References in the Children and Young Persons Act 1933 to the offences mentioned in the first Schedule to that Act shall include offences under this section.

(4) Offences under this section shall be deemed to be offences against the person for the purpose of section 3 of the Visiting Forces Act 1952 (which restricts the trial by the United Kingdom courts of offenders connected with visiting forces).".'.

Government amendments Nos. 12 to 18 and 55 to 62.

Mr. Lidington: The Opposition have tabled a group of amendments designed to address a number of difficulties in the law relating to sexual offences against children. There are three aspects to the group. The first is that we believe that, in a number of cases, the existing maximum sentences are simply too low—in some instances, low almost to the point of risibility. They do not have proper regard to the gravity of the criminal offence that the law defines.

Secondly, we believe that we have identified some areas in which the current law is deficient and needs to be updated. Thirdly, we believe that the law needs to be strengthened to cope with the new and insidious threat posed by child pornography transmitted via the internet; and to deal with the problem, identified in a number of recent court cases, of paedophile offenders using internet chatrooms as a means of trying to entrap young children and establish contact with them, with a view to committing more serious criminal offences later.

I wish to pay tribute to my hon. Friend the Member for Mole Valley (Sir P. Beresford), who has worked hard on this issue and lobbied my right hon. Friend the Member for Maidstone and The Weald (Miss Widdecombe) and me about the need for these changes to the law. I know that he feels strongly about this campaign.

New clause 2 would increase the maximum penalty for taking, making or distributing indecent photographs of a child from the present three years to a new level of 10 years. We believe that these are serious, arrestable offences and that the maximum penalties that the law current provides are simply inadequate. To many constituents, a maximum penalty of three years for an offence involving child pornography would seem trivial: a maximum more appropriate to a traffic offence than to an offence of this seriousness.

In the Republic of Ireland, the crimes targeted by this amendment warrant maximum prison sentences of as much as 14 years. The principle is that children under 16 cannot in law give consent for their bodies to be used sexually. People who force children to engage in sexual acts without their consent are committing the most vile crimes imaginable. It is our contention that the people who take, distribute or show photographs of this nature are, in effect, responsible for sexual offences. They are causing children, against their will and contrary to the law, to engage in sexual demonstrations. We believe that the law should provide a more serious penalty than it does now.

New clause 3 would impose new and higher penalties upon people who were convicted for the second time of a sexual offence against children. This is a principle with which the House will be familiar. The principle was introduced in respect of the most serious sexual offences such as rape and in respect of serious violent crimes and persistent burglary by the Crime (Sentences) Act 1997—one of the last Acts of Parliament to go on the statute book before the last general election. We believe that it is right to extend the principle to paedophile offences.

The new clause proposes that in a case where someone is convicted for the second time of such an offence, the judge should impose either a determinate sentence of no less than five years in prison or, alternatively, a sentence of life imprisonment if the judge decides that the threat to public safety is such as to warrant a life sentence, with all that that entails in terms of being able to keep that offender under supervision for the rest of his life.

New clause 4 would raise the maximum sentence for the possession of indecent photographs of children from the current level of six months to 10 years. We are told by the police that they sometimes catch people with literally thousands or tens of thousands of such photographs in

their possession. I know of one case where the police found a man in possession of 35,000 different pornographic photographs of children. Some of them involved children as young as two. In theory, under current law, the court could pronounce a sentence for each photograph, and so impose in aggregate a very long sentence on the offender. However, in practice that does not happen. We therefore believe that a higher penalty is appropriate.

Jackie Ballard: It would help if the hon. Gentleman explained on what basis he has calculated that 10 years should be the maximum sentence for such offences. There is a big gap between six months and 10 years. What research has he undertaken, or how has he arrived at 10 years?

Mr. Lidington: The analogy that we have chosen is based on the law that relates to property. The maximum sentence for stealing is 10 years. Receiving stolen goods carries a heavier maximum penalty of 14 years. I am not wedded to 10 years. If other hon. Members present a persuasive case for a different penalty, so be it. However, I believe that a sentence of six months is too short. The public would surely expect us to allow the courts to impose a much longer sentence than the statute currently provides.

There is also an issue of principle. It is not merely a matter of getting tough with particular offenders. If we tightened up the law on the possession of pornographic material, it would make life more difficult and more risky for those who are involved in producing and distributing child pornography. There could be an indirect benefit to the law enforcement agencies in trying to crack down on the trade.

New clause 5 deals with offences of procuring children for sexual purposes and inciting others to procure children. When the Minister responds, I hope that he will be able to say whether this is a subject that the Government intend to examine, perhaps following the report of the current review into sexual offences. The present law is complicated and out of date. For example, it does not offer equal protection to boys and girls, and it does not provide for an offence of inciting somebody else to procure a child.

Mr. Garnier: One of the provisions in new clause 5 is novel in this area of the law, although it has been seen in conspiracy law relating to terrorism. If the clause took its place on the statute book, it would catch those who commit offences of procuring anywhere in the world if they are British subjects and can be brought within our jurisdiction. That would be a useful addition to the criminal calendar. Many people leave the United Kingdom to go abroad to commit what are loosely called sex tourism offences. Despite the private Member's Bill that passed to the statute book either this Parliament or at the end of the last Parliament, there is a role for the House in passing Government legislation to deal with extraterritorial sex offences committed by British subjects.

7.15 pm

Mr. Lidington: I am grateful to my hon. and learned Friend. He has drawn the attention of the House to an important detail of the new clause.

My hon. Friend the Member for Mole Valley drew attention to a case in which a man approached the proprietor of a sex shop, seeking child pornography and "live action", as he termed it—in other words, sex with children. The police were able to arrest him, but they had a difficult time making charges stick because the only law available to them to draw on for a charge was that which involved a charge of the man having procured a girl, and having done so specifically with the intention of having sexual intercourse.

The new clause is designed to cover procuring children for any type of sexual offence, rather than for sexual intercourse itself under the law as it stands. It would help the police in establishing the evidence that they need to deal with such offenders, who are a menace to society.

Jackie Ballard: Having read the new clause, I raise a genuine query. The proposal provides that it will be

> an offence for a person to . . . procure a child under the age of sixteen for the purposes of sexual activity.

As has been said, that would apply only to British citizens. How would the provision work in countries where 14 is the age of consent? In Italy and some other European countries, the age is below 16.

Mr. Lidington: I believe that we should have laws that allow us to provide protection for children that we as legislators believe to be appropriate. I shall examine the detail in the light of what the hon. Lady has said.

Mr. Garnier: It is not my job to give the House a lecture on double actionability. However, one of the possible answers is that a British defendant might be caught only if the crime that he committed was a crime both in the foreign jurisdiction and in this jurisdiction. If the two were not able to be brought on that basis, there would be no offence. However, it is open to Parliament to make laws that it thinks fit. If the House says that it will be an offence for anyone to act in the manner set out in the new clause, subject to any better advice from the Minister of State, who is an extremely experienced barrister in criminal cases, I think that the law will be as stated in the new clause.

Mr. Lidington: New clause 6 deals with indecent conduct towards children. Again, we think that the present law is complex and inadequate. The police can use the present law to protect boys under the age of 16, but 14 to 16-year-olds can be protected only if they have been assaulted by a man. As I understand it, girls of 14 to 16 are not protected at all. The new clause would both simplify and update the law. It would include all children regardless of gender, and it would increase the maximum penalty to 10 years. We believe that the clause would allow police to arrest offenders at stages prior to their having physically abused a child. Such preparatory offences already exist in other areas of criminal law.

Finally, new clause 7 deals with the problem of the use of computers to promote paedophile activity. This is something about which a number of the organisations involved with internet service providers have expressed concern. The chief executive of the Internet Watch Foundation said recently that 90 per cent. of the hotline

[Mr. Lidington]

calls which its switchboard received were about child pornography. He added that the websites were not the main problem and said:

> By and large, Websites are legal. Most of the illegal material is in the much less controlled area of Usenet news.

He continued:

> the new frontier is Chat Rooms, which are in real time. So what goes on there is not susceptible to the sort of process we have of getting material reported, looking at it and then investigating.

There have been several recent cases in which it has been shown that paedophiles have sought to use chatrooms to make contact with children. One case, reported recently by the BBC, involved a 47-year-old man who introduced himself to a teenage girl as a 15-year-old when they first began swapping messages. The girl, who was only 13, agreed to meet the man, who admitted on the internet to being 18.

Thankfully, the girl's mother, who was suspicious of this unknown teenage boy, went with her daughter and was horrified when she found out that there was a middle-aged man behind the messages. The case was described by the chief inspector who investigated it as most disturbing. He said that the girl could have been placed at considerable risk.

In the recent Lockley case, Judge Peter Fingret at the Old Bailey called on the Government to seize the opportunity for an overhaul of the law on child pornography and to deal in particular with the problem of paedophiles using the internet.

We believe that it is time for such changes to be introduced and we hope that the debate that we have initiated can play a part in bringing that about. We look to the Government to tell us how they plan to deal with the issue, which we believe is a matter of increasing concern to many of our constituents.

Sir Paul Beresford (Mole Valley): I hope that I can be succinct, even though we are dealing with six new clauses. The House will recognise the importance of this subject. When we were discussing a four-legged predator, we had a full House—presumably because there was disagreement—whereas now that we are considering two-legged predators who damage babies and children, the House is virtually empty, no doubt because there is general agreement at least on the idea behind the new clauses.

The idea is to broaden the action that the police can take and to increase the penalties for criminals who make little apparent effort to rehabilitate themselves. Perhaps most important, we have suggested changes to make the system proactive.

New clause 2 would change the maximum sentence and create a serious arrestable offence, giving the police a little more clout in trying to deal with paedophiles. As I understand it, at present, if the police have a warrant to search the home of a suspected paedophile, that person can just up sticks and walk without the police having any possibility of holding him. I understand that, if the offence were made a serious arrestable offence, the individual would be required to stay with the police if they so required it.

Most serious arrestable offences carry sentences of 10 or 15 years to life. Sexual offences of this class against adults carry maximum sentences of 10 years or more. That might answer the question put by the hon. Member for Taunton (Jackie Ballard). I hope that the House will agree that children should have at least the same protection as adults—arguably more, because they are more vulnerable.

The photographs are appalling. The aim of the photographs of the fox that were referred to earlier is to shock, whereas, in terms of physical and psychological damage to babies and children, the photographs distributed by paedophiles are unprintable and cannot be shown in the newspapers. Such pictures would certainly change the mind of anyone who felt soft on the issue. Those who take such photographs are forcing children to take part in sexual acts without their consent. Many children never properly recover from the psychological and physical trauma inflicted on them at such a young age. Many countries take a different approach from ours. Ireland has a maximum sentence of 14 years, and some of the states of the United States have a maximum of 20 years.

Modern technology enables paedophiles to feed and stimulate their and others' fantasies. We must recognise that and increase the sentence available to try to stimulate thinking towards stopping such action.

New clause 3 is in the classic "Three strikes and you're out" mode. It is well known that paedophiles are among the most difficult of criminals to rehabilitate. We need to approach the matter by saying that, if they persist, rehabilitation has failed, and we need to protect society by putting them away for a bit longer. We are not only protecting society; we are protecting its most vulnerable members—hence the idea of an incremental increase or "three strikes and you're out".

New clause 4 would extend to a prison term of 10 years or more or fine or both the maximum sentence on conviction, on indictment, for possession of child pornography. The Gary Glitter case shocked many people. This Glitter individual had tens of thousands of pornographic pictures of children, some of whom were under two, yet he received only a six-month sentence—that was the maximum—and spent a very short time in prison. That is not unusual. It is sad, and reflects badly on us.

United Kingdom law should view the possession of such quantities of pornography in the same way as it perceives those who handle and receive stolen goods. If an individual is convicted of handling or receiving stolen goods, the maximum sentence is 14 years. For a pornographic photograph to be taken, the child has to have been abused. The stealing of goods carries a lower maximum of 10 years, which reflects the approach of cutting off the source that attracts the sellers and producers.

I find it hard to believe those who collect child pornography when they say that they do not want to abuse children. Ray Wyre, who works with convicted paedophiles, is considered an authority and often quoted. In David Howitt's "Paedophiles and Sexual Offences Against Children", Wyre makes it clear that

> If a man buys "child pornography" he does so for one reason and one reason alone . . . The fact that he may not have done so is more likely to be a question of availability or the fear of getting caught than revulsion at the very concept.

I hope that that will be key to our approach this evening.

New clause 5 is a complex clause that would update and broaden the Sexual Offences Act 1956 by recognising that the age of consent is universally set at 16, not 21, and—

unlike Members of Parliament in 1956 or thereabouts—recognising that protection against paedophiles should apply to boys as well as girls: in other words, it would make the legislation gender-neutral.

The new clause would replace "sexual intercourse" with "sexual activity", because some paedophiles have dodged prosecution by virtue of the fact that, legally speaking, their activities have fallen just short of sexual intercourse.

7.30 pm

New clause 5 would introduce a new offence of inciting a third party to procure someone under the age of 16 for the purposes of sexual activity. That would meet the difficulties experienced by the police in a recent case, in which a person sought to procure a young girl for quite appalling sexual abuse by means of the internet. Fortunately, the police managed to arrest the person, but they could bring only relatively minor charges with distinctly insignificant sentences. Consequently, I believe that the maximum sentences for such crimes should be increased.

Any hon. Member who hesitates about the importance of that needs to know about a previous case involving a person called Undermark. When he was arrested, he was attempting—persistently and seriously—to procure for his perverted sexual gratification a child so young as to be in nappies. I expect that all hon. Members will find that staggeringly hard to believe.

The new offence set out in new clause 5 is important, as it would enable the police—for the first time—to be proactive so that paedophiles could be stopped before they damaged a child. The law at present is more reactive, and there is a much higher risk that a child will be hurt before anything happens.

Proposed paragraphs (a) and (b) of new clause 5(1) would extend the application of the legislation to anywhere in the world. That has been mentioned before. It gives one a good feeling to think that, with sufficient evidence, police will be able to arrest a person as he waits for his first drink on a Thai airliner at Heathrow. However, the provision would go further. In a recent case, a person was trying to procure a very young girl over the internet. He was accessing the internet in California, but a police sting there led to the notification of the police in this country. As a result, the man was arrested before he was able to procure the girl.

New clause 6 would protect children of both sexes up to 16—the age of sexual consent. The present law applies only to children aged 14 and under. That fails to recognise that many children below the age of sexual consent but older than 14 can be victimised by paedophiles, with the justice system being unable to act.

I understand that the police have been able to use section 13 of the Sexual Offences Act 1956—which relates to gross indecency or attempted gross indecency with another man—to protect boys between 14 and 16. However, that does not apply when it comes to protecting girls.

Once again, new clause 6 is proactive. It would allow police to arrest offenders before they have physically abused a child or children. That approach is used already in respect of other areas of criminal activity—for example, it is a crime to go out equipped to steal. The difference is that new clause 6 is proactive, and I hope that the Minister will accept it, as it would help to prevent the damage to the child that can result from a reactive approach.

I turn to the sickening matter of parents or guardians who betray their great trust and responsibility by sexually exploiting the children in their care. I doubt that any hon. Member who had met such people would not agree that a maximum sentence of 10 years was appropriate.

New clause 7 would update the law by enabling the police to arrest paedophiles who use computers to engage with children by means of the internet in what is called cybersex. The matter was brought to my attention when I visited Charing Cross police station. I sat for about an hour with a Metropolitan police officer, scanning chatrooms and the information going to and fro. An enormous number of people were using the rooms. The word for what they were trying to do is "groom": they wanted to groom children in the sense that they wanted to lure them into their net. Their hope was to secure a meeting with a child, and their subsequent intentions were obvious. The experience in that room was staggering. I left wondering whether the thinking of a third of the population—male and female—was quite alien to what I consider normal.

I hope that the Minister will take the new clauses seriously, as they are intended to be a positive, proactive and modernising step forward in assisting police in the many paedophile units around the country to catch paedophiles and so prevent them from harming and damaging children.

Jackie Ballard: I am sure that all hon. Members abhor the sexual abuse of children and their exploitation for sexual purposes. The hon. Member for Mole Valley (Sir P. Beresford) hinted that some people were soft on the matter, but I do not think that he will find any such softness in this House. However, 16 is not accepted all over the world as the age of consent for sexual purposes. It is the age below which the House has decided that people are children, and should be treated as such in connection with sexual offences. It must be remembered also that the age of 16 has not always been accepted for those purposes even in this country.

I believe that it would be more appropriate to have a more general review of sentences appropriate for sex offences than to take a few random offences and to fix what the hon. Member for Aylesbury (Mr. Lidington) admitted were fairly arbitrary maximum sentences for them. In general, Liberal Democrat Members oppose mandatory sentences, but I am not sure of the Conservative attitude. Conservative Members support mandatory sentences for sex offence cases but oppose them in others—for example, in connection with some well-known manslaughter cases.

Our approach to mandatory sentences is consistent. We believe that it should not be for politicians to determine sentences, but for the judge to take into account all the circumstances in relation to the sentencing guidelines that have been laid down. New clause 3 would bring in mandatory sentences for repeat sex offenders, but also contains what appears to be a get-out provision, allowing courts to take specific circumstances into account. I hope

[Jackie Ballard]

that, in his response, the hon. Member for Aylesbury will explain how a mandatory sentence can remain mandatory when such a get-out clause can be invoked.

Mr. Garnier: The hon. Lady said that her party was not in favour of mandatory sentences. Does that mean that Liberal Democrats oppose the mandatory disqualification of breathalysed drivers found to be over the drink-driving limit? Do they also oppose the mandatory life sentence for murder?

Jackie Ballard: I shall not be tempted to discuss offences outside the remit of the new clauses, but the straightforward answer is that, in general, we are not in favour of mandatory sentencing.

New clause 5 deals with the procurement of children internationally, in respect of which the current law does seem to need amending. However, the hon. Member for Aylesbury admitted that a general review of sexual offences was under way at present. That would appear to be a more appropriate forum for dealing with the matter.

New clause 7 also brings up a matter that needs to be addressed. Given the Government's modernisation programme, I should have thought that they would be looking at the problem of pornography on the internet, and at the fact that the net can be used to procure unknowing children.

I hope that the Minister will welcome the fact that new clauses 5 and 7 raise serious issues. I shall be interested to hear his response.

Mr. Malins: I shall be very brief. I have listened to the debate very carefully, and one conclusion is inescapable: the world of today involves internet pornography on an international scale. Parental control was much easier in the old days of the top-shelf magazine than it is in today's world of the internet.

I am the father of two teenage children. I am terrified of the unlimited access that the internet gives them to the sort of material that all hon. Members abhor. I am unable to do anything about it, however, because I do not know how it works. This is a very dangerous long-term development—it is an international problem.

I hope that the Minister will recognise my real concerns about the future—the need for some control and for some serious thinking. This is one of the biggest and most dangerous issues to affect families and teenagers today. I support what my hon. Friends have said, but my focus throughout the past 10 or 15 minutes has been on an area about which, sadly, I, along with many others, know little.

Mr. Boateng: This has been an important and significant debate, not least because, as we speak, the Regulation of Investigatory Powers Bill is being considered in the other place. The internet has led to an international dimension in these matters; it has the potential for evil—that is not too strong a word—as well as for great good. Getting the balance right is essential when it comes to civil liberty and privacy on the one hand, and the significant public interest in bearing down on child pornography and the criminal abuse of children on the other. We are talking about child abuse of the most appalling kind. Right hon. and hon. Members on both sides of the House such as the hon. Member for Mole Valley (Sir P. Beresford), who is in the Chamber, my hon. Friend the Member for Newcastle-under-Lyme (Mrs. Golding) and others who take an interest in children's welfare are appalled at the potential for harm to which children are exposed.

The Government have put the protection of children not only at the heart of criminal justice policy but, significantly, at the heart of health and social policy, and in the overlap between the two. Tragically, the abuse of children in children's homes and other institutions, and in circumstances in which child protection measures have failed to deliver to children safe places in which to grow are all too obvious. We must be ever-vigilant in ensuring that the various agencies of health, social services, police, prosecution and prison and probation services all work in a way that is designed better to protect children. The debate tonight has been an important one, on which we need to build.

From the outset, the Government have, as I have said, sought to put child protection at the heart of criminal law, social and health policy, and put in place a strategy that has a number of building blocks. One of them is in the Bill. There are others, such as the work that the Department of Health is doing to take forward, in health and social services, the recommendations of Sir William Utting. The Department of Health is in the lead, but we are working across Government better to protect children through that work and the legislative and other measures that flow from it.

Another significant area that I will refer to in the course of my response is the review of the law on sex offences. It has at its heart the aim of increasing the protection of children and young people from abuse and exploitation.

7.45 pm

We believe that it is important to take forward this issue in a way that ensures that we address it as a coherent whole. Therefore, I will, I suspect, disappoint right hon. and hon. Members in some areas when I say that to maximise the protection of children and young people from abuse and exploitation, it is necessary to await the outcome of the sex offences review so that we can tackle this holistically rather than on an ad hoc basis. That is not for one moment to put the issue on the back burner or to underestimate the importance and gravity of the subject matter with which we are dealing and the need to address it with vigilance.

Mr. Simon Hughes: Will the Minister give way?

Sir Paul Beresford: Will the Minister give way?

Mr. Boateng: May I just continue with my argument a little and indicate where we will be proceeding to reassure right hon. and hon. Members as to our determination to take forward this issue?

We will be bringing forward amendments in the House of Lords in relation to new clauses 2 and 4. We will be asking the House not to accede to new clauses 5 and 6, pending the conclusions of the sentencing review. We obviously commend our amendments Nos. 12 to 18 and amendments Nos. 55 to 62 to the House. I will deal in a little detail with why we do not feel able to accept new clauses 3 and 7.

New clauses 2 and 4 deal with maximum sentences. We share the sense of abhorrence towards the crimes to which the new clauses refer. The possession, taking, making, distributing, showing and possessing, with a view to distribution, indecent photographs of children under 16 is a loathsome offence that needs to be met with condign and appropriate punishment. It is a particularly abhorrent form of child abuse. The possession of such material is clearly wrong and is an important factor, as the hon. Member for Mole Valley said, in perpetuating its production by others. They have an incentive to feed the appetite, as long as that appetite continues to exist. We must do all we can to dissuade those who seek such material.

There is no doubt that the misuse of the internet, which is, as I said, capable of reflecting great evil as well as producing great good, has led to an increase in the number of offences committed under the Protection of Children Act 1978. We raised one such case in the House tonight—that of Paul Gadd, also known as Gary Glitter. It was a peculiarly unpleasant case; however, it is, sadly, by no means unfamiliar to those of us who have practised in the criminal courts.

In the light of these concerns and the forthcoming proposals for the protection of children in the sexual offences review, we felt it necessary to commence a piece of work in the Home Office to strengthen measures against this abhorrent activity. I welcome the opportunity that these two new clauses have provided to outline to the House what they are.

The sexual offences review did not look at pornography offences per se, but there is a clear read-across to the offences under the 1978 Act. In the light of our concern to ensure that the law delivers protection for children—the review has the protection of children and young people from abuse and exploitation as its central aim—and our wider concern as to the increased incidence of child pornography offences, the time is right for a review of sentences for such offences.

The Government believe, however, that there should be a clear distinction between the lesser offence of simple possession, with no aggravating features, and the more serious offence of production and supply. That is not to say that offences such as simple possession should be treated lightly; for the reasons I have given, they are extremely serious. That is why the Government intend to bring forward our own amendments in the Lords.

The first amendment will increase the maximum sentence for possession of child pornography from six months imprisonment or a fine, or both, to a term not exceeding five years' imprisonment or a fine, or both. The second will provide for a maximum sentence, under the Protection of Children Act 1978, for taking, distributing, showing and possessing with a view to distribution indecent photographs of children aged under 16, on conviction or indictment, of a term not exceeding 10 years or a fine, or both. The amendment will also propose a sentence, on summary conviction, of imprisonment for a term not exceeding six months, or a fine, not exceeding level 5 on the standard scale, or both. As we intend to table those amendments, I ask the House—

Sir Paul Beresford *rose—*

Mr. Garnier *rose—*

Mr. Boateng: I shall give way first to the hon. Member for Mole Valley (Sir P. Beresford) and then to the hon. and learned Member for Harborough (Mr. Garnier).

Sir Paul Beresford: I thank the Minister for his positive reaction. He mentioned two reviews—on sentencing and on sexual offences. Can he tell us when they will be completed and when he anticipates some action? Many of the cynical policemen chasing paedophiles think that much has been said, but nothing has happened. That does not apply only to this Government, but to others going back over 30 years.

Mr. Boateng: I thank the hon. Gentleman for the way he put that intervention; that is how one should consider the issue. The sentencing review will take some months to complete. The sexual offences review has completed its considerations. It was led by the Home Office and involved both a reference group and a steering group with a wide cross-section of interests in the matter. The outcome has been passed to Ministers and we hope to publish it in due course. We shall pursue that agenda; we do not intend to delay, although hon. Members will understand why I am not able to announce the date of publication or of any responses at present.

Mr. Garnier: I rise simply to tell the Minister that my hon. Friend the Member for Mole Valley (Sir P. Beresford) asked the question that I would have put.

Mr. Boateng: We shall not kick the review into the long grass. That cannot be so. We need to approach the matter with determination and vigour.

We shall be tabling in the other place the amendments I described, ensuring that they are properly drafted to cover territorial considerations, especially with regard to the internet. There is little point in increasing the sentences in England and Wales, if child pornographers believe that they will receive a less severe sentence for a similar offence in, say, Northern Ireland. We must ensure that the drafting is right. Colleagues in Scotland will want the opportunity to consider the implications of our intentions on their own jurisdiction.

New clause 3, as currently drafted, is flawed. It stipulates a minimum sentence of either five or 10 years for a number of offences for which the existing maximum penalty is less than 10 years—in some cases, less than five years—with an alternative of life imprisonment. The reference to an alternative of life imprisonment is insufficient to overcome the conflict between the new clause and the current maximums for the offences to which it applies. There would thus be two conflicting maximum penalties, which would lead to confusion for practitioners and for the courts.

I well understand what lies behind the new clause, however, and have much sympathy with it. Section 2 of the Crime (Sentences) Act 1997 already provides for an automatic life sentence for those convicted of a second, serious sexual or violent offence. It is important that sentences take account of that. Under that section, rape, including attempts, under section 1 of the Sexual Offences Act 1956, and intercourse with a girl aged under 13, under section 5 of the 1956 Act, are qualifying offences.

[Mr. Boateng]

Pending the outcome of the sexual offences review, which has been considering the law relating to sex offences, it would not be appropriate to change the maximum penalties at this stage. The review may result in recommendations that affect some of those offences. It is thus not the time to accept new clause 3.

Furthermore, it is important to acknowledge the role of mandatory sentencing, which has always been limited to the most serious offences for which life imprisonment is the maximum penalty. Such sentences should clearly be exceptional and reserved for narrowly defined categories of case. Although sexual offences against children are always a matter of grave concern, and courts can and should be expected to sentence in a condign and appropriate way, the new clause would potentially cover a wide range of behaviour and sets of circumstances—including, for example, consensual acts between a 15-year-old and a 17-year-old. That is obviously not the intention of those who tabled the provision; it would hardly be appropriate to impose that length of imprisonment in such cases.

In our view, the provision is flawed; it could not be enacted without significant consequential amendments to the maximum penalties for a number of the offences to which it applies.

There is a further flaw. The new clause applies to an offence under section 1 of the Protection of Children Act 1978 for which the current maximum penalty is three years' imprisonment. New clause 2 also addresses that offence, and proposes a new maximum penalty of 10 years' imprisonment. The two provisions are inconsistent; they could not both be enacted.

As the sexual offences review has conducted a rigorous examination of those complex issues and bearing in mind the wide-ranging proposals it recommends both on the definition of offences and on appropriate penalties—on which we shall hold consultations—the route suggested in new clause 3 would not be acceptable.

Mr. Simon Hughes: We welcome the sexual offences review and look forward to its publication. Do the Minister's comments mean that—except in the most exceptional sexual offence cases—the Government do not support mandatory sentences? Is that a fair conclusion to draw? New clause 3 proposes mandatory sentences but—as my hon. Friend the Member for Taunton (Jackie Ballard) pointed out—it allows exceptions in specific circumstances. Does the Minister share the view that that is not really a proposal for mandatory sentences at all?

Mr. Boateng: I have a different view on mandatory sentences from that held by the Liberal Democrat Opposition. That is the way it is; I do not go down the same road as the hon. Gentleman. I do not accept new clause 3 for the reasons that I have given. Although we have come to the same conclusion, I suspect that we reached it by different routes.

Sir Paul Beresford: Before the Minister concludes, will he give way?

Mr. Boateng: I shall go on for some time, I am afraid, but I shall give way.

8 pm

Sir Paul Beresford: Before the Minister goes on, will he reply to a final question? One of the drives behind the new clauses was their proactive aspect. They are designed to protect a child from damage while allowing for the arrest and conviction of the offender. Is that the sort of approach that the Minister is willing to take in further amendments and legislation?

Mr. Boateng: I wholeheartedly endorse the proactive approach; it is the best way of proceeding. We must ensure that action is taken against violent and sexual predators. That is why we will shall come forward with proposals, and we shall announce our conclusions in due course. The Select Committee on Home Affairs has already endorsed our proposals for offenders and others with severe personality disorders that make such people a danger. Violent, predatory paedophiles will be among that group, and it is right that we are proactive in responding to the problems that they present. I have no doubt about that.

The underlying philosophy of the amendments is shared by the whole House. We have to ensure that we work in a way that is holistic and that our strategy recognises the complexity of the process. An action in one place, unless it is thought through and is part of a holistic strategy, can have the reverse effect from that which we intended.

I sense that the House wishes to arrive at a rapid conclusion on this matter, but it is a serious issue and I do not want anyone to be in any doubt about the extent to which we take it seriously. Although we cannot accept new clauses 5 and 6 for the reasons that I have given, it is important to ensure—I now come to new clause 7—that we do all that we can to curb the misuse of the internet by child pornographers and paedophiles. We have a great deal of sympathy for the intent behind new clause 7, but it contains gaps in the way in which it responds to the complexity of the issues involved. That is why we intend to proceed with the work that we are doing with, among others, the internet relay chat sub-group, which has been set up to examine the issue in detail, to identify the problems and to recommend solutions. That sub-group will present its report to the internet crime forum by the end of August and we need to wait for its conclusions and its recommendations before moving to legislation. However, we accept the thrust behind the new clause.

The Government amendments are designed to strengthen the Bill. They are a response to the debate that we had in Committee and to the consultations that we have had with a wide range of organisations concerned with child protection. They carry forward the intentions of the Bill as expressed by hon. Members on both sides of the Committee. For that reason, I commend the amendments to the House.

We intend to table amendments in the House of Lords as a result of new clauses 2 and 4 and to put new clauses 5 and 6 to one side pending the conclusions of the sentencing review. I hope that that course will commend itself to the House and that it will accept Government amendments Nos. 12 to 18 and 55 to 62.

Mr. Lidington: Before I respond to the Minister's remarks, may I deal briefly with the question put to me by the hon. Member for Taunton (Jackie Ballard) about the new clause on mandatory sentences? We have reproduced the provisions in the Crime (Sentences) Act

1997, as consolidated by recent legislation, that give the judge, when considering all the circumstances of a particular case, the discretion to override the normal rule for a mandatory minimum sentence if he considers that there is an overwhelming case for him to do so. One could argue whether such provisions should have been in the 1997 Act and I recall that there was much controversy about them at the time. The wording in the new clause simply reproduces what is in current legislation.

Jackie Ballard: The hon. Gentleman clearly, accepts the provision in the 1997 Act that judges can take specific circumstances into account, so, he does not support mandatory sentences without reservation.

Mr. Lidington: Our new clause reproduces the wording of the 1997 Act as it applies to burglars and class A drug offenders and applies it to the category of child sex offenders to which the new clause relates. Whatever the arguments about the principle of the extent to which judges should be allowed to exercise a degree of discretion, it makes sense for different categories of offenders to be subject to the same type of law on mandatory and minimum sentences.

The Minister replied in a generous spirit to the debate and I thank him for that. I welcome the fact that the Government propose to table amendments in another place that would pretty well mirror our proposals in new clauses 2 and 4. I hope that, in due course, the Home Office will bring forward other amendments to the law to give effect to the ideas that were embodied in the other new clauses.

Given the number of flaws that we find in the legislation introduced by expert and professional Government draftsman, I concede that the inexpert and unprofessional draftsmen of any Opposition may make errors of their own. I accept the Minister's comments in both spirit and substance. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

New Clause 8

SEX OFFENDERS ACT 1997: NOTIFICATION PERIOD

'(1) In section 2(1), section 2(2) and section 2(7) of the Sex Offenders Act 1997, for the words '14 days' there shall be substituted the words '48 hours'.'—*[Mr. Lidington.]*

Brought up, and read the First time.

Mr. Lidington: I beg to move, That the clause be read a Second time.

The new clause would require sex offenders to notify the police of a change of address within 48 hours of their changing address rather than within the 14 days that the law currently permits. It would target the paedophiles whom the police have encountered and who travel around the country. For example, they travel along canal routes, never staying in one location for 14 days. That has meant that they have found ways in which to escape registration even though their history of paedophile offending means that they should be registered. In effect, they become invisible to the law.

By reducing the registration time to 48 hours, the police and other agencies will be able to keep an eye on paedophiles more easily and hinder their ability to escape the law. Given that paedophiles are more likely than other offenders to become repeat criminals, it is absolutely vital that we keep track of those who have been caught and convicted before.

Mr. Boateng: We have much sympathy with the thinking behind new clause 8, which is clearly intended to strengthen the protection of the public. Research into the operational effectiveness of the Sex Offenders Act 1997 will be published this summer. I have several concerns, as I suspect other hon. Members have, about how the Act has worked in practice, and the new clause relates to one of them. We will launch a policy review of the Act which will consider those findings and other relevant issues. It will take into account the views of a wide range of organisations, including children's charities and the police, and we believe that it would be premature to amend the Act in advance of that consultation. It also does not make much sense in our view to consider that one aspect of the Act in isolation, when we have indicated our intention of conducting a more thoroughgoing review.

Sir Paul Beresford: An additional point is that a period of 14 days allows the predatory paedophile the opportunity to "groom" his clients—as he would put it—and 48 hours would make that exceedingly difficult.

Mr. Boateng: There is much strength in the argument that 14 days is too long. However, my point is that other concerns arise from the Sex Offenders Act 1997 in relation, for instance, to aspects of foreign travel and people who have committed offences overseas. They need to be considered in the round and I have no doubt that in due course, a basket of proposals will be made as a result of the research and consultation that will lead to later amendment of the Act. This issue may be one of them, and I request that the hon. Member for Aylesbury (Mr. Lidington) does not press the new clause, pending the outcome of the research into the workings of the Act.

It is worth celebrating the fact that we have the Act in place and that we achieve a good rate of compliance, in the sense that 97 per cent.—at the last count—of sex offenders comply with the registration requirement. That has helped to change the climate and the culture in terms of the police and the other child protection agencies working together to identify and keep tabs on that group of people who, as the supporters of the new clause recognise, are predatory and guileful, and require careful monitoring. With that assurance, I hope that the hon. Gentleman will withdraw the new clause.

Mr. Lidington: I am grateful for the Minister's sympathetic response. However, the situation is that there is an acknowledged loophole in the law. The Government have said that they are embarking on a review of the Sex Offenders Act 1997, but in this matter we should err on the side of caution and protecting young people. Let us change the law tonight, plug the loophole and let the Government conduct their review on that basis, with good will from all sides. I intend to press the new clause to a vote.

Question put, That the clause be read a Second time:—

The House divided: Ayes 151, Noes 261.

Division No. 225] **[8.13 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Ballard, Jackie
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cable, Dr Vincent
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Webb, Steve
Wells, Bowen
Welsh, Andrew
Whitney, Sir Raymond
Whittingdale, John
Wigley, Rt Hon Dafydd
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Ainger, Nick
Anderson, Donald *(Swansea E)*
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Bayley, Hugh
Beard, Nigel
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Browne, Desmond
Burden, Richard
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cousins, Jim
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs.Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*

Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Savidge, Malcolm
Sedgemore, Brian
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winnick, David
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Graham Allen and
Mr. Robert Ainsworth.

Question accordingly negatived.

New Clause 12

EXCLUSION OF ASSAULT ON POLICE FROM POWER TO RELEASE SHORT-TERM PRISONERS ON LICENCE

'In section 34A of the Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(b) there is inserted—

"(bb) the sentence is for any of the following offences—

(i) an offence under section 89 of the Police Act 1996 (assaulting, obstructing or resisting a constable);

(ii) an offence under section 38 of the Offences Against the Person Act 1861 (assault with intent to resist arrest);

(iii) an offence under section 18, section 20, or section 47 of the Offences Against the Person Act 1861 (wounding, causing grievous bodily harm and causing actual bodily harm) committed against a constable in the execution of his duty.".'.— *[Mr. Lidington.]*

Brought up, and read the First time.

Motion made and Question put, That the clause be read a Second time:—

The House divided: Ayes 123, Noes 280.

Division No. 226] **[8.25 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric

Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid–Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Ainger, Nick
Anderson, Donald *(Swansea E)*
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Bayley, Hugh
Beard, Nigel
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Benton, Joe
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Browne, Desmond
Burden, Richard
Butler, Mrs Christine
Cable, Dr Vincent
Caborn, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cotter, Brian
Cousins, Jim
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gidley, Sandra
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
McNulty, Tony
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Ross, Ernie *(Dundee W)*
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Savidge, Malcolm
Sedgemore, Brian
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Sir Robert *(W Ab'd'ns)*
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon

Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Wigley, Rt Hon Dafydd
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winnick, David
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Graham Allen and
Mr. Robert Ainsworth.

Question accordingly negatived.

Clause 2

AIMS OF THE SERVICE

Mr. Boateng *rose—*

Mr. Hawkins: I beg to move amendment No. 122, in page 2, line 10, at end insert—

'(d) the education of offenders, in particular about the impact of crime on the victims of crime and the public.'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Amendment No. 123, in clause 9, page 5, line 3, leave out "community rehabilitation" and insert "probation".

Amendment No. 127, in page 21, line 6, leave out Clause 38.

Amendment No. 128, in page 21, line 27, leave out Clause 39.

Amendment No. 129, in page 22, line 8, leave out Clause 40.

Government amendments Nos. 20, 21 and 23.

Amendment No. 138, in clause 44, page 27 line 41, leave out "community rehabilitation" and insert "probation".

Amendment No. 139, in page 28, line 15, leave out "punishment" and insert "service".

Amendment No. 140, in clause 45, page 28, line 28, leave out "community rehabilitation" and insert "probation".

Government amendment No. 27.

Amendment No. 141, in clause 5, page 29, line 10, leave out "community rehabilitation" and insert "probation".

Amendment No. 142, in page 29, line 16, leave out "community rehabilitation" and insert "probation".

Amendment No. 143, in clause 45, page 29, line 19, leave out "community rehabilitation" and insert "probation".

Government amendment No. 28.

Amendment No. 144, in page 29, line 25, leave out "community rehabilitation" and insert "probation".

Amendment No. 149, in clause 46, page 30, line 2, leave out "community rehabilitation" and insert "probation".

Government amendment No. 29.

Amendment No. 150, in page 30, line 26, leave out "community rehabilitation" and insert "probation".

Amendment No. 151, in page 30, line 32, leave out "community rehabilitation" and insert "probation".

Government amendment No. 30.

Amendment No. 152, in page 30, line 35, leave out "community rehabilitation" and insert "probation".

Amendment No. 153, in clause 47, page 31, line 12, leave out "community rehabilitation" and insert "probation".

Amendment No. 154, in page 31, line 16, leave out "community rehabilitation" and insert "probation".

Amendment No. 155, in page 31, line 38, leave out "community rehabilitation" and insert "probation".

Amendment No. 156, in page 32, line 7, leave out "community rehabilitation" and insert "probation".

Amendment No. 189, in clause 48, page 32, line 26, at end insert—

'and that failure constitutes a serious breach and a period of at least three months has elapsed since the commencement of the order'.

Amendment No. 157, in clause 50, page 34, line 22, leave out—

'community rehabilitation orders or community punishment and rehabilitation orders'

and insert—

'probation orders or combination orders'.

Amendment No. 158, in page 34, line 25, leave out from the first "community" to ", to" in line 26 and insert—

'service orders, or combination orders'.

Amendment No. 159, in page 34, line 31, leave out "community rehabilitation" and insert "probation".

Amendment No. 160, in page 34, line 33, leave out "punishment" and insert "service".

Amendment No. 169, in schedule 6, page 53, leave out from beginning of line 20 to end of line 47 on page 54.

Amendment No. 170, in page 56, line 22, leave out "community rehabilitation" and insert "probation".

Amendment No. 171, in page 57, line 19, leave out "community rehabilitation" and insert "probation".

Amendment No. 172, in page 57, line 23, leave out paragraph 18.

Amendment No. 173, in page 60, leave out lines 8 and 9.

Amendment No. 174, in page 60, line 11, leave out—

'community rehabilitation hostel' means a community rehabilitation'

and insert—

'probation hostel' means a probation'.

Government amendment No. 102.

Amendment No. 175, in page 64, line 9, line 9, leave out paragraph 58.

Amendment No. 176, in page 65, line 23, leave out from "for" to end of line 25 and insert—

'before "probation, community service, combination", there is inserted "exclusion".'.

[Sir Alan Haselhurst]

Amendment No. 177, in page 66, line 2, leave out sub-paragraph (a).

Government amendment No. 114.

Amendment No. 178, in page 66, line 10, leave out from beginning to end of line 13.

Amendment No. 179, in page 66, line 29, leave out from beginning to end of line 30.

Amendment No. 180, in page 66, line 33, leave out from beginning to end of line 41.

Amendment No. 181, in page 67, line 1, leave out from "for" to end of line 4 and insert—

'before "probation" there is inserted "exclusion, drug abstinence"'.

Amendment No. 182, in page 67, line 9, leave out from beginning to end of line 12.

Amendment No. 183, in page 67, line 13, leave out from "for" to end of line 15 and insert—

'before "probation" there is inserted "exclusion, drug abstinence"'.

Amendment No. 184, in page 67, line 31, leave out from beginning to end of line 32.

Amendment No. 185, in page 67, line 34, leave out from beginning to end of line 36.

Amendment No. 186, in page 67, line 39, leave out from beginning to end of line 6 on page 68.

Government amendment No. 115.

Amendment No. 187, in page 68, line 12, leave out "community rehabilitation" and insert "probation".

Government amendment No. 116.

Amendment No. 188, in page 68, line 41, leave out from second "of" to ", curfew" in line 42 and insert "probation, combination".

Amendment No. 120, in page 68, leave out lines 43 to 48.

Mr. Hawkins: It seems that the Minister wanted to move our amendments for us. That indicates a new spirit of support for our measures. I look forward with particular pleasure to his words a little later.

We are dealing with a large group of amendments, but the House will appreciate that many of them are consequential on others.

The House will recall that there was great delight when, in answer to a question from my hon. Friend the Member for Buckingham (Mr. Bercow), who is in his place, the Minister conceded that we had been right and the Government had been wrong in their attempt to change the name of the probation service. That was a welcome concession, but we hoped that the Government would make further concessions in Committee. We were sadly disappointed. Even though they had conceded what the National Association of Probation Officers, every county probation service in the country and large numbers of other people had said about the name of the service, they remained adamant and refused to accept the equally strongly held views expressed by the same groups of people—not only the probation officers trade union, but all the country probation committees—that it was crazy to change the names of all the orders that the courts were used to dealing with.

I draw to the attention of the House the continuing concerns, even after the Committee stage, that have been expressed by the Hereford and Worcester probation committee in particular. A member of that committee wrote to me and to my hon. Friend the Member for Mid-Worcestershire (Mr. Luff), who served on the Standing Committee with us, and stated:

> We welcome the Minister's decision not to change the Service's name, but Part III of the Bill introduces a completely new nomenclature for community sentences . . . which the Committee—

that is, the Hereford and Worcester probation committee—

> considers both unnecessary and unhelpful. The new names (in particular community punishment order for community service order, and community rehabilitation order for probation order) offer an over-simplified account of their functions, and are likely to increase confusion about community sentences, and undermine rather than enhance public understanding of the work of the service.

We pointed out that what the Government were doing with the orders ran the risk that the courts and the orders that were imposed by sentencers would become the target of ridicule. In Committee, there was a great deal of anxiety, even from Government Back Benchers, about potential dangers. We had several constructive debates about that. I am disappointed that Ministers have remained adamant and unpersuaded, despite the fact that the logic of their concession on the name of the service should have led them to agree with us and all the experts on the names of the orders.

One need not spell out the acronym of "community rehabilitation and punishment order" to appreciate immediately that it could easily become a matter of ridicule. The law must not be mocked. We are therefore very worried. The letter from the member of the Hereford and Worcester probation committee is especially significant because the author is not, as Ministers may suppose, a member of the Conservative party, or even a Liberal Democrat, but a sitting Labour councillor. Even local Labour party activists who are on probation committees believe that the Government have got it wrong; they have expressed the matter in strong terms, which I described.

Mr. John Bercow (Buckingham): Far be it from me to engage in protracted semantic dispute, but does my hon. Friend accept that the community rehabilitation and punishment order potentially admits of several different acronyms and pronunciations? My hon. Friend appeared to refer to an acronym that was not unconnected with rubbish; is not it possible that CREEPO would be an appropriate interpretation of the Government's proposed title? Would not that be undesirable?

Mr. Hawkins: It would certainly be undesirable. My hon. Friend, as always, uses his verbal and intellectual dexterity to undermine the Government's words.

We must also take seriously the impact of offences on the victims of crime. It is especially appropriate that amendment No. 122 is the first amendment in the group because we want to include new paragraph (d) in clause 2(2). It states that regard should be taken of

> the education of offenders, in particular about the impact of crime on the victims of crime and the public.

After all the discussions in Committee and speeches from hon. Members of all parties, we are convinced that victims of crime or their relatives would want to know that offenders would have to be educated about the impact of their crimes on the victims.

Many hon. Members have worked with organisations such as Victim Support; no party has a monopoly of virtue on that. However, I have been hugely impressed by Victim Support's work. There has been an increasing trend towards making offenders more aware of the impact of their crimes on the victims. The amendment would provide for a specific method of ensuring that that happened. It would be a useful provision. Even if Ministers cannot accept amendment No. 122 tonight, I hope that they will continue to consider the matter seriously as the Bill progresses.

When writing to me and other members of the Committee, Ministers have repeatedly said that their minds are not closed. We hope that they will reconsider clause 2(2). We would be delighted if the Government tabled an identical or similar amendment to amendment No. 122 later, perhaps in another place. I am sure that both Ministers agree that it is essential to take account of victims' interests.

I regret that some amendments were not selected for debate. However, I shall not stray into considering them; we will discuss other aspects of entitling organisations on Third Reading. I emphasise that we feel very strongly that no provision of the Bill should expose the law to ridicule or contempt. The Government's proposals run that serious risk.

As I said earlier, many of the amendments are consequential on the names that the Government have suggested for the proposed new orders. It is therefore unnecessary to consider every amendment. However, I emphasise that we believe that the Government's proposed name changes achieve no good purpose and are counterproductive. It is more important for people to get used to the existing names of probation and community service orders. The Government's attempts to change those names amount to fiddling while Rome burns.

8.45 pm

Jackie Ballard: The Minister and I were confused about who would move which amendment next. I rise to move amendment No. 189—I hope that that is in order.

Mr. Deputy Speaker: Order. The hon. Lady does not have to move the amendment, because it has been grouped. She simply has to speak about it.

Mr. Tom Levitt (High Peak): She will learn.

Jackie Ballard: The hon. Gentleman says that I will learn. In Committee, when I believed that an amendment I had tabled had been moved in a group with the Minister's amendment, I was wrong. I am now taking a belt-and-braces approach and moving amendment No. 189, just in case. I shall indeed learn, albeit slowly.

Amendment No. 189 deals with breaches of community orders and the consequences. Breaching a community order should be taken seriously, and penalties should be applied for such breaches. Proper supervision of community orders is important, not only to aid public confidence in non-custodial sentences, but to improve public safety.

The most recent study of breaches of proceedings by the Inner London probation service showed that, over two years, 28 per cent. of the case load was breached. Of those cases of breaches, 21 per cent. of offenders received a custodial sentence. Clearly, the court did not feel that a custodial sentence was necessary in the majority of cases.

Introducing an automatic three-month prison sentence, and reducing from three to two the number of acceptable breaches, without differentiating between a serious breach, such as assaulting a probation officer, and a less serious breach such as turning up 10 minutes late for an appointment, will inevitably increase the prison population and introduce an element of rough justice into the system.

In Committee, the Minister accepted that it would be more difficult for some people who lead a chaotic life style, whether due to drug or alcohol misuse, or problems with employment or housing difficulties, to comply with a community order. Part of an order's purpose is for the supervising officer to help that person achieve a more regular life style. Again, in Committee, the Minister of State accepted that. The clause will undermine probation officers' work with offenders, which is aimed at order compliance. In Committee, the Minister resisted our amendments, which would have effectively neutered the clause. Consequently, amendment No. 189 is meant to be helpful, as it would accept automatic sentencing for breaches, but it proposes that that should not occur within the first three months of a sentence. That would give probation officers time to work with offenders to help them adjust their life style in a reasonable period. The duration of that period would be known to the offender and the probation officer, so would concentrate their efforts to end the offender's chaotic life style and ensure that he complied with the order.

Three months is a reasonable period for any offender to get his or her act together with such help. If, during that period, a serious breach of the order took place, it would still be available to the courts to use their existing discretion to impose custodial sentences, as they have done in the past with breaches. I hope that the Minister will accept the amendment as a genuinely constructive way of trying to take forward the debate that we had in Committee.

I shall outline Liberal Democrat views on at least two of the Conservative amendments. On amendment No. 122, there was some debate in Committee about whether the aim of the probation service should include the education of offenders and whether they should be educated about the impact of their crime on the victim. As we discussed, many offenders, especially shoplifters, seem to think of their offence as a victimless crime. Similarly, many who are convicted of corporate fraud probably think of that as a victimless crime. It is important that offenders are educated to realise that most crimes have victims and that they should be aware of the impact of their crime on the victim.

I agree that the probation service should have a wider educative role. For example, many offenders have basic skills needs. Those serving community sentences should have at least as much access to basic skills help as those serving custodial sentences. I am therefore pleased that Conservative Members have broadened the scope of the amendment compared with the one that they tabled in Committee so that it encompasses offenders' other educational needs. I hope that that means that the amendment will now attract the Minister's support, as he

[Jackie Ballard]

was reluctant to accept the amendment tabled in Committee because it focused too narrowly on educating the offender on the impact of his crime.

I do not agree with most of the Conservative amendments relating to changing the names of orders, even though I too have read the briefings of the National Association of Probation Officers. However, we agree with amendment No. 128, as the term "community service orders" is well understood by the public and offenders. It means what it says and refers to reparation to the community by means of taking part in supervised, structured and purposeful community service activity. Community service orders also help to improve the self-esteem of some offenders who may never have done anything purposeful or useful for the community in their lives and might be able to stop offending if they see themselves as contributing something to the community, albeit as a result of a sentence imposed by the court.

We do not support amendment No. 123, so we do not agree with its consequential amendments, which make up the bulk of amendments in this group. However, we support amendment No. 128 and its consequential amendments.

Mr. Boateng: We have had an interesting, if rather bitty, debate on important issues. I shall try to draw those issues together and even hope to elicit a contribution from the hon. Member for Buckingham (Mr. Bercow), who provided a useful platform for us to make clear our intentions on the naming of the National Probation Service for England and Wales. The hon. Gentleman has been strangely silent this evening. One would have hoped for a contribution, but he has confined himself to a giggle here, a prod there—this is Bercow at the fifth remove.

Mr. Bercow: Is the Minister aware that this is the first occasion, and will probably be the last in this Parliament, on which I have been attacked for speaking too little?

Mr. Boateng: I count myself among the hon. Gentleman's admirers. He adds enormously to the House in some ways, although not in others. He certainly approaches the issues with genuine care and, in matters that involve the Home Office, with a degree of erudition that is always welcome. I always listen carefully to what he says and was therefore disappointed that he did not make a speech this evening.

Names are important, but the Opposition have got the wrong end of the stick. I understand the reason for their amendments, and I know that the hon. Member for Surrey Heath (Mr. Hawkins) is much influenced by the National Association of Probation Officers. We can always rely on him to pray its name in aid of almost any proposition that he cares to adopt. However, he is unwise to do so in this case, because I know from discussions with probation officers that while they have a clear view about the name of their service—I understand that view and I have accepted their arguments—they are concerned about public ignorance about the content of the various orders that they invite the court to make.

What, for example, does the term "combination order" tell us about the content of such an order? We know that it combines elements of probation supervision and the requirement to do unpaid work, and that it is designed both to punish and to rehabilitate the offender, but the name completely obscures those facts. The name "community punishment and rehabilitation order" tells us exactly what the content of the order is and describes what we are asking probation officers to do.

Mr. Hawkins: The Minister suggests that I am unwise to pray in aid the National Association of Probation Officers, but its view could not be clearer; I have its briefing here, and it says:

> NAPO is opposed to the renaming of existing community orders. The phrase "probation order" has international resonance and recognition. Community service has a higher profile than the Home Office appears to believe.

The Minister is wrong; NAPO is 100 per cent. with the Opposition and 100 per cent. against the Government.

Mr. Boateng: I shall not lose any sleep over that, because I do not believe that in this instance NAPO accurately reflects the concerns of its members. Before the hon. Gentleman prays it in aid, he ought to ensure that the cause in question is supported by its members. They tell me that they are concerned that the public should get a better grasp of what they do. The term "combination order" does not give them that grasp, and "community service" fails to tell them what work we ask offenders to do, and why we ask them to do it.

Many people volunteer to do community service because they want to help their neighbours or take part in a local community group, such as Homestart, a citizens advice bureau and so on. They serve the community voluntarily, but we require offenders to pay something back to the community that they have wronged. There is nothing voluntary about that; it is a punishment delivered in the community.

Several hon. Members *rose—*

Mr. Boateng: I give way to the hon. Member for Altrincham and Sale, West (Mr. Brady).

Mr. Graham Brady (Altrincham and Sale, West): The Minister casts doubt on NAPO's ability to represent the views of its members on this matter on the basis that probation officers have been telling him something different. Will he clarify what measures he has taken to consult probation officers; how many have spoken to him on this matter; and what evidence he has to suggest that those views are more representative than those expressed by NAPO?

9 pm

Mr. Boateng: In my humble way, I can only share with the House what probation officers tell me when I visit probation services throughout the country. They tell me that they want people to have a better sense of what they do. That is what we want to achieve under our proposals.

Several hon. Members *rose—*

Mr. Boateng: I am delighted to have aroused such interest.

Dr. George Turner (North-West Norfolk): Does my right hon. Friend agree that most people share his view

that community service is what the town mayor and borough councillors do, and that the victims of crime especially, for whom the Conservative party often claims to speak, will welcome the refreshingly frank statement that we are talking about community punishment?

Mr. Boateng: I am grateful to my hon. Friend; I could not agree more.

Several hon. Members *rose—*

Mr. Boateng: I suspect that I shall not agree with the hon. Member for South Holland and The Deepings (Mr. Hayes), who has not yet spoken in the debate.

Mr. John Hayes (South Holland and The Deepings): I am surprised that the right hon. Gentleman anticipates a lack of agreement between us, given that we usually agree—at least socially, if not in the Chamber. Is he telling the House that the new terminology is clearer and more precise? Community service orders are widely understood and the concept of probation is rooted in the public consciousness. Is he really telling us that they are not widely understood by the public?

Mr. Boateng: The hon. Gentleman, of whom I am fond, is over-egging the pudding when he says that the concept of probation is rooted in the public consciousness. That is going a little too far. We cannot afford to be complacent; we must devise orders that tell their own story. The terms "community rehabilitation" and "community punishment" tell a story.

Mr. Hawkins: The Minister has made a serious allegation. He has suggested that the trade union which represents probation officers has sent briefings to hon. Members that do not represent their members' views. The leader of that union, Mr. Harry Fletcher, will be very concerned to hear that Her Majesty's Government prefer to believe the Minister's anecdotes. I assume that the right hon. Gentleman is accurate in saying that perhaps two or three probation officers, who may or may not be members of NAPO, have made such points to him. However, we are talking about a briefing that has been sent to hon. Members on behalf of the probation officers' trade union. If he does not accept those views, will he accept those of probation committee members from his own party?

Mr. Boateng: The party affiliation of probation committee members is neither here nor there. I regret the politicisation of this criminal justice issue by the hon. Member for Surrey Heath, who is the Opposition Front-Bench spokesperson. He should think carefully before suggesting that any party political element is involved. We are concerned with the proper administration of justice. I have no doubt that NAPO performs its proper function in representing its views, but there is more than one view. Others hold views that are inconsistent with the position that the right hon. Gentleman has adopted—in other words, that punishment and rehabilitation are proper adjectives to describe the orders that we ask the House to approve tonight.

Mr. Dawson: In welcoming the conversion of Opposition Members to the concept of trade union rights and their enjoying social occasions with radical reforming Labour Front Benchers, does my right hon. Friend agree that they have entirely missed the point? The very title of the new national probation service reflects the fact that we are taking the best of the past and renaming some of the most important elements of its work; and shows that we are intent on a new future and putting the bad old days well behind us.

Mr. Boateng: I could not have put it better myself and I am grateful to my hon. Friend for pointing out the obvious truth that our proposals take forward the reforming, modernising agenda that we have developed around the national probation service.

Mr. Bercow: Will the right hon. Gentleman give way?

Mr. Boateng: I should get on, but I give way to the hon. Gentleman.

Mr. Bercow: I am grateful to the right hon. Gentleman for giving way because he performed a moment ago, as those attending to the debate will have observed, a rather inelegant wriggle in back-tracking from his truly vicious attack on the integrity and representative character of NAPO. It is a matter of concern to me and to other Conservative Members that he should behave in such an unacademic fashion. He did not provide empirical evidence. Ordinarily I greatly admire him, but does he think that such a contribution is worthy of a product of Apsley grammar school, Bristol university and the College of Law?

Mr. Boateng: The hon. Gentleman's tongue is so firmly in his cheek as to give him a positively hamsterish appearance. There is no way that anything I have said or done could possibly bear the interpretation that he puts on it. We really must get on with debating the amendment in hand. For the reasons that I have outlined—a desire that sentences should be understood—we have adopted these names. I hope that, on reflection, Opposition Members will come to accept them and in time, as I believe they will, welcome them and recognise the good sense that underpins them.

The Opposition have raised the aims of the service in Committee and on Report and I want to deal with whether the amendment would achieve the end on which we all agree. We all share a belief, on which Labour Members have acted, that we ought to bring victims centre stage in the criminal justice system. That is why the Government enacted the Youth Justice and Criminal Evidence Act 1999 and the Crime and Disorder Act 1998 and why we are taking the Bill forward. All contribute in their way to ensuring that victims take centre stage and that we establish a greater emphasis on restitution as part of the process of our law. We will take no lessons from the Opposition on victims and support for victims, not least because we increased substantially the grant aid to Victim Support and enabled it to extend its work to cover magistrates and Crown courts. The Opposition signally failed to do that when they had stewardship of the criminal justice system.

We do not accept the amendment, although we well understand where it is coming from. It simply does not meet the requirements of a statutory implementation of the aims of such a service, as it is too narrow and it would underpin some but not all the functions and activities of

[Mr. Boateng]

that service. For example, the function and activity of preparing reports to advise the courts could not be carried out in such a way as to meet the wording of the amendment. We support entirely, and have developed a range of, accredited programmes which have been shown to reduce the risk of reoffending. Those programmes are being delivered by the probation service and the Prison Service together, and are central to the successful rehabilitation of offenders. That has been done: that is happening. We do not need an amendment like this—poorly drafted and inelegant—to encourage us to proceed in a direction in which we are already proceeding. It adds nothing; indeed, it is a distraction and a possible source of confusion.

As for amendment No. 189, I recall that in Committee we did not feel able to accept the thrust of the argument of the hon. Member for Taunton (Jackie Ballard). The amendment would cause the statutory warning to be disapplied to certain cases within the first three months of an order, rather than its being applied to all unacceptable failures to comply with an order. Our position has not changed. If offenders are not returned to court immediately after a first unacceptable failure to comply, a final warning letter must be sent to them explaining the consequences of any further such failure. Clause 48 puts that warning on a statutory footing, and imposes on the probation service a duty to return an offender to court no later than immediately after a second unacceptable failure. That reinforces the new national standard introduced in April.

As I have said before, the offender will have had every opportunity to explain his behaviour and, where necessary, to provide evidence such as medical certificates, appointment cards and details of a family crisis, showing that he had a good reason to miss an appointment.

Jackie Ballard: I know what the Minister is saying, but I think he accepts that many such offenders have a chaotic life style. Does he not also accept that it will take time for a supervising officer to help an offender to change that life style? The proposed three-month period is not intended to go against the spirit of what the Minister is trying to achieve; it is simply intended to provide the necessary time.

Mr. Boateng: We have considered the issue carefully. We moved to the new national standard in April, after a period during which a lighter touch was applied.

We are satisfied that we must begin as we intend to proceed. There is scope for judgments on whether failures to comply are acceptable or unacceptable, and I would expect the considerations mentioned by the hon. Lady to be taken into account in the determination of whether a failure was acceptable or unacceptable. If an individual was in the process of responding positively, and restoring order to a chaotic life style—and, in that context, was able to establish, by means of medical certificates, appointment cards or the provision of other details, why there had been a failure to attend—such an individual could be judged on that basis.

Judgments could be made, on a case-by-case basis, by supervising officers, in accordance with national guidance. We are not talking about removing the capacity of the individual making the judgment to work with the offender, and to work with the grain of that person's vulnerability. We are saying, "This is the standard that we expect of you".

Unlike the official Opposition, we do not propose an automatic return to court for each unacceptable failure to comply. I am sure that the hon. Lady is under no illusion in regard to where they are coming from. They are not coming from the same place as her. We have seen with our own eyes the attempt to concoct an alliance between the Liberal Democrats and the Conservative party—an unholy alliance, if I may say so, in the context of this aspect of enforcement.

9.15 pm

Our proposals are pragmatic. They give some discretion to take account of personal circumstances when considering enforcement, and give offenders a chance to respond to a warning about their future conduct. Therefore, we will not be returning offenders to court unnecessarily, but we cannot permit repeated failure to comply, or lax enforcement.

Jackie Ballard: I shall not respond to the comments about the unholy alliance because I am sure that the Minister will have observed that Liberal Democrats vote with the Government when we think that they are right and with the Opposition when we think that they are right. It is not about whom we have alliances with; it is about the issues.

May I probe the Minister a little more and make sure that I understand what he has said? Is he saying that, if the personal circumstances of an offender are such that he has turned up late for two or three appointments in a row, for reasons that he does not have appointment cards to prove—it is because of a chaotic life style that he is working towards changing—the probation officer will have discretion not to breach that offender automatically, or is he saying that the officer will have to breach him automatically?

Mr. Boateng: I am saying that the national standards are there. The law is there on the context and circumstances in which someone needs to be returned, but it is important to remember that the offender will have had every opportunity to explain his behaviour. He will have had an opportunity to produce evidence where it is appropriate.

Judgments will have to be made. People will make them in the context of what they know of the offender. Therefore, a professional judgment must still be made, but we say that the public cannot be expected to have confidence in community penalties unless they are rigorously enforced. Where there is a failure to comply that is deemed to be unacceptable, it is serious and must be dealt with. The probation officer needs to be in a position to make those judgments.

Mr. Brady: Will the Minister confirm that simply saying by way of explanation that one has a chaotic life style would not be sufficient to convince the court?

Mr. Boateng: Of course it would not, and I would not expect it to be sufficient to convince a probation officer. I do not want to be flippant about it, but those of us who

have worked in that area in whatever capacity—whether as lawyers, social workers, probation officers or justices sitting—all know that people come up with the most absurd excuses. They seek to hide behind the notion of a chaotic life style as an excuse for not getting their act together, yet they manage to get their act together remarkably when it comes to the act of signing on and when it is something to which they attach value and importance. We are trying to move towards a situation in which an offender comes to attach value and importance to the court order. I do not think that that is unreasonable. I do not think that it is unreasonable to say that offenders cannot flout or ignore a court order and that, if they do, such conduct will not be condoned by their probation officer.

At its best, the service shows that, where offenders are faced with consistent discipline, and with determination and rigour in terms of enforcement, they respond to that certainty. That enhances the offender's view of the court order. It enhances compliance and the public's confidence in community penalties generally. That is why we want to put the warnings to offenders on a statutory footing.

The amendment attempts to apply the statutory warning scheme only to the so-called more serious cases and, further, only to such of those cases that arise after the first three months since the commencement of the order. It is misguided to allow that grace period to enable someone to come to terms with the discipline of the order. Offenders need to come to terms with it from the word go, and to be helped and assisted in doing so.

Amendment No. 189, as drafted, would not have any practical effect. Offenders in the first three months of their order would simply be given a non-statutory warning for an unacceptable failure to comply and, in accordance with national standards, be returned to court no later than the second such failure. They would face the same penalty for a breach—usually imprisonment—as offenders who are given a statutory warning. That is what the national standards are all about. The amendment would, therefore, remove the deterrent effect of the statutory warning at a time when the consequences of flouting such an order most need to be reinforced.

Mr. Bercow: It would be helpful to the House, in seeking to evaluate the amendments in this group, to know whether the regulations flowing from the unamended clause would be subject to the negative or the affirmative resolution procedure?

Mr. Boateng: We have always taken the view that certain categories of regulation should be subject to the negative procedure, and that others should be subject to the affirmative one. I am quite prepared, if the hon. Gentleman pushes me on it, to share my own view on the issue—on which I do not have a closed mind. Earlier, my hon. Friend the Parliamentary Secretary, Lord Chancellor's Department was even kind enough to suggest that I was noted for my open-mindedness on these issues. Indeed, I could not be more open-minded on an issue than I am on this one.

My mind is currently veering towards the notion of a negative resolution—[HON. MEMBERS: "Oh, no."]—but, if my arm were twisted, I could be persuaded that an affirmative resolution might be more appropriate. What does the hon. Gentleman think about it? Which would he prefer?

Mr. Bercow: I am very grateful to the Minister. In what might be described as the parliamentary equivalent of a time-out in basketball, he could always consult and look for further and better advice. He will not be surprised to know that my own advice, especially after being chastised by him for my uncharacteristic silence in this debate and in our previous consideration of the Bill, is that we should have the affirmative procedure. That procedure—so that members of the public are aware of it—entails providing the opportunity for substantial and considered debate on the regulations' merits, rather than the quite scurrilous process whereby the Government ram them through the House in accordance with the negative procedure, which facilitates no debate at all.

Mr. Boateng: I hear what the hon. Gentleman says. Then again, he would say that, and I have no doubt that, in his position, I would say the same. I myself am not necessarily persuaded of the need for national standards to be established by any order-making power. Nevertheless, if that is an idea that he has, I am only too happy to consider it. I shall write to him and let him know how my mind develops on that particular issue. I should return to the substantive issue.

Mr. Hayes: Will the right hon. Gentleman give way?

Mr. Boateng: I really must not continue giving way like this. However, I will on this occasion.

Mr. Hayes: I do not want to disrupt the joust between the Minister and my hon. Friend the Member for Buckingham (Mr. Bercow)—especially as I have no knowledge of netball or whatever it was they were dealing with—but I, too, should like to return to the substantial issue. It seems to me—perhaps the Minister will confirm it—that amendment No. 189 is less fair to offenders. Loosening the requirements in the initial period may confuse and bewilder offenders, making them feel that they have more latitude than they really have and that they can play fast and loose with the service. Ultimately, therefore, rejecting the amendment, as the Minister recommends, would be fairer not only to society as a whole, but to offenders themselves.

Mr. Boateng: I am bound to say that I agree with the hon. Gentleman. That is always the difficulty in relation to the Liberal Democrats' approach to the issue. They seek—no doubt with the best will in the world—to be understanding and considerate, but they have missed the point here. The best way to bring about the change or correction—the purpose of the disposal, after all is to change and correct offending behaviour in a community context—is, from the word go, to lay down clear parameters as to what is or is not acceptable. In some instances—as the hon. Member for Taunton will know from her experience—this may be the first time any such parameters have been set in those lives. In doing that, we need to be clear about what we can and cannot get away with.

Jackie Ballard: I guess that the Minister will know what I am about to say. It is very much because it will

[Jackie Ballard]

be, for some, the first time that parameters have been set that I am suggesting that those concerned need time to learn to adjust to those parameters. Given the three-month period that we are suggesting, it will be clear that any breaches after that period will result in serious consequences.

Mr. Boateng: There is a fundamental difference between us on this matter. We are both agreed as to the end; what we want is compliance. The question is how to get there. Many of the people we are talking about will have been given opportunity after opportunity in the past. They will have received a community penalty in place of a possible prison sentence. There has to be an understanding from the beginning that this opportunity is not given lightly. It is a privilege that will be lost if there is not compliance. That is our considered view. I hear what the hon. Lady says, but we believe that the amendment would take away the deterrent effect of a statutory warning.

Dr. George Turner: Does my right hon. Friend agree that if one expects low standards, one will get them? If someone spends the first three months on an order learning that they do not have to obey it because they lead a disorderly life, they are likely to want to plead the same way over the following three months.

Mr. Boateng: I agree wholeheartedly with my hon. Friend, who speaks from experience on these matters. We do not believe that it would be right to accept the amendment, which would take away the deterrent effect of a statutory warning at a time when the consequences of flouting an order most need to be reinforced. The amendment tries to introduce a distinction between unacceptable failures to comply that simply does not exist.

The real distinction is between acceptable and unacceptable failures. That is a question of judgment—a judgment that can take into account a variety of factors. Making that distinction is the professional role of the probation service within national standards and associated guidance. All unacceptable failures to comply are serious and should be dealt with accordingly. We simply cannot accept the philosophy that underpins the amendment and I hope, for that reason, the hon. Member for Taunton will not push it to a vote.

I wish to refer to the Government amendments regarding the extension of electronic monitoring to offenders in the community. That is a separate issue from the debate that we have had about home detention curfews. My hon. Friend the Parliamentary Secretary, Lord Chancellor's Department, notified the Committee of our intention to table certain amendments to our new exclusion provisions. These would preserve a victim's right to know the relevant terms of the orders, while curtailing their right to more sensitive information about the offender.

The provisions that allow for the extension of electronic monitoring could be used in a variety of circumstances. I much appreciated the support of the hon. Member for Hertsmere (Mr. Clappison) in that regard. An electronically monitored exclusion order, for example, could be used to help prevent a known shoplifter from entering premises in which he was accustomed to steal, such as a shopping centre. Or an offender could be excluded from a house for the purpose of protecting an individual who lives there. In such a situation, it is eminently reasonable and sensible that the person being protected by the terms of the order, or requirement, should know its terms. If an offender who hangs about the house of a woman during the night is excluded from those premises—I have given an example of the hours between 8 pm and 8 am—the victim should know that that is the case. That will tell her exactly what she should be able to expect within the terms of the order—in other words, when the exclusion order is in effect and when it is not.

9.30 pm

Mr. Hawkins: As the Minister appreciates, there is an identity of view between the two sides of the House in relation to the importance of these matters, especially those involving domestic and family violence, on which we had some good debates in Committee. However, will he make it clear that he will keep these provisions under review, especially in the light of the danger, of which he is aware as I am, that sometimes in a domestic violence case there can be wrong on both sides?

Mr. Boateng: I am not sure that I would put it like that. I do not know about wrong on both sides. If there is domestic violence and somebody has been the victim of it, that is wrong. I do not care what is on the other side.

Mr. Hawkins: I am sorry if I did not clarify my point. There can be domestic violence by either spouse against the other. The Minister will have seen cases, as I have, where someone is made the subject of a county court order and constantly allows that order to lapse or be breached, and there is violence on both sides. That is my concern.

Mr. Boateng: I hear what the hon. Gentleman says. When there is a development in the law of this nature and when there is a link between that and the development of technology, it is always important to keep matters under review. It is undoubtedly the case that technology can give reassurance to both sides in a domestic dispute. It provides irrefutable evidence and avoids a situation in which one person says yea and the other nay. That is a difficult situation for a court to untangle, and I think that the hon. Gentleman was referring to that. Technology will avoid that.

Mr. Bercow: Will the Minister clarify for the purpose of the debate that an individual who is subject to an exclusion order would be guilty of its breach if he were to enter the property or immediate environ of the person protected from him, and if he were to communicate with that person either by telephone or in writing?

Mr. Boateng: That would depend on the order. Most orders include contact, directly or indirectly. In those circumstances, yes, there would be a breach.

We have talked about these matters in terms of domestic violence, and rightly so. The provisions give an immediate value-added element to the development of technology in this area. I also see them as having a real impact in terms of a certain category of offences committed in shopping malls and shopping centres. There will undoubtedly be an advantage for the managers of those centres or spaces.

I think that it was last year that I saw an example in Wood Green, where there is an excellent relationship between the local police, local retailers and the private security firm that provides the security in Wood Green. The scheme is clearly being implemented in the interests of reducing retail crime, and those concerned have access to the information that X, Y and Z have been tagged. They will then know, given the machinery that they might install in the mall, when someone is in breach of an order.

Dr. George Turner: On a topical subject, might such an exclusion order apply to football grounds?

Mr. Boateng: How very topical. I understand that we have lost 3-2. Yes, the order would certainly have a use in football grounds.

This has been a good debate. We have shared a range of opinions, there has been remarkable unanimity and some probing questions have been asked. My mind, which was very much open to the input of hon. Members of all parties, has been developing in relation to the affirmative resolution and final warning provisions. I am very glad to be able to tell the hon. Member for Buckingham that those provisions will apply to community orders listed in schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000, and the list may be amended by affirmative resolution.

On that happy consensual note, I commend the Government amendments and ask the House to reject amendment No. 122.

Mr. Bercow: I support the amendment, because it is so eminently reasonable and so manifestly sensible that it could be damaging to the reputation of our politics for the Government to insist on rejecting it. The House and the wider public should be aware of that.

I returned earlier the compliment that the Minister kindly bestowed on me and said that I had a great regard for him. I believe that he is a truly brilliant man, although in all fairness he must yield in terms of brilliance to my hon. Friend the Member for Surrey Heath (Mr. Hawkins). As the late Enoch Powell was wont to observe, one sometimes encounters people who are so clever as to be unable to see the simplest point. In this context, that is peculiarly applicable to the Minister.

The amendment is sound, reasonable and fair and suffers from only one political disadvantage: it was tabled by the shadow Home Office team. For that reason, I suspect, the Minister said to his advisers, "I beg you, I kneel before you, I beseech you to offer me some excuse to oppose the amendment." I greatly regret the fact that the Government have decided to do that. I believe that it is wrong and unfair, and I hope that the House will support the amendment.

My second criticism of the Minister is that he violently abused the National Association of Probation Officers. He was challenged to provide the evidence discrediting its claim to represent its members. The Minister is a product of Apsley grammar school, Bristol university and the College of Law, yet he was reduced to saying that his impression from his chats with probation officers in his perambulations around the country was that they disagreed with the national leadership. That was a triumph of anecdotalism over the professional integrity and representativeness of the association.

My third reason for disappointment in the Minister is that he has backtracked on the welcome humility that he displayed at Home Office questions on 13 March. On that occasion, I welcomed his sensible climbdown on the name of the probation service. In deference to the representations that he had received, he dropped his silly idea of renaming the body with a very long-winded title.

My anxiety is that I have paid a price for my silence in the intervening period—a silence for which the Minister roundly criticised me this evening. I took my eye off the ball, and the right hon. Gentleman used the opportunity to get his own back. It clearly stuck in his gullet 91 days ago to withdraw his proposed renaming, and he now proposes the renaming of a series of penalties. He is wrong to do so. There is no empirical justification for the proposed change. His intention to go ahead with it makes it clear that the right hon. Gentleman is not aware of, or has not taken to heart, the wise adage of Lord Falkland, who said:

> When it is not necessary to change, it is necessary not to change.

Mr. Hawkins: This has been an interesting debate, in which we have had arcane discussions about the negative resolution procedure. My hon. Friend the Member for Buckingham (Mr. Bercow) extracted a significant concession from the Minister, who originally said that he was not sure whether the procedure to be used was the negative or the affirmative resolution procedure. In the end, we discovered that the affirmative resolution procedure would be used. That is right, and my hon. Friend made his points well.

I could not disagree more strongly with the hon. Members for North-West Norfolk (Dr. Turner) and for Lancaster and Wyre (Mr. Dawson), who suggested in their interventions that the Minister's anecdotal evidence from probation officers was to be preferred to the professional opinion of the National Association of Probation Officers.

There is no doubt that probation orders and community service orders are well understood by the courts. That is the acid test, as it is the courts that impose them. I believe that the titles of the orders have become better known to the public over the past 25 years, and they are certainly better known than the complicated mouthful of replacement titles that the Government have produced.

We had a sensible debate about the importance of electronic monitoring in relation to domestic violence. Members of all parties agreed about the essential need to protect victims, but the most important element of this group of amendments remains the Government's unwise and unnecessary proposed change to the orders. In view of the Government's saying that they still have an open mind on the protection of victims, and of the fact that the Minister gave a more reasonable reply to our amendment while indicating that he could not accept it now, I am hoping that wiser counsels will prevail over time and that something akin to amendment No. 122 may be accepted. I see the Minister nodding, and I take heart from that, because he may at some stage be prepared to accept something alone the lines that we propose.

In those circumstances, although I will be asking my right hon. and hon. Friends to vote with me on amendment No. 123, I intend to withdraw amendment No. 122 in the light of the Minister's comments. However, on amendment No. 123—the matter that we regard as the most substantial in the group as it deals with the

[Mr. Hawkins]

Government's wholly unnecessary change of titles, which has been opposed by the National Association of Probation Officers and by probation committees up and down the country—I will be inviting all right hon. and hon. Members to vote with us.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 9

APPROVED BAIL HOSTELS, ETC.

Amendment proposed: No. 123, in page 5, line 3, leave out "community rehabilitation" and insert "probation".—*[Mr. Hawkins.]*

Question put, That the amendment be made:—

The House divided: Ayes 122, Noes 289.

Division No. 227] **[9.45 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cormack, Sir Patrick
Cran, James
Davies, Quentin *(Grantham)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Gale, Roger
Gibb, Nick
Gill, Christopher
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hawkins, Nick
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
Maclean, Rt Hon David
McLoughlin, Patrick
Malins, Humfrey
Maples, John
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Soames, Nicholas
Spelman, Mrs Caroline
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Luff and
Mr. Geoffrey Clifton-Brown.

NOES

Abbott, Ms Diane
Ainger, Nick
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashdown, Rt Hon Paddy
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Ballard, Jackie
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Bell, Martin *(Tatton)*
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Best, Harold
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brand, Dr Peter
Breed, Colin
Brinton, Mrs Helen
Browne, Desmond
Burden, Richard
Butler, Mrs Christine
Cable, Dr Vincent
Caborn, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Chidgey, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Charles *(Norwich S)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Clwyd, Ann
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Cotter, Brian
Cousins, Jim
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Gidley, Sandra
Godman, Dr Norman A
Godsiff, Roger
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hill, Keith

Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Hughes, Simon *(Southwark N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Jon Owen *(Cardiff C)*
Jones, Dr Lynne *(Selly Oak)*
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Linton, Martin
Love, Andrew
McAllion, John
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWilliam, John
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall–Andrews, Robert
Martlew, Eric
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Michie, Mrs Ray *(Argyll & Bute)*
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quin, Rt Hon Ms Joyce
Quinn, Lawrie
Radice, Rt Hon Giles
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Savidge, Malcolm
Sedgemore, Brian
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Sir Robert *(W Ab'd'ns)*
Soley, Clive
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stevenson, George
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Temple–Morris, Peter
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Wicks, Malcolm
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winnick, David
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Graham Allen and
Mr. Robert Ainsworth.

Question accordingly negatived.

Mr. Hawkins: I beg to move amendment No. 124, in page 5, line 11, at end insert—

'(4) Before giving approval to a hostel or other premises under subsection (1), the Secretary of State must be satisfied that the local community has been adequately consulted about the establishment of the hostel or other premises and that arrangements are in place for liaison with the local community about the operation of the hostel or other premises after approval is given.'.

We raised this issue in some detail in Committee because several hon. Members on both sides of the Committee had had experience of controversies about the establishment of bail or probation hostels in their constituencies. I was involved in a significant dispute about a proposal for such a hostel in which members from all three main political parties joined in a campaign to stop a wholly unsuitable property being used for a probation and bail hostel, so I am well aware of the strong feelings that can be engendered.

In the case with which I was involved, a decision was made not to establish the hostel, but it took a long and concerted campaign with all-party support before that decision was made. There was much protest because the building involved was on the route that parents with very young children used on their way to and from nursery and other schools. It was proposed that serious offenders, including some who had been convicted of serious offences against children, should be put in that hostel, but it was clear that the wrong site had been chosen. It was not a "not in my backyard" dispute. Most of the campaigners freely conceded that—

It being Ten o'clock, the debate stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Criminal Justice and Court Services Bill may be proceeded with, though opposed, until any hour.—*[Mr. Jamieson.]*

Question agreed to.

As amended in the Standing Committee, again considered.

Question again proposed, That the amendment be made.

Mr. Hawkins: The case was one in which most of those who opposed the use of that property accepted the need for a bail or probation hostel somewhere, but felt that the wrong site had been chosen. In Committee, it was made clear that my hon. Friend the Member for

[Mr. Hawkins]

Mid-Worcestershire (Mr. Luff) had had similar experiences, and other hon. Members had also faced similar challenges. In the case in which I had some involvement, some of those who were not then Members of Parliament—such as the now hon. Member for Blackpool, North and Fleetwood (Mrs. Humble)—were involved when they were in local government, so this matter concerns all parties.

In Committee, Ministers recognised that serious issues needed to be confronted, and they dealt constructively with the debate at that stage in the Bill's proceedings. I hope that we will receive a similarly constructive response from the Government tonight. I claim no particular magic in the wording that we have chosen in the amendment—we simply wish to raise the issue again—because, perhaps in the other place, others may have views.

We want to keep the issue alive, because we should like the Bill in its final form to contain a provision along the lines of that contained in our amendment. We want to see some recognition, if necessary through a differently worded Government amendment, of the need to consult the local community. Concerns were expressed on both sides of the Committee—and they are concerns shared by hon. Members from many different political parties whenever bail and probation hostels are proposed. I hope that the Minister will be able to respond positively.

Mr. Boateng: We had a good debate around the issue in Committee and I do not intend to replicate that tonight by rehearsing all the arguments. However, few hon. Members, in their constituency capacity, will not have had to wrestle with such issues at some time. Undoubtedly, such matters can provoke real dissension and fracturing in the local community.

We all know that hostels, and those who work in them, play a vital role in protecting the public and in rehabilitation. Often that is an unsung and thankless task, and tonight we can give some due recognition to the front-line workers in the probation and related services who do that valuable work.

In responding to this debate, I have in mind the need to ensure that we do nothing that undermines the work of those front-line hostel workers and their management committees, because it is difficult enough at the best of times without being plunged into the midst of community dissension. We must also approach this topic with due caution, so as not to do anything that would undermine the integrity of the local planning process. However exasperating that may be from time to time for Members of Parliament, it is in the end our surest protection in terms of the balance of our various responsibilities between national Government and national representation on one hand, and local government and local representation on the other.

For that reason, I cannot accept the amendment as drafted. It would impose two parallel and coterminous duties on two Secretaries of State: the Secretary of State for the Environment, Transport and the Regions, who is responsible for the planning process, and the Secretary of State for the Home Department, who is responsible for the approved hostel process. That can only be confusing and unsatisfactory and act as a potential cause of division, when we should be doing everything possible to encourage joined-up, not splintered, government.

Mr. Hawkins: In his final phrase, the Minister made the point that I intended to make. Surely, if the Government genuinely believe in joined-up government and joined-up thinking, not merely as rhetoric, but as reality, they will perceive an advantage in thus linking the responsibilities of the Secretary of State for the Environment, Transport and the Regions and the Secretary of State for the Home Department.

Mr. Boateng: The responsibilities involved are distinct, but related: one for the planning process, the other for the approved hostel process. The planning process is a statutory process and therefore has to be a statutory responsibility. The approved hostel process is one in which, as a matter of policy, the Secretary of State for the Home Department approves a specific hostel for the purposes laid down in statute; that approval is carried out on the basis of policy guidance, so it is an administrative, not a statutory, process. I assure the House that that policy guidance requires checks to be made to ensure that appropriate consultation has taken place. Our best defence lies in ensuring that the policy guidance is adequate and appropriate in terms of the consultative process to be undertaken, and in so doing ensuring that the respective roles of different Secretaries of State are not confused.

My second concern, which I am sure the House will share, relates to the definition of "community". In the context of the amendment, it is vague and non-specific. If the consultation were too extensive or drawn too widely, the result might be to encourage nimbyism, which is already a problem. No new hostel would ever be approved, because it would be bound to alienate someone, or be opposed by some interest or individual. The judgment on how broadly to consult is best determined locally, by those who are closest to and best understand the local community. That is not to say that consultation is not a vital task; it is, and it must be carried out with care and sensitivity. However, I do not believe that we shall be doing our constituents any favours if we impose on the whole process the additional burdens contained in the amendment.

We must be careful not to undermine the thrust of Government policy. Let me give an example of how that might, inadvertently, be the result of the amendment's being accepted. Suppose that a voluntary organisation was already operating in an area, working with a hostel that already had all the relevant planning approvals. Along comes the Secretary of State for the Home Department, seeking to make the hostel an approved hostel. Were the amendment to be accepted, the organisation running the hostel—say, the National Association for the Care and Resettlement of Offenders—would have to open fresh consultation on whether it should become an approved hostel. In such circumstances, it might be difficult to persuade voluntary sector organisations to enter into partnerships with the Home Office or the national probation service for England and Wales to deliver hostel accommodation in the right place to meet the purposes of rehabilitation and public protection.

Once the hostel is operating it is much better to leave liaison with the community to those with responsibility for running the hostel. Certainly, they need guidance for

that, and they should involve Members of Parliament, local councillors, the immediate neighbours, relevant local community organisations and the police.

We should be travelling down that road of more effective liaison, consultation and guidance, rather than down the road of statutory duties, which could open up the possibility of the confusion of roles that I outlined, act as a deterrent to voluntary organisations entering into partnership, as I described, and, horror upon horrors, open up the possibility of yet more legal challenges to the adequacy of arrangements, resulting in undue expense and delay.

I understand why the hon. Gentleman moved the amendment. Every constituency Member knows of the difficulties that can arise. I shall reflect on whether we could do more by way of administrative guidance on the matter. It is an area worth exploring, and we may need to return to it. However, I ask the House not to go down the statutory route proposed by the amendment.

Mr. Hawkins: I recognise and welcome the Minister's constructive comments, particularly at the end of his remarks. In the light of his helpful indication that the Government will continue to keep the matter under review, and examine the guidance to see whether more can be done, I shall seek leave to withdraw the amendment, with one proviso: the matter may be debated further in another place, and we may table an amendment with slightly different wording, to see whether by then the Government will accept it. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 29

SECTIONS 27 AND 28: SUPPLEMENTAL

Amendments made: No. 7, in page 13, line 34, at end insert—

'"guardianship order" means a guardianship order within the meaning of the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957 or the Mental Health Act 1983,'.

No. 8, in page 14, line 12, leave out—

'within the meaning of the Mental Health Act 1983'.—*[Jane Kennedy.]*

Clause 32

CONDITIONS FOR APPLICATION UNDER SECTION 31

Amendments made: No. 9, in page 16, line 4, leave out—

'within the meaning of the Mental Health Act 1983'.

No. 10, in page 16, line 8, at end insert—

'"guardianship order" has the same meaning as in section 29.'.—*[Jane Kennedy.]*

Clause 34

MEANING OF "REGULATED POSITION"

Amendments made: No. 11, in page 17, line 42, after "person" insert "who holds a position".

No. 12, in page 17, line 44, leave out from second "of" to end of line 45 and insert "an educational institution".

No. 13, in page 18, leave out line 11.—*[Jane Kennedy.]*

Clause 37

INTERPRETATION OF PART II

Amendments made: No. 14, in page 19, line 43, leave out from "children" to end of line 44.

No. 15, in page 20, leave out lines 1 and 2.

No. 16, in page 20, leave out lines 9 and 10.

No. 17, in page 20, leave out lines 14 and 15.

No. 18, in page 20, leave out lines 20 to 24.—*[Jane Kennedy.]*

Clause 41

EXCLUSION ORDERS

Amendments made: No. 19, in page 23, line 37, leave out "40B below" and insert "36B above".

No. 20, in page 23, line 45, leave out from "any" to end of line 47 and insert "affected person".

No. 21, in page 24, line 2, leave out from "offender" to end of line 3 and insert—

'and the responsible officer, and

(b) give to any affected person any information relating to the order which the court considers it appropriate for him to have.'.'

No. 22, in page 24, line 4, leave out "and section 40B below".

No. 23, in page 24, line 5, at end insert—

'(12A) For the purposes of this Act, a person is an affected person in relation to an exclusion order if—

(a) a requirement under section 36B(1) above is included in the order by virtue of his consent, or

(b) a prohibition is included in the order for the purpose (or partly for the purpose) of protecting him from being approached by the offender.'.

No. 24, in page 24, leave out lines 11 to 32.

No. 25, in page 24, line 42, leave out from "orders" to "; and" in line 44.—*[Jane Kennedy.]*

Clause 42

DRUG ABSTINENCE ORDERS

Mr. Hawkins: I beg to move amendment No. 130, in page 25, line 16, after "A", insert "or Class B'

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 131, in page 25, line 27, after "A", insert "or Class B".

No. 132, in page 25, line 31, after "A", insert "or Class B".

No. 2, in page 25, line 32, at end insert—

'(c) the court is satisfied that an appropriate programme of drug treatment is available in the relevant area and can be provided for the offender.'.

No. 3, in page 26, line 18, at end insert—

'(d) where and when the treatment for drug abuse is to be made available to the offender.'.

No. 133, in clause 43, page 26, line 41, after "A", insert "or Class B".

[Mr. Deputy Speaker]

Government amendment No. 26.

No. 134, in clause 44, page 27, line 19, after "A" insert "or Class B".

No. 135, in page 27, line 29, after "A", insert "or Class B".

No. 136, in page 27, line 36, after "A", insert "or Class B".

No. 137, in page 27, line 38, after "A", insert "or Class B".

No. 145, in clause 52, page 35, line 17, after "A', insert "or Class B".

No. 146, in page 35, line 26, after "A', insert "or Class B".

No. 147, in page 36, line 23, after "A', insert "or Class B".

No. 148, in page 36, line 25, after "A', insert "or Class B".

No. 161, in clause 57, page 40, line 17, after "A", insert "or Class B".

No. 162, in clause 58, page 40, line 31, after "A", insert "or Class B".

No. 163, in clause 59, page 40, line 40, after "A", insert "or Class B".

No. 164, in page 40, line 42, after "A", insert "or Class B".

No. 165, in page 41, line 6, after "A", insert "or Class B".

No. 168, in schedule 5, page 53, line 14, after "A", insert "or Class B".

Mr. Hawkins: Although there is a lengthy list of amendments in the group, the House will realise that they are largely consequential, one on another. There is one principle at stake: we believe that in the new regime that the Government are setting out, which we debated at length in Committee, they are unwise to restrict the operation of the provisions only to class A drugs. We recognise, of course, that class A drugs are the most serious, but we believe that it would be helpful if the Government added class B drugs.

I direct the Minister's attention to research carried out by the Home Office. In 1996 and 1997, the Home Office commissioned a research project at Cambridge university into drug use by arrestees. The project took place in five contrasting areas—Sunderland, Nottingham, Manchester, Cambridge and London. With respect to the recent drug consumption of those arrested, tests showed comparatively high levels—61 per cent. of those arrested had taken at least one illegal drug, and 27 per cent. tested positive for two or more drugs. The drug that was found most often in the tests, with 46 per cent. of arrestees testing positive for it, was cannabis.

10.15 pm

We have referred earlier—not only tonight but in Committee and on Secord Reading—to the fact that many hon. Members have had extensive professional dealings with drug offenders. For example, some have prosecuted or defended them, while others have dealt with them through their work as social workers, probation officers or youth workers. However, no one who has been involved professionally can doubt that cannabis is the most prevalent drug.

When considering the causes of and influences on crime, I hope that we can agree that drug use is a major factor.

Jackie Ballard: I would be interested in the hon. Gentleman's answer to two questions. Given the well documented stronger link between alcohol misuse and crimes of violence, why has not the hon. Gentleman included alcohol in the amendment? What is the evidence that cannabis is linked to crime?

Mr. Hawkins: On the hon. Lady's second question, I point to the Home Office research on drug use, which I mentioned earlier. If the hon. Lady talked to police officers who are regularly involved in drugs work, they would say that many crimes are committed by those who have taken cannabis, or in order to raise funds to feed a cannabis habit. The hon. Lady shakes her head. We know that the Liberal Democrats have held some interesting views on the legalisation of cannabis. Liberal Democrat conferences have voted for it several times. I do not know whether the hon. Lady voted for it—perhaps she will tell us.

Jackie Ballard: To set the record straight, the vote in the Liberal Democrat conference was on whether to set up a royal commission to consider drug misuse, including the possible decriminalisation of cannabis. I voted for the establishment of such a royal commission.

Mr. Hawkins: When such matters are debated, we know where the Liberal Democrats are coming from. I note that the Minister smiles. On this occasion, the hon. Lady is being disingenuous; we know the views of many leading members of her party.

Mr. Simon Hughes: At least we vote for what we believe in.

Mr. Hawkins: The hon. Gentleman should do me the courtesy of acknowledging that I also vote for what I believe in. However, I welcome the hon. Gentleman's honesty in indicating his true beliefs on the issue that we are considering. We are holding an useful debate. Often, late at night, the truth will out in the Chamber.

Mr. Frank Cook (Stockton, North): Will the hon. Gentleman consider the first point that the hon. Member for Taunton (Jackie Ballard) made, about alcohol? The hon. Gentleman prayed in aid the large number of policemen who would state that there was a close relationship between crime and the use of cannabis. Does he agree that the same number of policemen habitually imbibe alcohol?

Mr. Hawkins: I am sure that, when off duty, many police officers enjoy a drink as much as the next man and certainly as much as this man. In Committee, the hon. Member for Taunton made great play of the fact that she was an abstainer. Through a question from the hon.

Member for Weaver Vale (Mr. Hall), we discovered that she even abstains from salt. If she is announcing a new Liberal Democrat—

Mr. Deputy Speaker: Order. We are straying a little too far from the amendment.

Mr. Hawkins: Of course I respect your ruling as always, Mr. Deputy Speaker. However, the hon. Lady asked whether alcohol should be included in the amendment. I was simply speculating about whether there was a new Liberal Democrat policy to introduce prohibition. I hope that that is not the case. That would mean that even fewer Liberal Democrats would be elected at the next general election. On current polls, there will be few anyway.

We are considering a serious matter. The official Opposition believe that class B drugs should be included in the orders. We look forward to the Minister's response. The issues that we are discussing should be considered very seriously.

Jackie Ballard: I wish to speak to amendments Nos. 2 and 3, which my hon. Friends and I tabled. I shall try not to rehearse the gist of the detailed arguments that we had in Committee.

Abstinence orders should not be imposed unless the court is satisfied that an appropriate programme of drug treatment is available in the court area and can be provided for offenders. Before making an order, the court should explain the effect of the order and the consequences of failure to abstain and also tell the offender where and when treatment is to be made available to him or her. It is widely accepted among those who work in the drugs field that class A users will not stop or abstain from using such drugs just because the court tells them to. Indeed, if they have a persistent drug habit, they cannot abstain just because they are told to, and it may be dangerous if they do. Home Office guidance on drug treatment and testing orders states:

> Simply stopping taking a dependent drug can be serious and even life-threatening. Offenders who are dependent should be warned against sudden cessation of use in such cases.

The simple requirement to abstain gives the impression that change can be instant, but we all know that it is not likely to be so. A positive test result would be a breach of the order. In Committee, the Parliamentary Secretary, Lord Chancellor's Department, said that a probation officer would keep track of progress by using random drug testing. She said that research from the United States suggests that drug testing alone can deter drug use, but she was not aware of any long-term follow-up studies to see whether that continued beyond the point at which the testing stopped. The Minister of State said in Committee that coercion alone helps people to restore order to drug-abusive lives. Abstinence orders may not be effective in the short term—indeed, they may even be dangerous—and will not be effective in the long term without treatment.

I acknowledge the drink—*[Laughter.]* Acknowledging the drink and imbibing it are two different things. I meant to say that I acknowledge the link between class A drug abuse, addiction and acquisitive crime. Drug abuse is a chronic relapsing condition and drug treatment can make a positive and significant impact on abusers and addicts. People have to wait between eight weeks and 12 months for treatment in different parts of the country. The Home Office acknowledges the postcode lottery of availability of treatment, as was obvious from the Home Secretary's statement last week.

A few weeks ago, I asked the Home Secretary in this place if he would set a target for the maximum waiting time for drug treatment. None is in place at the moment and the Government still seem to be reluctant to have such a target. However, the report of the Select Committee on Home Affairs entitled "Alternatives to Prison Sentences" recommended that the Government set an objective for all drug misusing offenders who are given community sentences to have access to appropriate treatment. I agree with that recommendation and believe that offenders should be told explicitly by the court how the provision of treatment will help them to comply with an abstinence order.

I do not underestimate the extra resources that will be needed to provide treatment for all drug abusers. Indeed, I wonder whether the Government are reluctant to accept the amendment because they are aware that it will require extra resources.

Dr. Brian Iddon (Bolton, South-East): Is not one of the problems that there is an almost total absence of abstinence programmes across Britain? I am aware of only one professional programme in Greater Manchester, to which people are referred from the whole of the north-west. We need more abstinence programmes to help people through a period of coming off drugs.

Jackie Ballard: I certainly agree with the hon. Gentleman. The gist of my argument is that imposing an abstinence order alone will not help people to come off drugs: they also need proper programmes to help them. That will also demand the provision of many more drugs advice workers, who will need to be recruited and trained, especially if we are not to end up with the only route to treatment being through the criminal justice system.

Studies in the United Kingdom and the United States show that for every pound spent on treatment of drug users, £3 is saved in the criminal justice system. Although there is certainly a resourcing issue in the short term, the criminal justice system would save money in the long term if the measures were successful.

If the Government really intend to tackle the problems of the link between class A drug abuse and crime, they must invest more in the provision of treatment and speedier access to it. Without that, abstinence orders will be meaningless and will merely lead to more offenders ending up in the prison system.

Jane Kennedy: Although we had a lighthearted discussion of these issues in Committee, I acknowledge the serious points made by the hon. Member for Taunton (Jackie Ballard) in Committee and on the Floor of the House.

I shall deal first with the amendments in the name of the hon. Member for Surrey Heath (Mr. Hawkins) and his colleagues. I am afraid that I am going to disappoint the hon. Gentleman by inviting my hon. Friends to resist his amendments if I cannot persuade him that there is no need to press them to a vote.

[Jane Kennedy]

The amendments seek to add class B drugs, which include cannabis and amphetamine, to the specified class A drugs, heroin and cocaine, which will be tested for under our proposals. The Bill offers a comprehensive approach to drug misuse, and the remedy suggested in the amendments is too simplistic. Our proposals are based on sound research evidence. They are a proportionate response to the very serious problem posed to society by drug-related crime. There is no disagreement between hon. Members on the serious nature of that problem.

The hon. Gentleman helpfully drew attention to our drug testing of arrestees research programme. I shall refer to elements of the research that he did not highlight. It showed that property crime funded around 75 per cent. of the total income of arrestees. *[Interruption.]* "Arrestees" are those arrested. Unfortunately, "drug testing of arrestees" is the name of the research programme. We have been heavily into names during our debates. One third of arrestees' total income was spent buying heroin, crack and/or cocaine.

We have no compelling evidence at present to suggest that a similar link exists between other drugs—in class A or class B—and the commission of crime on a similar scale. If research evidence of a link involving other drugs becomes available, we will consider including those in the testing programme.

We are piloting the new regime to evaluate its effectiveness and to find out what works best before we decide how to roll it out further. Initially, we are concentrating the pilots on property criminals and on the drugs—heroin, crack and/or cocaine—that research tells us are most clearly associated with the drugs-crime cycle. The Bill already contains powers to extend the range of drugs tested and the trigger offences if research evidence justifies that. If the pilots are successful, roll-out will be done when all necessary facilities, including prison places, are available. I hope that I have reassured the hon. Gentleman.

Before I deal with the amendments in the name of the hon. Member for Taunton, I shall deal quickly with Government amendment No. 26, which is a minor drafting amendment, but none the less important. It will make it clear to the courts that the pre-sentence drug test, along with the other drug-testing provisions, will be piloted in the first instance, as I have just described, and that my right hon. Friend the Home Secretary will notify the courts when arrangements are in place for the provision to be brought into effect. It mirrors the similar provision already included in respect of drug abstinence orders and requirements.

Let me spell it out again: the purpose of the pilots will be to test our assumptions about the value of drug testing in reducing crime and illegal drug taking. Drug treatment and testing orders were also piloted in the first instance. A preliminary evaluation by researchers from South Bank university informed our decision to roll-out the drug treatment and testing order nationally from next October.

10.30 pm

The hon. Member for Taunton has tabled two amendments that I firmly believe would detract from the effectiveness of the drug abstinence order by making unrealistic and often unnecessary requirements for the availability of treatment services before the court may make such an order. That is not to diminish the importance of the availability of treatment, but a drug abstinence order targets those offenders under probation supervision who do not require immediate treatment, although their drug misuse requires monitoring. Drug abstinence orders are primarily designed for offenders who have a propensity for drug misuse, but who do not need immediate treatment.

Interventions to identify and monitor drug misuse are planned for those on charge, on bail, on community service or under other forms of community supervision, including release from prison on licence. The drug abstinence order is an integral part of that strategy. In particular, it will complement the drug treatment and testing order, which is principally aimed at offenders who commit high-volume acquisitive crime to feed a drug habit, are assessed as requiring treatment for drug misuse and are motivated to enter treatment.

Those offenders who do not require treatment or who are not motivated to enter it may well be suitable for a drug abstinence order, which will enable supervising officers to monitor their progress by using random and mandatory drug tests. There is already evidence from the mandatory drug testing programme in prisons that testing, although not a panacea in itself, can have the deterrent effect on hard drug misuse that we are looking for. A positive test under a drug abstinence order would alert supervising officers to potentially problematic behaviour and the need for remedial action, including provision of treatment where necessary.

Our strategy is to have in place drug interventions at each stage of the criminal justice process to identify drug misusers and, where appropriate, to get them into treatment and monitor their progress.

Jackie Ballard: I want to be absolutely sure that I understand the hon. Lady correctly. Are abstinence orders designed not for class A addicts, but only for occasional class A drug users?

Jane Kennedy: I resist the invitation to specify the groups of offenders for which drug abstinence orders might be appropriate. They will be appropriate for some offenders in some circumstances. Some offenders do not opt for treatment—they resist it—but it may be possible to get them to agree to a drug abstinence order. The mandatory testing that will be part of the order will allow the supervising officers to follow their progress. We would know that such individuals had a drug habit and we would want to monitor their progress in resisting the use of the drug.

Mr. Simon Hughes: I have another question on the same lines. I understand what the Minister says about the difference between monitoring people's continuing abstinence and providing treatment. Following the Home Secretary's statement last week and his speech, can she tell us whether the Government have a target for the maximum time for treatment where it is required as part of the continuing rehabilitation process?

Jane Kennedy: No, we do not have a target, but I say to the hon. Gentleman and the hon. Member for Taunton

that we are aware that coverage for the treatment of drug misuse is not yet complete. Considerable resources are being put into treatment—£20 million into arrest and referral schemes and £56 million into drug treatment and testing orders—but we recognise that there is a shortage of capacity. That is being addressed.

Dr. Iddon: Will counselling be applied to an individual who accepts an abstinence order? If it is not available, I cannot see the orders succeeding.

Jane Kennedy: As I understand it, the failure of a drug test by an individual subject to a drug abstinence order would be reported to the court, and it would be for the court to determine what measures should be applied to that individual. It would depend on the circumstances in each case. I do not say that counselling will not form part of the package, but it will be for the court to decide.

I was talking about the shortage of capacity in the overall programme of intervention in drug misuse. We are aware of that shortage, and it is being addressed. One initiative that is in hand is a joint Department of Health and Home Office recruitment campaign for drugs workers. By April 2001, up to 685 drugs workers will be recruited and trained. Those are important steps; this is a major investment in an important part of our work.

Treatment availability will continue to be developed. In the meantime, the existence of any gaps should not constitute a reason for denying the opportunity of identifying drug-misusing offenders at arrest, and monitoring their behaviour on bail or while under probation supervision. That will go a long way towards reducing the damage being done to communities by drug-related crime.

Mr. Hawkins: I am encouraged by the Minister's helpful and serious response. She said that the Government would keep the matter under review. She also said that, at a later stage, they might well consider amendments along the lines that we suggest in relation to class B drugs, and that they will monitor the effects of provisions that the Government have, in fact, drafted very carefully. I shall therefore seek leave to withdraw the amendment, but, once again, with the proviso that the other place may well return to the issue.

I beg to seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 43

PRE-SENTENCE DRUG TESTING

Amendment made: No. 26, in page 27, line 5, at end insert—

'(4) The court shall not make an order under subsection (2) above unless it has been notified by the Secretary of State that the power to make such orders is exercisable by the court and the notice has not been withdrawn'.—*[Jane Kennedy.]*

Clause 45

COMMUNITY SENTENCES: CURFEW REQUIREMENTS

Amendments made: No. 27, in page 28, line 38, leave out subsection (3).

No. 28, in page 29, line 25, leave out subsection (9).— *[Jane Kennedy.]*

Clause 46

COMMUNITY SENTENCES: EXCLUSION REQUIREMENTS

Amendments made: No. 29, in page 30, line 10, leave out subsection (3).

No. 30, in page 30, line 35, leave out subsection (8).— *[Jane Kennedy.]*

Clause 47

MONITORING OF REQUIREMENTS IN COMMUNITY REHABILITATION ORDERS

Amendment made: No. 31, in page 31, line 8, leave out clause 47.—*[Jane Kennedy.]*

Clause 51

PLACE FOR GIVING REPRIMANDS AND WARNINGS

Amendment made: No. 32, in page 35, line 10, at end insert—

'( ) In section 34 of the Police and Criminal Evidence Act 1984 (limitations on police detention), for subsection (5)(b) there is substituted—

"(b) that, in respect of any such matter, proceedings may be taken against him or he may be reprimanded or warned under section 65 of the Crime and Disorder Act 1998".'. —*[Jane Kennedy.]*

Clause 55

ABOLITION OF SENTENCES OF DETENTION IN A YOUNG OFFENDER INSTITUTION AND CUSTODY FOR LIFE

Amendments made: No. 33, in page 38, line 25, at end insert—

'and no court is to make a custodial order except in relation to a person who is aged at least 17 but under 18.

( ) No court is to commit a person to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt) or make an order fixing a term of detention under that section'.

No. 34, in page 38, line 28, leave out "or".

No. 35, in page 38, line 29, after "life" insert—

'or to a custodial order'.

No. 36, in page 38, line 30, after "aged" insert "at least 18 but".

No. 37, in page 38, line 32, at end insert—

'(2A) A person who—

(a) has been committed (before the coming into force of this section) to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 or in respect of whom an order fixing a term of detention under that section has been made (before the coming into force of this section), and

(b) is aged under 21,

may be detained in a young offender institution, or in a prison, determined by the Secretary of State'.

No. 38, in page 38, line 37, after "(2)" insert "or (2A)".

[Mr. Hawkins]

No. 39, in page 38, line 44, at end insert—

'( ) In this section—

"court" includes a court-martial and a Standing Civilian Court,

"custodial order" means an order under—

(a) section 71AA of, or paragraph 10 of Schedule 5A to, the Army Act 1955,

(b) section 71AA of, or paragraph 10 of Schedule 5A to, the Air Force Act 1955,

(c) section 43AA of, or paragraph 10 of Schedule 4A to, the Naval Discipline Act 1957.'.—*[Jane Kennedy.]*

Clause 56

RELEASE ON LICENCE ETC: CONDITIONS AS TO MONITORING

Amendments made: No. 40, in page 39, line 7, after second "conditions" insert ", however expressed".

No. 41, in page 39, line 20, at end insert—

'( ) In this section references to a sentence of imprisonment include—

(a) a detention and training order,

(b) a sentence of detention in a young offender institution,

(c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's Pleasure),

(d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),

(e) a sentence of custody for life under section 93 or 94 of that Act,

and references to prison shall be construed accordingly.'.—*[Jane Kennedy.]*

Clause 58

RELEASE ON LICENCE ETC: DRUG TESTING REQUIREMENTS

Amendments made: No. 42, in page 40, line 21, after "person" insert "aged 18 or over".

No. 43, in page 40, line 25, after "conditions" insert ", however expressed".

No. 44, in page 40, line 35, at end insert—

'( ) In this section references to a sentence of imprisonment include—

(a) a detention and training order,

(b) a sentence of detention in a young offender institution,

(c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's Pleasure),

(d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),

(e) a sentence of custody for life under section 93 or 94 of that Act,

and references to prison shall be construed accordingly.'.—*[Jane Kennedy.]*

Clause 60

ACCESS TO DRIVER LICENSING RECORDS

Amendments made: No. 45, in page 41, line 18, leave out from "constables" to end of line 19.

No. 46, in page 41, line 26, at end insert—

'( ) Before making any regulations applying in respect of constables in police forces in Scotland, the Secretary of State must, to the extent to which the regulations will so apply, consult the Scottish Ministers'.—*[Jane Kennedy.]*

Clause 61

FAILURE TO SECURE REGULAR ATTENDANCE AT SCHOOL: INCREASE IN PENALTY

Jackie Ballard: I beg to move amendment No. 6, in page 41, line 31, leave out clause 61.

If the amendment were accepted—I am ever the optimist—it would lead to the deletion of clause 61, which increases the penalty for failure to secure regular school attendance. It more than doubles the maximum fine, and introduces imprisonment for up to three months.

In Committee, I expressed surprise that the clause had appeared for the first time in this Bill rather than in an education Bill, in which its merits or otherwise in helping parents to ensure school attendance could have been debated by colleagues specialising in education as part of a wider discussion about how to encourage parents to be responsible and responsive when their children are truanting. I hope that the Minister will not caricature my views on the clause, suggesting that I am in favour of truanting or of parents who are irresponsible about the matter. I think that the debate is about the effective way of ensuring that parents carry out their duties in getting their children to school.

It would be much better to debate the clause in an education context than in a criminal justice context. However, it is in this Bill, and I believe that increasing the penalties will not in itself help parents who are struggling to ensure that their children attend school regularly. I also think that it will have a minimal impact on those who could not care less what their children are doing between 9 am and 3.30 pm on school days.

A range of interventions, including parenting projects, home tuition and family support, are much more likely to help than draconian penalties. Many—although not all—families with difficulties, including school attendance, will be poor families with multiple problems. Doubling the fine that can be imposed will simply add to their problems. Using the ultimate deterrent and sending a parent to prison will further fracture dysfunctional families.

In Standing Committee, I asked the Minister what research evidence there was to show that a fine of £2,500 would make an appreciable difference, as opposed to a fine of £2,000 or even £5,000. The Minister had no answer to that question. It seems that the clause has been slipped into a criminal justice Bill to try to avoid the scrutiny of educationists and to enable the Government to claim that they are getting tough on truancy, without any empirical or even anecdotal evidence to show that those particular get-tough measures will help to deal with the problem in any way. They will not, and they may do much harm. That is why we wish the clause to be deleted.

Mr. John Cryer (Hornchurch): In Committee, I expressed concerns about clause 55 as it then was; it is now clause 61. The concerns are that increasing the fines for parents of truanting children and, more particularly, jailing them will be counterproductive.

Since the Committee stage, I have contacted several charities concerned with children. They have written back to me to express their reservations about clause 61. For example, the Child Poverty Action Group said, among other things:

> I can certainly confirm that we would regard this as a retrograde step. Penalties of this sort, levied upon families on low incomes, seem to be based on the assumption that children will somehow be insulated from the effects of fines paid by their parents—or from the consequences of those fines not being paid. This is manifestly not so and we would hope that, given further reflection and discussion, a less punitive approach might prevail.

NCH Action for Children wrote in similar vein:

> We do not think it is helpful to have increased sanctions against parents whose children do not attend school. The reasons why children do not attend school are many and complex and we do not think that increasing the penalties on parents is the most constructive way forward. Indeed we are concerned that this clause, whilst perhaps having a deterrent element, would actually result in more difficulties and problems for families that are already vulnerable and disadvantaged.

Those were the two key responses from the two charities.

That leads me to the question that I raised in Committee. The measure would send parents to jail and put children in care. I have talked to one or two head teachers in my constituency who know children of secondary school age who are regular truants and who have younger brothers and sisters. If the sanction were used by magistrates courts, the parents would be sentenced to three months in prison. The younger children and, for that matter, the older children at secondary school would be taken into care, obviously at a hugely increased cost to the taxpayer. The measure would be counterproductive.

My right hon. Friend the Minister of State, Home Office argued in Committee that the measure would not work that way and that it was mainly a deterrent that would not, in practice, be used by magistrates; but it is not the Minister, me or my right hon. Friend the Secretary of State for the Home Department who will be on the bench when cases come up. It may be people who have a particularly vindictive streak. There are magistrates who have vindictive streaks; I have seen them in action. They may choose to use the full sanction of the law and to jail parents for three months at a time.

That is a realistic prospect. In the light of the comments by the charities that I have mentioned and by other charities, if we pass the legislation, we will go against some of the key charities that have the interests of children at heart and that have campaigned for children's rights for a long time. They are clearly dead against the clause going through. There is much to be said for their arguments.

10.45 pm

Mr. Simon Hughes: I support the argument made by my hon. Friend the Member for Taunton (Jackie Ballard) and by the hon. Member for Hornchurch (Mr. Cryer). Although I did not serve on the Committee, I should like briefly to give a few reasons why I think that the Government's intention to go down this road is misconceived.

The Government could say—I have read the Minister's comments in Committee—that the provision will give magistrates another power that they, in their wisdom, will use only when necessary, and that it will simply expand the range of options available to them. Although that statement is true, it presumes that it is acceptable or reasonable to imprison parents for three months for failure to secure regular attendance.

In recent debates, the Government have talked about the possibility of imprisoning offenders for one day, for a weekend or for other very short periods. If we really think that we are not getting through to parents on the issue, that length of imprisonment would seem to be much more appropriate as an ultimate sanction. I do not think that it is reasonable to propose a three-month removal of the type of parent who cannot manage to deliver their children to school.

The proposed response is entirely inappropriate and is not supported by any evidence that it is likely to produce a positive outcome. It is also absolutely unhelpful in trying to address the underlying issues.

Earlier in the debate, I cited the example of a relevant constituency case which, entirely coincidentally, occurred only last weekend. On Saturday, a single-parent constituent came to my front door to ask for help on finances, as her benefit cheque had not arrived. In the process of helping her to sort out the matter, I went to her home, where I discovered five children, all of whom are of school age, but one of whom was not going to school. I shall deal with that matter in the usual way. However, the point is that the girl had left in her first year of secondary school because of bullying, and no other suitable school had yet been found that would accept her.

In all my years as a Member of Parliament, my experience has been that a child who does not attend school usually fails to do so because of a problem between that child and the school, and that such problems are usually better resolved by educational welfare officers finding a better school or deciding that it is not appropriate for such children to be in a formal school setting.

Frequently, one of the reasons why parents do not ensure that their children go to school is that they are unhappy with the school. We will not solve that problem by sending those parents to prison. Parents often say to me, "I am sorry, but I am not sending my child to that school. I am not comfortable about that being a satisfactory school. The educational standards are not satisfactory; it has poor discipline; it is too far away. None of the other local children go to that school. There are no community links."

Parents' reasons for not wanting to send their children to a particular school are many and varied. Their concerns should be dealt with in various ways, but not by saying that they should go to prison. Such a response will not get the child into school any better than other actions would.

Mr. John McWilliam (Blaydon): The hon. Gentleman seems to be talking more about the Education Act 1996 than the Criminal Justice and Court Services Bill. We are talking about cases in which children who should be at school commit yet another offence. Very often, it is a matter of "yet another" offence, as the children will already be subject to orders under the 1996 Act. The hon. Gentleman does not seem to be addressing that issue.

Mr. Hughes: I am not sure whether the hon. Gentleman was in the Chamber when my hon. Friend the Member for Taunton was speaking. If he was, he would

[Mr. Hughes]

have heard her say that the issue would have been dealt with more appropriately in a debate on education legislation. The issue is not about offences committed by children at all, but simply about how we respond, in criminal justice legislation, to cases in which parents do not send their children to school. Our proposal—supported, as the hon. Member for Hornchurch (Mr. Cryer) said, widely outside the House—is to delete the proposed clause which deals with a person being guilty of an offence if they fail to secure regular attendance of their children or the young person for whom they are responsible. The clause states that the penalty should be increased to a maximum of three months' imprisonment or a fine not exceeding level 4. The Bill proposes to increase both the imprisonment and the fine.

I ask the Government to think seriously about the likelihood and appropriateness of this measure ever being used and to consult more widely about whether this is not absolutely the wrong road to go down. I have never had a single experience where the threat or the actuality of the imprisonment of a parent for a non-attending school child has produced any better result.

Ms Diane Abbott (Hackney, North and Stoke Newington): This feels like one of those clauses that goes through late at night without sufficient debate and which, in retrospect, is seen to be a clear mistake.

I represent a constituency in the east end of London where truancy is a serious problem. Hackney probably has higher truancy than many other areas. I am aware that truancy is serious, as being a truant is one step along the road to being involved in criminal activity. I applaud the Minister's intention to crack down on truancy, and his intention to try to reinforce positive, meaningful and responsible parenthood among parents of all ages. We must be aware of issues relating to responsible parenting and to a lack of parenting skills.

As to the clause, and whether it will achieve the results that Ministers want, I am concerned. The clause applies to parents but, with many truanting children, it is not "parents"—there is a single mother. I cannot see how it can be in the interests of the family unit to send a mother to prison for three months as, invariably, it will not just be one child but others too who will be forced into care as a consequence.

I recently visited Holloway. This country already imprisons far too many women for such offences. We imprison more women as a percentage of the population than any other country in Europe for just this type of offence. A clause in a Bill that must lead inevitably—if it is to be meaningful—to more women going to prison cannot go by unremarked. I applaud the Minister's intentions and motivation, but I do not believe that the clause has been sufficiently thought through.

I cannot believe that it will be in the interests of the truants themselves that their parents run the risk of serving time in prison. Those types of truanting children are very often beyond the control of their parents in any case. I wonder how effective the new clause will be in practice.

Mr. Dawson: I was not going to speak on this subject in Committee and was provoked into it, and the same is the case tonight. I have worked on truancy and school non-attendance issues for a long time and I do not buy a lot of the statements that have been made in the last 10 minutes.

This is a complex, distressing and difficult problem. At the heart of it are children's rights to have an education, and parents' duties to ensure that they receive it. People have referred to many of the factors that make truancy a problem. Of course there can be real and genuine difficulties between parents and schools. Of course there are millions of children with special educational needs; there are often educational needs that go unnoticed, unassessed or unrecognised for many years. We need to attend to such factors. Some teenagers, but often younger children, are palpably beyond the control of parents. Parents who do their absolute darnedest to get their children to go to school need the appropriate support.

There are a thousand aspects to the issue of school truancy and it is extremely difficult to tackle, especially when it has gone on for some time, but some people do not seem to recognise that there is also sheer parental bloody-mindedness. There are people who have no interest whatever in getting their children to attend school and will use any excuse to avoid ensuring that they get the education that they need.

One can respond to that through care proceedings. There is nothing more fundamental than breaking up families, but the clause gives us the ability to bring home to recalcitrant parents the true seriousness of the situation. If the threat of a serious fine or imprisonment is enough to bring parents to court or make them consider the issues seriously, that is a useful element.

Jackie Ballard: What evidence does the hon. Gentleman have that parents who could not care less whether their children go to school will be influenced to change their behaviour by a fine of £2,500, when they are not influenced by a fine of £1,000?

Mr. Dawson: So much depends on individual circumstances. The threat of imprisonment is a potent factor, although I sincerely believe that it would not be carried out. The spectre that people conjure up—of parents being hauled off to jail in great numbers, while the children are taken into care and the whole family explodes—is simply not credible. The circumstances in which such a tactic would be used are comparatively rare, but it is an important element in the armoury that is available.

Mr. John Cryer: My hon. Friend says that he believes that imprisonment will not be used, but it will not be he or I on the bench making the decision. If it will not be used, why put it on the statute book?

Mr. Dawson: The uncertainty about whether it will be used is important. All that I have to back this up is the experience of dealing with parents in this position—and the only way of getting them to face up to the difficulties was by laying down an extremely hard line about the consequences not to their children but to them if there was no change.

Mr. Simon Hughes: I have a simple question. Does the hon. Gentleman think that it would be acceptable for a single parent of several children to be sent to prison for

between one and three months because one of the children was truanting? If not, he should not support a proposal to give magistrates courts the power to do just that.

Mr. Dawson: We have to consider the individual circumstances. I do not believe that the sort of situation that the hon. Gentleman outlined earlier would be dealt with under the existing legislation. We are talking about people who need help and support to deal with the complex problems of truancy. The provision will not necessarily apply to any of the people with whom hon. Members have been in touch, let alone all of them, but my experience tells me that it is useful to have it as a threat to hang over some parents, in some circumstances.

11 pm

Mr. John McDonnell (Hayes and Harlington): I, too, have some experience of child care: for 13 years, I was the house father of a small family unit children's home. Sometimes it was difficult to get the children to school.

The Government must recognise that legislation, once introduced, will be used. The provision allowing courts to imprison people for a lengthy period seems draconian, and there is no use arguing that it will be used in only a few cases. If it is used in only one case, a family will be broken up and children will go into care. We must make sure that the provision will have some effect on truancy.

However, all hon. Members know why families do not send their children to school. It happens largely when the system has failed both parents and children. The cycle of deprivation means that parents do not appreciate the importance of education or of sending their children to school. However it has been noted already that other legislation—education Acts and social legislation—provide that children can be taken into care.

In this respect, the Bill is worse than a sledgehammer used to crack a nut. It is a very uncreative way to tackle a problem with which most hon. Members are familiar. This month, I have had discussions in my constituency with the organisation Homestart, and I have been involved with groups of head teachers in establishing a truancy centre. I have also been working with social services officers on individual cases to try to build support in the community and families, and ensure that children are sent to school.

The introduction of a power to imprison parents who refuse to send their children to school cannot be ameliorated by saying that it will be used only as a last option and probably not at all. Can we have confidence in the courts that the provision will not be used? I know the local magistrates in Hayes and Uxbridge, and I am sure that many of those wonderful people would not touch the power with a bargepole. However, I am not so confident about magistrates elsewhere.

I want the powers in any legislation that I am involved with to be so valid that they are used. In this instance, the Government are flying in the face of the experience of all hon. Members. The work that we do in ensuring that parents send their children to school must be based on an understanding of families' problems, not on retribution.

I gave up the opportunity of visiting a constituent in prison today. I wanted to deal with clause 61, although I did not realise that we would come to it so very late at night. I am amazed that the clause has been included in the Bill, as it is so incongruent with the other provisions. It seems that the Government have taken another opportunity to pander to readers of the *Daily Mail* by cracking down on parents who do not send their children to school.

Will my right hon. Friend the Minister say who has been consulted on this matter? What support has been found among teaching organisations, social work professionals and others? What is the international experience of imposing on parents fines and prison sentences of this length? More creative means of tackling the problem exist. We cannot want to deprive children of their parents simply because the system has failed to inculcate in families the benefits of sending children to school.

Mr. Lidington: Somewhat unusually, I find myself in considerable agreement in this debate with the views expressed not by only the hon. Member for Taunton (Jackie Ballard), but by several Labour Members. I do not want to repeat all the arguments that have been discussed at some length already, but it seems that if a fine is to be a deterrent, one has to assume that the person subject to the fine will feel that they have a reasonable prospect of paying it. Otherwise, imposing a fine becomes completely meaningless.

In my constituency experience, I can think of cases in which parents of children who have been persistent truants are entirely reliant on social security benefits. I find it difficult to see how an increased fine could be a real deterrent in such cases when the prospect of it ever being paid is minimal.

I also agree with the points made by other critics of the clause about the power to imprison. The hon. Member for Lancaster and Wyre (Mr. Dawson) said that it was fine to have the power to imprison because we would never want to use it, an argument that I found unpersuasive. It is worth having a power on the statute book only if our intention, as legislators, is that in some circumstances at least that power should be exercised by the courts. That would mean that we would have to address the issues raised most strongly by the hon. Member for Southwark, North and Bermondsey (Mr. Hughes).

This is not a party political point, but we already know that local authority children's homes have a thoroughly bad general record in caring for people if we measure that in terms of the number of people who have been in local authority care who subsequently get into trouble with the courts, the number of young offenders in institutions such as the one in my constituency or the number of such people who go to prison when they are adults. If at all possible, I believe that it is better to keep the family together with the parents caring for their children. The idea that parents should be taken away and locked up, and that the local authority would somehow step in and put everything right by taking the children into care is at odds with experience in this country hitherto.

I hope that even at this stage, the Government will think afresh about the clause and bring forward changes in another place.

Mr. Boateng: We have had a good and extensive debate about a very serious issue. All right hon. and hon. Members will be concerned to get this measure right and to send a clear and unequivocal message from the Chamber.

[Mr. Boateng]

We should first understand where the Government are coming from in introducing the clause, and why we oppose amendment No. 6. I well understand where the hon. Member for Taunton (Jackie Ballard) is coming from. She has been very frank and upfront from the outset about her opposition to this measure, and she makes her case seriously. She is right to say that we must avoid the tendency to caricature one another's responses on issues such as this. I certainly have never caricatured her response as in any way being on the side of the truant, and I see that she is good enough to affirm that. Similarly, I would be grateful if she would not caricature our coming forward with this proposal, at this time, in the context of this piece of legislation, as being an attempt somehow to avoid serious scrutiny by educationists. The reverse is the case.

This measure was first referred to in our consultation document "Tackling Truancy Together", which was announced by the Secretary of State for Education and Employment last September/October. In response to the question of my hon. Friend the Member for Hayes and Harlington (Mr. McDonnell), there was an opportunity for organisations to respond. The organisations that responded were largely educational, although magistrates responded too, and were largely in favour of the proposal. I will write to my hon. Friend with a detailed list of the organisations that responded and outline what they said.

The measure has been carefully thought through, and has been the subject of consultation. It is in no sense out of place within criminal justice legislation, because we have to be clear what we are talking about here. As my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) said, many such young people are at risk not only of losing their education, but of offending.

There is a direct link between the subject matter of the Bill and this clause. In government, we have shown—more than any of our predecessors—that we are trying to develop and establish a holistic approach to the matter. That has led us to fund generously organisations such as Homestart, but we realise that the issue cannot be left to teachers alone. It requires input from education welfare officers, from social workers and, indeed, from the police.

As I listened to my hon. Friend, I recalled a visit to east London when I discussed with police and social workers in Newham the joint patrols carried out by the police and education welfare and social services officers on the streets of the area. That is precisely the sort of joined-up criminal justice, education, welfare and care approach to truancy that we want to promote.

The provision should not be seen as one response alone—as a tunnel vision approach. It should be seen as one of the building blocks that we need to set up in order to provide an effective response to the problem of truancy. It stands alongside parenting classes and parenting orders. Voices were raised against parenting orders, but, when we piloted them, they were found to be extremely successful. They brought parents to court who otherwise would have continued to avoid their responsibilities; the orders obliged them to confront the consequences of their neglect. Those parents were directed towards help and support to ensure that they addressed the needs of their children and to overcome their own deficits as parents.

What does the clause do? Yes, it raises the fine above its current level, where it is the same as that for non-payment of a television licence—that is equated with not ensuring that a child attends school. It does not seem unreasonable to say that treating in the same way the non-payment of television licences and the failure to ensure school attendance does not reflect the seriousness of that neglect of a child. By raising the fine level, we send out a message about the seriousness of the offence.

In response to my hon. Friend the Member for Hornchurch (Mr. Cryer), of course, magistrates will continue to have to take into account the financial situation of the parent when setting the fine. There is no question that someone in receipt of benefits would be required to pay the maximum fine, but it is right that the level should be raised to demonstrate the seriousness with which we take the offence. It is more serious than not paying a television licence.

The question of intention was raised: what do we plan to get out of this provision for the child? We believe that we must be able to compel the parents of truants to attend court. By making the offence punishable by imprisonment, we are ensuring that parents are required to attend court or risk arrest. Without that provision, we shall not have the power to compel them to do so—backed up by a power of arrest. That is why the offence has to be made custodial. The proposal was introduced not out of a desire to lock up large numbers of parents, but out of a desire to require parents to attend court when their children do not attend school. The Government believe that that is eminently reasonable.

Mr. McDonnell: The point has been made in the debate that the power might be used infrequently. What assessment have the Government made of the number of parents who would be imprisoned as a result of the introduction of the power?

11.15 pm

Mr. Boateng: I shall come to that point. The power will be available to the courts and we do not expect it to be used widely or often. However, it will be on the statute book to be used in the circumstances that justify it. My hon. Friend might ask me what those circumstances are; I do not expect its use to be justified, except in the most extreme cases, against a single parent with other children who might end up in care. However, when two parents have continually and habitually neglected the interests of the child, have failed to address their responsibilities and have failed to attend court, it is not unreasonable to say that parents have responsibilities as well as rights. Those responsibilities cannot be swept aside just because they are inconvenient.

Mr. McDonnell: Will my right hon. Friend give way?

Mr. Boateng: No, I shall not give way again. My hon. Friend has made his point; he does not need to labour it.

With the rights of a parents core responsibilities. This clause is designed to act as a wake-up call for parents who persistently refuse to accept their responsibilities.

Mr. Simon Hughes: The Minister will understand the position as well as I do, so does he accept the point made by the hon. Member for Aylesbury (Mr. Lidington)?

When families rely entirely on state benefits, a court is more likely to be driven to the imprisonment conclusion, because a fine would not be a sanction on the parents. Therefore, the power in the clause is much more likely to be used to the disadvantage of the most disadvantaged rather than for the punishment of those who have the resources and the ability to respond.

Mr. Boateng: If that were the case, our sentencing process on fines would be nonsense. The hon. Gentleman might think that it is, but we do not. When an offence is sufficiently serious to warrant imprisonment, we believe that it is right that there should be an alternative. In this case, the alternative to imprisonment is a community penalty. I expect the fine to be levelled at a rate that is commensurate with an individual's ability to pay.

Mr. McDonnell: On every provision, including the parental orders, at least an estimate was given of the numbers who would come before the court as a result of it. Can my right hon. Friend tell us the estimate of the numbers who will come to court, the numbers who will be imprisoned and the number of children who will go into care as a result of this clause?

Mr. Boateng: I have answered that point and I do not intend to cover the same ground again.

The measure was introduced after consultation that has produced, in many instances, a favourable response. It is a reasoned and proportionate response to a real and pressing problem. For that reason, I urge the House to reject the amendment should the hon. Member for Taunton decide to put it to a vote.

Jackie Ballard: I am pleased that the amendment has produced a good and useful debate and I am grateful to Labour Members who spoke to it. The hon. Member for Hornchurch (Mr. Cryer) was the notable exception, but I wish that many more of them had made similar points in Committee. We might then have been successful in deleting the clause at that stage.

Many hon. Members have referred to their own experiences of dealing with families with difficulties and of truanting children. Just for the record, I have also had similar experiences in the past as a social worker, teacher and school governor. I have had similar experiences to those of the hon. Member for Lancaster and Wyre (Mr. Dawson), but I have come to a different conclusion. The hon. Member for Hornchurch made a good point about the impact on children in families that already have difficulties in coping of increased fines and potential imprisonment: in punishing the parent, it is inevitable that the child is also punished.

I tabled the amendment to allow for debate and I know that the Minister has heard the concerns expressed, especially by Labour Back Benchers. Even the Labour Back Bencher who spoke against the amendment seemed to hope that the ultimate sanction of imprisonment would never be used. I hope that the Minister and the Government will have second thoughts on clause 61 in the other place. I shall also be interested to see the responses to the consultation document, especially from education welfare officers, social workers, teachers and others involved professionally with truanting. The Minister said that a number of those who responded supported the clause, but he did not tell us whether a majority had done so or how they broke down into groups. That information would be interesting and I hope that the Government will consult further with those who may have missed the initial consultation document.

The question is whether the increased penalty will reduce truanting—an aim that all of us wish to achieve—or help children and their families. In the hope that the Government will have a change of mind before the Bill reaches the other place, I shall withdraw the amendment, but we will—if necessary—pursue it in the other place. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Remaining Government amendments agreed to.

Order for Third Reading read.

Motion made, and Question proposed, That the Bill be now read the Third time.—[*Mr. Boateng*]

11.22 pm

Mr. Hawkins: I shall be brief, given that the Minister has moved Third Reading formally. However, it is important to make a couple of points. We have sought to adopt a constructive attitude to the Bill, because we recognise that parts of it may be helpful. We had good debates in Committee, as I am sure the Minister and other hon. Members would agree, and we have had constructive and mostly good-natured debates this evening on such important issues as domestic violence and drugs.

It is fair to say that all parties have contributed to the constructive approach. The debate on amendment No. 6 was a good example of a genuine difference of view within the Labour party. Indeed, at one stage the Minister faced an unaccustomed amount of friendly fire from behind him.

We need to recognise that the Government have described a completely different picture in relation to curfew releases in terms of the serious offences committed by those who have been released from what was originally intended by the members of the Home Affairs Committee. If the members of the Committee, of whom I was then one, had known what the Government had in mind, their report would have been very different. It was never envisaged by the Opposition, by members of the Committee or by other right hon. and hon. Members, when they considered the Government's proposals, that they would mean the early release of six attempted murderers; 53 people convicted of manslaughter; 2,767 people convicted of drug dealing and trafficking; 1,556 people convicted of wounding with intent to cause grievous bodily harm; 811 robbers; 1,887 burglars; 23 offenders convicted of cruelty to children; 34 offenders convicted of making threats to kill; and 126 offenders convicted of causing death by dangerous driving. That is a travesty of a policy on the part of a Government who claimed they would be tough on crime and tough on the causes of crime. The ordinary law-abiding citizens of this country will be horrified by those figures.

The situation is especially ironic given that, as my hon. Friend the Member for Aylesbury (Mr. Lidington) pointed out, those are the very offences in respect of which the Home Secretary proposes to apply his revised immigration rule 320(18) to keep serious convicted criminals out of the country—the so-called Mike Tyson rule. The Home Secretary's own consultation document

[Mr. Hawkins]

describes such crimes as serious offences and states that protection of the citizens of this country from those who are convicted of such offences overseas is essential and appropriate. It is impossible for the Government logically to argue that the British public must be protected from foreigners who commit such offences, barring them from the country, at the same time as they let out of jail on early release thousands of British criminals who have committed the same crimes. That is the Bill's most significant weakness. We hope that the Government will consider the matter further.

Ministers have been reasonable and said that they will retain an open mind on several other issues debated in Committee and on Report. One matter that we have not be able to address on Report and on which I wish to touch during our Third Reading debate is the new name of the welfare service. The Government have called it the Children and Family Court Advisory and Support Service, but, in Committee, the Parliamentary Secretary, Lord Chancellor's Department, said:

> We are open to suggestions. We have not thus far been able to produce a better title than the one before us today. If the hon. Gentleman were to make further suggestions, other than the one in the amendment, we would be prepared to consider them.—[*Official Report, Standing Committee G*, 11 April 2000; c. 109.]

That was a fair concession. The hon. Lady will have noticed another suggestion on the amendment paper, albeit not selected for debate. It gets around some of the problems mentioned by Ministers when responding to our original suggestion, in that we have not replicated one of the constituent parts of the new service, but have come up with another title again. Even if that is not the right title, I am sure that the hon. Lady recognises that we are attempting to come up with a constructive alternative that will avert the danger of ridicule—which is a present danger in connection with the Government's chosen title.

The hon. Lady wrote to me and other members of the Standing Committee on other points that cropped up in debate. Her letter dated 9 May dealt with representations that Ministers had received about the intention to change the names of probation, community service and combination orders, and it enables us to contrast her remarks and those made earlier this evening made by the Minister of State, Home Office. The Parliamentary Secretary wrote:

> most representations were in favour of maintaining the status quo.

All along, we have argued in favour of keeping community service orders and probation orders. The hon. Lady continued:

> the majority of these were from within the probation service.

So much for the anecdotal evidence cited by the Minister of State, Home Office: the majority of the representations to the Government originated within the probation service, exactly as the trade union NAPO said. The Parliamentary Secretary added:

> These are professionals who are already very familiar and comfortable with the language,

but she then said that the terms were not familiar to the wider public—"shurely shome mishtake," as a well-known periodical would say. There is a difference of views even between the two Ministers present tonight.

Weaknesses remain in the Government's case. I have no doubt that the Government will be forced to concede some of our points during the debates in another place.

We will not, however, oppose Third Reading, because we believe that the Bill contains sufficient that is valuable and a useful addition to the criminal justice system.

11.29 pm

Mr. Dawson: It is sadly typical that in their last contribution to the debate on the Bill, the Opposition have concentrated on reworking the argument about the name of the service, trying to draw a smokescreen over their failures in 18 years during which crime doubled and they made a hash of the entire criminal justice system.

The Bill will give us a national probation service with a new agenda for dealing with criminal behaviour and assisting the rehabilitation of offenders.

The extremely important element of the Bill, which has received no attention so far today and which received little attention on Second Reading, is the establishment in chapter II of the Children and Family Court Advisory and Support Service. I regard that as a hopeful development. Across the country, there is a manifest concern about the position of children in private law proceedings—not criminal justice or public law—when parents separate and divorce. Complex and distressing situations occur, and subtle but extremely serious issues of child protection can arise. Private law deals with issues such as residence and contact, and specific steps and concerns that might relate to individual children in extraordinarily difficult circumstances.

It is a credit to the Government that they have brought together three distinct services—the guardian ad litem and reporting officer service, the court welfare services and the Official Solicitor. Those services are to be melded together, setting high standards of social work practice in a crucial area of policy.

I tabled no amendments on Report, but I moved several in Committee. I was delighted to hear from my hon. Friend the Parliamentary Secretary a solid commitment to children's rights and their place at the heart of the new service, and an undertaking that the service would attain high standards of practice and that there would be appropriate training and professional development activity to allow that.

The Government also gave a commitment to the involvement of social services inspection in a form of partnership with the magistrates courts advisory service. We all received a letter about that at the end of the Committee stage. It is extremely important that there should be independent inspection based on high standards of social work practice in such an important service.

The Children and Family Court Advisory and Support Service can be a powerful force for advocacy, giving children and young people access to effective and independent representation. I have high hopes of the service. The new organisation could be a strong force for the benefit of children and a flagship for profoundly important family policy. I wish CAFCASS well and trust that it will get the on-going support, resourcing and commitment that it undoubtedly deserves.

11.34 pm

Jackie Ballard: The Bill is probably the least controversial Home Office Bill this Session. It has been given proper and constructive scrutiny in Committee and on Report. I shall therefore speak briefly. At this time of night there is no football match throughout which I have to speak.

Liberal Democrats broadly welcome the Bill, especially the clauses relating to the Children and Family Court Advisory and Support Service, to which the hon. Member for Lancaster and Wyre (Mr. Dawson) referred. I also welcome the further enhancement of powers to protect children in part II. Some useful work was done in Committee, especially on getting on record the key role of the probation service in the rehabilitation of offenders, about which we had a long debate.

However, although we broadly welcome the Bill, we have serious anxieties about a few clauses. Clause 42 deals with drug abstinence orders, but does not provide for guaranteeing treatment throughout England and Wales.

Clause 52 was not discussed on Report. It provides for testing people in police detention, and gives police the powers to test people who are charged with specific offences for the presence of class A drugs. I expressed anxiety in Committee that that could introduce by the back door a new offence of use of drugs. The Minister assured us that that was not the case. When the Home Secretary first announced the provision, he said that it was his intention to introduce testing on arrest rather than on charge. The final provision in the clause leaves the door open for the Home Secretary to extend testing to those who have not been charged. That would have serious human rights consequences. It would also be administratively difficult for police officers to cope with the increased numbers of people to be tested when they went into the police station.

I also oppose clause 61, about which we had an useful debate earlier. I am sure that it will be discussed again in another place. I hope that the other place will consider those outstanding matters in detail.

We shall not oppose the Bill. Labour Members who have come to the Chamber late at night will be disappointed to hear that neither Opposition party will oppose the Bill and force a vote. The measure has already benefited from the scrutiny of this House; I am sure that it will benefit from further scrutiny in another place.

Question put and agreed to.

Bill accordingly read the Third time, and passed.

DELEGATED LEGISLATION

Mr. Deputy Speaker (Sir Alan Haselhurst): With permission, I shall put together the motions relating to delegated legislation.

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation),

SOCIAL SECURITY

That the draft Social Security and Child Support (Miscellaneous Amendments) Regulations 2000, which were laid before this House on 10th May, be approved.

COMPANIES

That the draft Local Authority (Stocks and Bonds) (Amendment) Regulations 2000, which were laid before this House on 12th May, be approved.

COMPANIES

That the draft Uncertificated Securities (Amendment) Regulations 2000, which were laid before this House on 12th May, be approved.

NORTHERN IRELAND

That the draft Northern Ireland (Emergency and Prevention of Terrorism Provisions) (Continuance) Order 2000, which was laid before this House on 22nd May, be approved.—*[Mr. Mike Hall.]*

Question agreed to.

COMMITTEES

Mr. Deputy Speaker (Sir Alan Haselhurst): With permission, I shall put together the motions relating to Committees.

Ordered,

ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS

That Mr. Jeffrey M. Donaldson be added to the Environment, Transport and Regional Affairs Committee.

NORTHERN IRELAND AFFAIRS

That Mr. Jeffrey M. Donaldson be discharged from the Northern Ireland Affairs Committee, and Mr. William Thompson be added to the Committee.—*[Mr. John McWilliam, on behalf of the Committee of Selection.]*

PETITIONS

Hunting

11.37 pm

Valerie Davey (Bristol, West): I am pleased to present the petition of Bristol Anti-Blood Sports to the House. Signatures were collected in Bristol and neighbouring constituencies and totalled 28,475. I am sure that everyone who signed the petition will have been encouraged by the statement of my right hon. Friend the Home Secretary today.

The petition states:

The Petition of Bristol Anti-Blood Sports

Declares its total opposition to all forms of hunting with hounds.

The Petitioners therefore request that the House of Commons urge the Home Office to take urgent action to bring about the end of this so-called sport, and this unnecessary slaughter of animals.

And the Petitioners remain, etc.

To lie upon the Table.

11.39 pm

Mr. James Gray (North Wiltshire): I have the honour to present a petition on behalf of some 420,000 decent, law-abiding, mainly country people, many of whom live in my constituency. They call on the Government to recognise the importance of tolerance in a modern society by rejecting legislation to criminalise hunting or other country activities. Such legislation would infringe the liberties of many people throughout the United Kingdom, destroy rural jobs, reduce people's income, seriously harm

[Mr. James Gray]

the United Kingdom rural landscape, diminish rural community life and divert valuable parliamentary time from much needed Government measures to address the increasing problems that face the poor and the excluded in rural and urban constituencies.

The petition states:

The Petition of Citizens of the United Kingdom

Declares that in a modern, tolerant democracy, legislation to ban fox hunting is inappropriate.

The Petitioners therefore request that the House of Commons urge the Secretary of State for the Home Office not to introduce such legislation.

And the Petitioners remain, etc.

To lie upon the Table.

Endangered species

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Mike Hall.]*

11.40 pm

Mr. Geraint Davies (Croydon, Central): In 1970 there were twice as many skylarks in Britain as there are now, four times as many turtle doves and 10 times as many tree sparrows. Many of the reasons for the devastation of much of our wildlife are unknown, although agricultural intensification, decreased ploughing, fewer hedgerows, the impact of the common agricultural policy, pollution and pesticides have been cited as causes for the chronic decline of our natural heritage. The number of water voles has decreased by some 90 per cent. in the last seven years; perhaps Ratty from "The Wind in the Willows" will be extinct within 10 years.

You, Mr. Haselhurst, might ask, "Who really cares?", and I would say that many millions of people care about this issue. I am unusual in that I have been involved in environmental movements and I started a business that contributes to the continuation of the endangered loggerhead turtle by funding a hatchery. It contributes also to the protection of the endangered Lammergeyer bearded vulture. The Royal Society for the Protection of Birds has more members than the Labour party, and the alliance of conservation groups, including Friends of the Earth, the World Wide Fund for Nature and the Woodland Trust, has millions of members. Almost everyone, if asked whether they care about the future of the beloved sparrow, would say yes.

The Countryside and Rights of Way Bill is essentially about the enjoyment of our countryside and its protection for future generations, as well as the protection of its biodiversity. Rights of access bring with them responsibilities for the protection of the countryside and indigenous species. Much has been done in biodiversity action plans, albeit on a voluntary basis, to help that process.

At the Rio summit in 1992 the biodiversity convention was signed by 150 countries, including the United Kingdom. That gave rise, in 1994, to the UK biodiversity action plan, and we now have in place 391 species plans, such as those for the water vole, the skylark, the tree sparrow and the greater horseshoe bat. There are also 45 habitat plans, such as the one for ancient hedgerows, which house endangered species. Those plans have been challenged by new CAP regulations on the size of fields that are eligible for grants. Some hedgerows are threatened but some are protected, as are lowland heathlands and upland oak woods.

That process is organised by a partnership of councils, conservationists, non-governmental organisations, the business community and well meaning members of the public. They have worked well in many cases to help to protect various species and habitats, but that is not true in all cases. Being ethnically Welsh, I have some empathy for Wales. The Countryside Council for Wales has devised 222 biodiversity action plans, but 120 of those are not being progressed because there are no funds. The simple reason for the absence of those funds is that biodiversity action plans do not have the legal status and teeth to gain the statutory priority that would provide them with that funding.

Biodiversity in Wales is obviously important to people in England and throughout the United Kingdom—we share our natural heritage and have a duty to protect it—but there is a strange situation in London. The only person in Britain with a statutory duty to protect wildlife through biodiversity action plans is the hon. Member for Brent, East (Mr. Livingstone), who is Mayor of London. That obligation is provided by section 352 of the Greater London Authority Act 1999, which says that the mayor has a statutory duty to publish a biodiversity plan for London. Therefore, he has the right to call for adequate resources to protect biodiversity in our capital against the forces of commercial development, be they retail, traffic or council economic or planning gain.

I would say, Mr. Haselhurst, that what is good enough for London should be good—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. The hon. Gentleman has made that slip twice. The correct term is Mr. Deputy Speaker.

Mr. Davies: I apologise, Mr. Deputy Speaker.

I suggest that what is good enough for London is good enough for the rest of the nation, in terms of biodiversity and the value that that has for us all. Indeed, that applies not only to the adult population but to my young family—daughters aged five and three—which looks with glee at sparrows and other wildlife that is perhaps endangered by pollution and pesticide. Like me, my family does not want a future in which such birds and others are systematically and chronically eliminated. However, action may not be taken on other threatened aspects of biodiversity as people are less emotionally inclined to them.

There is a system of sorts in place and we do not want to displace the voluntary and partnership system. However, I suggest that statutory underpinning would not do so. It would ensure that the means of change—largely through the voluntary and charitable sectors—could be strengthened rather than displaced. Time is running out for certain species in certain areas, cash is needed and there are glaring regional differences. I have referred to the Countryside Council for Wales, but there are many more examples of the need to take action to fulfil our international biodiversity obligations.

Part of that process constitutes the second part of the debate—recognition of local sites of particular interest and incorporating our biodiversity priorities in local authorities' planning framework. As well as some 5,000 sites of special scientific interest, there are many thousands more wildlife sites of special interest, only half of which are properly looked after. I call for a duty to be put on local authorities to establish a system of common standards by identifying such sites and taking them into account in the planning process. Such sites can benefit from agri-environmental grants, but the issue here is the public interest rather than the commercial benefit of the site owner.

London already has a voluntary wildlife site system in place and all but two London boroughs—I know something about this, having been leader of Croydon council—use a system developed by the London Ecology Unit whereby wildlife sites are adopted in the unitary development plans for individual authorities. There is an opportunity for all London to have the biodiversity action plan underpinned by such sites, among other things, so that vulnerability to developers would be reduced. A local authority would be duty bound to take account of the impact on those sites when considering development applications. Therefore, the forces of scrutiny and public focus would help to counter-balance the enormous commercial pressure for redevelopment on sites in London. That is happening. It has been suggested that local sites should be incorporated more widely than London so that our wildlife can be preserved.

I know that the Government are sympathetic to those ideas. I know that they have discussed biodiversity action plans and local sites during the Committee stage of the Countryside and Rights of Way Bill. I hope very much that, on the basis of that discussion, the discussion we are having tonight and the wider discussion throughout the British public—which, by means of extensive media, is being transmitted to millions of members of various organisations, such as the Royal Society for the Protection of Birds—the Government will consider tabling amendments, perhaps when we are discussing legislation from the House of Lords, aimed at protecting endangered species. I feel that this is something that the public expect and deserve—as do our many species.

11.50 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): My hon. Friend the Member for Croydon, Central (Mr. Davies) has raised an important issue. As he says, we debated it during the Committee stage of the Countryside and Rights of Way Bill. I said then that the Government were happy to consider, although without commitment, the question of a form of statutory underpinning for the biodiversity action plan process on local wildlife sites. No doubt we shall return to the subject later this week, when the Bill is debated on Report. In the meantime, it may be helpful for me to remind the House of a number of aspects of the biodiversity process, some of which my hon. Friend has mentioned.

Through an enormous effort of co-ordination, led by the United Kingdom biodiversity group—a partnership involving Government Departments and devolved administrations, local government, conservation and land management organisations, business interests and nature conservation agencies—we now have, as my hon. Friend said, 391 species action plans and 45 habitat action plans. That is part of our commitment to implement the United Nations convention on biological diversity, to which the United Kingdom is a signatory.

The priority species and habitats selected for attention are those which are most at risk of disappearance or decline. Each plan identifies the current threats, and specifies the action to be taken and the agencies—public, private and voluntary—that will take it. Specific time-limited targets are also set.

I am pleased to say that there is a special plan for the water vole, in which my hon. Friend takes a particular interest. The organisations taking the lead in implementing the action plans have just completed a comprehensive reporting exercise that indicates progress so far, and the obstacles that remain. Although we still need to complete analysis of all the data, it is interesting to note that the water vole action plan suggests a continued loss of populations, but has also found previously unrecorded sites. Although populations are still

[Mr. Chris Mullin]

declining and will take some years to recover, the overall rate of decline may not be as severe as was first thought. We cannot drop our guard, but progress is being made.

My hon. Friend said that resources were a problem. Resources are always a problem in almost any area one cares to name, but implementation of the biodiversity action plan has been a priority for my Department's funding of English Nature. We have given it additional grant of more than £11 million over two years, of which about £3.3 million was to be directed specifically towards implementation of the biodiversity action plan. Some of that is given in grants to voluntary bodies which, as I have said, are significant partners in the process. Because many of the plans will be implemented through agri-environment schemes, the additional £1 billion over seven years announced by my right hon. Friend the Minister of Agriculture, Fisheries and Food at the end of last year, which will be directed to such schemes, will give an enormous boost to the biodiversity process. The application of the schemes is being increasingly targeted towards biodiversity priorities.

I cannot comment directly on the situation in Wales, to which my hon. Friend has referred, as the funding of the Countryside Council for Wales is a matter for the National Assembly. However, I understand that the council is taking action on all those species and habitat action plans on which it is identified as a lead partner and which are particularly important in Wales. That is a pattern similar to English Nature's priorities. There have also been increases in tir gofal, the Assembly's agri-environment initiative.

I assure hon. Members that, throughout, Government, Departments have agreed to focus on biodiversity through the adoption of a biodiversity checklist. That is a means by which Departments will consider the implications for biodiversity and for the management of their own estates of their policies and programmes, and report annually in the green Ministers' report.

Local government plays an important part. We are keen to see local biodiversity action plans extended throughout the whole of England. At present, they cover only about half the country's area and are patchy in their quality and reach. We will in many cases rely on those action plans to help us to deliver national targets. More effort is needed for two-way communication between the players at national and local levels.

The question posed by my hon. Friend is whether any of that would be better or more effective if statutory bodies were under a legal obligation to deliver. That is what the Government are considering in the context of amendments that have been tabled to the Countryside and Rights of Way Bill. In deciding the way forward, my right hon. Friend the Minister for the Environment and I certainly do not want to put at risk the successful voluntary partnerships that have already grown up around the biodiversity process.

My hon. Friend mentions the question of placing a duty on local authorities to adopt and to maintain a system of local wildlife sites. Again, we have undertaken to consider that in the context of amendments that have been tabled to the Bill. I am well aware of the importance of local wildlife sites which are not SSSIs. Local authorities already have statutory powers to establish local nature reserves and to collaborate closely with the wildlife trusts to identify and to help to manage other sites of local conservation importance.

That is why my Department set up a local sites review group with a broad range of representatives from central and local government, statutory agencies, sectoral interests and voluntary conservation organisations. The group considered the identification, protection and management of local sites. There was no clear consensus on the issue of a statutory basis for local wildlife sites, but there was a large degree of consensus on many other issues—for example, a clear framework for the identification of sites, associated support and advice and funding.

I want to put the debate in the context of the enormous wildlife conservation measures that the Countryside and Rights of Way Bill already promotes and which have been widely welcomed. As my hon. Friend is aware, the Government have given priority in the Bill to providing for better protection and management of SSSIs—some of our finest and most precious areas for wildlife.

Four thousand or so of those sites have been designated by English Nature. It comes as no surprise that the majority of the biological SSSIs contain habitats identified as priorities under the biodiversity action plan. However, the conservation status of those sites needs improving. Part III of the Bill builds on existing provisions of the Wildlife and Countryside Act 1981, introducing a number of fundamentally new and enhanced measures.

Most significant is the fact that the agencies will be able to refuse consent for damaging operations. They will be able to deal with the more significant problems arising from neglect and poor management through improvements to their powers of entry to land and compulsory purchase. Increased penalties for damage and a new offence of intentional or reckless damage by other persons should send a clear message that damage to those precious sites is wholly unacceptable. Public bodies should lead by example. They will therefore, for the first time, be under a specific duty to further the conservation and enhancement of SSSIs.

A revision of planning policy guidance note 9, on nature conservation, will complement the strengthened regime in the Bill's provisions and deal with biodiversity in the wider countryside. Current legislation protecting threatened species wherever they exist is strong and has done much to further their conservation. However, it can make a real difference only if the laws are effectively enforced, and if the penalties for breaking the law are meaningful and provide a deterrent.

Wildlife crime is lucrative and increasingly well organised. Hence the Bill introduces tougher penalties for wildlife offences, including the option of a prison sentence of up to six months for such offences. We are also increasing fine levels, so that criminals could be looking not only at a jail sentence, but, on top of that, a fine of up to £5,000. My hon. Friend will be aware of all that because, like me, he served in Committee on the Bill.

Mr. Davies: Will my hon. Friend consider sympathetically the idea that the Bill should enable the prosecution not only of companies, but of directors who cause damage on those sites? Will the Government also

consider allowing actions to be brought not only through the Crown Prosecution Service, but directly by individuals?

Mr. Mullin: I cannot immediately recall whether the House will be considering any amendments to that effect in the near future. However, if there are such amendments, I am sure that they will be given due consideration.

The Bill strengthens police powers in a number of ways, including powers to require samples to be taken from wildlife specimens for DNA analysis.

Taken together, the actions clearly demonstrate the Government's determination to enhance the legal protection of wildlife in England and Wales. Whatever decision is made on whether to underpin biodiversity action plans in statute, I am sure that my hon. Friend will agree that the Government are taking quite significant action to ensure the future of our natural heritage.

Question put and agreed to.

Adjourned accordingly at two minutes past Twelve midnight.

House of Commons

Tuesday 13 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF NEWCASTLE UPON TYNE BILL *[LORDS] (BY ORDER)*

Order for Third Reading read.

To be read the Third time on Tuesday 20 June.

GREENHAM AND CROOKHAM COMMONS BILL *(BY ORDER)*

Order for Second Reading read.

To be read a Second time on Tuesday 20 June.

Oral Answers to Questions

ENVIRONMENT, TRANSPORT AND THE REGIONS

The Secretary of State was asked—

Environment Agency

1. **Mr. Alan W. Williams** (East Carmarthen and Dinefwr): When he last met the chairman of the Environment Agency to discuss the performance of the agency; and what matters were discussed. [123989]

The Minister for the Environment (Mr. Michael Meacher): I hold quarterly bilaterals with the chairman to discuss the agency's performance in England. At our last bilateral on 24 February, we discussed the following: priorities for the agency, developing the agency's relationship with Ministers and the Department, and handling complaints and board and staff appointments.

Mr. Williams: When my right hon. Friend next meets the chairman of the Environment Agency, will he discuss with him the report of the Select Committee on the Environment, Transport and Regional Affairs on the Environment Agency—a hard-hitting report? Part of the report deals with fly-tipping. Attention is drawn to the appalling abuse of the landfill tax by cowboy firms fly-tipping domestic, industrial and building waste. If the Environment Agency argues that it needs more resources, which it will, will my right hon. Friend obtain from the Chancellor a fraction of the abundant proceeds of the landfill tax to tackle that serious problem?

Mr. Meacher: Yes, we are extremely concerned in the light of the Select Committee's comments on numerous issues, particularly about the licensing exemptions, and in the light of revelations in "Dispatches" and the article in *The Guardian*. We are reviewing the situation as a matter of urgency and I shall make a statement as soon as I can. The Ecotec consultancy has examined the matter on our behalf, and recommended that charges be levied in order to pay for regular Environment Agency inspections. I am concerned about the abuse of licensing exemptions, and I have every intention of cracking down on it.

Mr. Eric Pickles (Brentwood and Ongar): Next time the Minister meets the chairman, will he raise the question of the agency's responsibility for flood defences? He may recall that some years ago my constituency suffered a flash flood in which properties were swept away, since which time the agency has regularly cleared Stanford Hall brook. It has ceased to do so over the past two years, with the excuse that it has higher priorities. Surely that is a false economy? The reason why my constituency has not suffered flooding recently is that the brook is kept clear. Does it not make more sense to prevent flooding than to deal with the problems afterwards?

Mr. Meacher: The hon. Gentleman makes a perfectly fair point. It is not my direct responsibility in regard to the Environment Agency; it is a matter for the Ministry of Agriculture, Fisheries and Food, but I shall draw the specific details to the attention of my right hon. Friend the Minister, and I am sure that he will write to the hon. Gentleman.

Mr. Andrew F. Bennett (Denton and Reddish): I understand the view that charges should be imposed on some of the people involved in landfill, but does my right hon. Friend accept that with regard to fly-tipping, charges are irrelevant? What is needed is the effective prosecution of those who are spoiling urban and rural landscapes.

Mr. Meacher: Again, I strongly agree. That is part of the review that is taking place. There has unquestionably been some increase in fly-tipping, although I think that it is not as great as many people believe. Most of the fly-tipping is of household waste, and there is no levying of landfill tax for household waste. However, it remains an issue, and in some areas there has been increased degradation of the countryside, which is one of the subjects of the review.

Mr. Nicholas Soames (Mid-Sussex): Further to the question posed by my hon. Friend the Member for Brentwood and Ongar (Mr. Pickles), is the right hon. Gentleman aware of the way in which the Environment Agency deals with flooding problems, particularly at Lindfield in my constituency, where there have been continual problems? The matter continues to be batted back and forth between the Environment Agency and the Ministry of Agriculture, Fisheries and Food. Will the right hon. Gentleman look into the matter, to see whether he is entirely satisfied with the way in which the Environment Agency carries out its duties in that regard, and what could be done to improve the speed and facility with which such matters can be drawn to a conclusion?

Mr. Meacher: I am sure that my right hon. and hon. Friends in the Ministry of Agriculture, Fisheries and Food have heard what the hon. Gentleman said. As he implied, the problem is the relationship between MAFF and the

Environment Agency. That is not my responsibility, but again, I will draw the hon. Gentleman's perfectly reasonable point to the Ministry's attention and ensure that he gets an answer.

Coastal Towns

3. **Shona McIsaac** (Cleethorpes): What progress the Government are making in reducing disadvantage in coastal towns. [123991]

The Minister for Local Government and the Regions (Ms Hilary Armstrong): The Government are continuing to address the needs of disadvantaged areas, including coastal towns, through national and regeneration programmes. A consultation framework on the national strategy for neighbourhood renewal was published by the social exclusion unit in April.

Shona McIsaac: While I welcome such initiatives as the single regeneration budget and neighbourhood renewal in tackling disadvantage in coastal towns, may I suggest a course of action that could have a dramatic impact on residents in Grimsby and Cleethorpes—a revision of council tax bands? With 50 per cent. of properties in band A, that band is far too wide. In our area, we need new, lower bands so that the most disadvantaged in my community pay less council tax.

Ms Armstrong: I appreciate the way in which my hon. Friend has continued to push for her area. I am sure that that has had something to do with the successful SRB funding for the area. As she knows, the Government continually keep under review how council tax is working. A number of authorities and organisations have asked that we consider banding, especially that of band A, because people who live in mobile homes, for example, feel that it is an extensive band. We shall continue to consider the matter, but I cannot promise my hon. Friend action this side of the general election.

Mr. John Bercow (Buckingham): Given the importance of tourism to the generation of prosperity and to the reduction of disadvantage in coastal towns, will the right hon. Lady take the opportunity comprehensively to rubbish the report produced by the Minister for the Cabinet Office, entitled, "Rural Economies", which advocated the imposition of a tax on restaurants and hotels in rural areas?

Ms Armstrong: As usual, the hon. Gentleman is all over the place. I know that there is not a coastal town in his constituency.

Dr. Jack Cunningham (Copeland): As for helping coastal towns, will my right hon. Friend acknowledge that whether it is a question of aiding tourism or economic development, transport and communications have an important part to play? When can we hear some decisions about improvements to the A595 in west Cumbria, which are critical to the future economic and social well-being of coastal towns in the borough of Copeland?

Ms Armstrong: My right hon. Friend is concerned with particular issues in the coastal area of Cumbria that he represents. It is one of the most beautiful constituencies in the country, but it has severe problems. I know that my ministerial colleagues in the transport part of the Department are continually considering demands for roads and for improving transport, especially to areas of deprivation. I know that they will have heard what my right hon. Friend has to say.

Waste Incinerators

4. **Mr. Nick St. Aubyn** (Guildford): What representations he has received concerning the construction of new waste incinerators. [123992]

The Minister for the Environment (Mr. Michael Meacher): I have received many representations on all of the policies in the new waste strategy.

Mr. St. Aubyn: Given the latest evidence from the United States, which confirms the views of experts at the Imperial Cancer Research Foundation that the release of dioxins by incinerator plants into the atmosphere poses a serious threat of cancer, does the Minister recognise the concerns of my constituents in north Guildford that no new incinerator plant should be built in Britain until this threat of cancer has been properly investigated by British experts; and the Minister can give absolute reassurance that the threats can be discounted?

Mr. Meacher: We believe that incinerators form a necessary though probably small part of the waste management strategy. It is impossible otherwise to achieve the requirements of the landfill tax directive, which are mandatory. They are to reduce the amount of household waste going to landfill from 85 per cent. at its current level to no more than 35 per cent. of 1995 levels by 2016. That is a shift in any one year of up to 33 million tonnes. If we can all do that by reducing the amount of waste created or by a large increase, which is exactly what I intend, in recycling, re-use and recovery, that is fine. However, incinerators are bound to play a small part.

Under the November 1996 EU directive, emission standards are vastly tighter and stricter than they were in the 1960s. Dioxins must be no more than one part in a billion per cubic metre, and that is a minuscule amount. Far more dioxins are released on Guy Fawkes night from the burning of wood than are released from the regular use of incinerators.

I am rather surprised by the hon. Gentleman's point because, in the Tory Government's 1995 waste strategy, of which the Leader of the Opposition, as Secretary of State for Wales, was a co-sponsor, said:

> The Government—

that is, the Tory Government—

> agreed . . . that incineration with energy recovery should play a larger part in waste management in the future.

Mr. Bill O'Brien (Normanton): I thank my right hon. Friend for his response to the question. If we could get recycling under way and introduce combined heat and power to burn domestic and industrial waste, that may not do away with the need for incineration, as advocated by the hon. Member for Guildford (Mr. St. Aubyn), but it would help the economy and reduce waste and the need

for more landfill sites. More recycling and more combined heat and power would meet the Government's policy requirements.

Mr. Meacher: The Government are extremely keen to see a big increase in good quality combined heat and power and in the use of renewables, and that is why both have been exempted from the climate change levy. We are also pursuing a massive increase in recycling. I made it clear in our strategy document that the Government intend to double the level of recycling within the next three years and to triple it within five years, and to reach a level of 30 per cent.—up among the European leaders—by 2010. If we do all that, incineration will play a relatively small role.

Mr. Damian Green (Ashford): When the Minister considers his policy towards incineration and the Opposition's more environmentally friendly policy, will he and his colleagues take to heart the comments of the Green Alliance which, in its parliamentary newsletter, says that the Conservatives have

succeeded . . . in catching the public mood by acknowledging recent scientific unease and public concerns over incineration?

He should take that to heart because the director of the Green Alliance, who wrote that, has just been appointed his Department's environmental adviser. Does he agree with his new adviser that the Opposition's policy on waste is better and greener than his policy?

Mr. Meacher: I certainly do not believe that a Government who produced a level of recycling of 2 per cent. in 1992 have any claim to being environmentally conscious. The current level of 9 per cent. is far too low, but under the previous Government it was no less than pathetic. What we have seen, which is beginning to be the Opposition's trademark, is a degree of opportunism in rejecting the previous Government's policies and coming up with the exact opposite. The electorate will know what to make of that.

Beacon Councils

5. **Kali Mountford** (Colne Valley): If he will make a statement on beacon councils. [123993]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): We want all councils to take part in the beacon scheme because it gives them the opportunity to learn from those that are already achieving the best. More than 40 councils are now running learning events, which have already been attended by some 2,000 people, and 11 new service themes have been announced for the second year. We are now inviting councils that believe that they offer excellence in those themes to apply for beacon status.

Kali Mountford: I am grateful to my hon. Friend for that answer. I am sure that she is aware than Kirklees council in my area has already achieved beacon status under a Labour administration, and I am now concerned to see that that scheme is properly evaluated to ensure that services remain at a high standard. Does my hon. Friend have plans for a continuous evaluation scheme; and, if so, how will that benefit my constituents, and how can they ensure that there is continuous improvement?

Ms Beverley Hughes: Kirklees had an impressive bid through its strong partnership with tenants, upon which its repairs and maintenance service is based. My hon. Friend is right to say that the whole point of the beacon scheme, with other measures, is to improve the standard of public services. That is all the more necessary after the run-down of public services that took place under the previous Government. Evaluation is therefore vital.

We have appointed researchers jointly with the improvement and development agency and Warwick university to evaluate the dissemination that is taking place. Longer-term evaluation will ascertain the extent to which the beacon scheme improves public services. That improvement is our clear aim.

Mr. Nigel Waterson (Eastbourne): Is it not ironic that the Minister is granting beacon status to councils when she is also diverting council funding, reducing councils' financial freedom through specific grants and capping, undermining their authority through an obsession with regional government and directly elected mayors, while simultaneously imposing structures that councils do not want? Is it not time that the Government left local government alone, encouraged local democracy and returned real powers and responsibilities to local councils?

Ms Hughes: If the criteria for leaving councils alone is the neglect of local government and public services that occurred in 18 years of Conservative Government, we would not want to compete with the Conservative party and we could not begin to do so. I have told the House on many occasions about the Government's extra funding for councils, but it is clear that Conservative Members do not want to listen. Our funding has increased by 8 per cent. in real terms in the past three years, compared with a 4 per cent. cut in real terms in the three years that led up to the general election. That is the measure of our support for local government. We are determined to make it strong, and provide good public services.

On the new regimes and political management, the best councils are doing that already; we are simply enabling the others to come up to speed.

Fishing Incidents

6. **Dr. Norman A. Godman** (Greenock and Inverclyde): How many *(a)* commercial fishermen have been lost at sea and *(b)* fishing vessels have (i) capsized and (ii) foundered in each of the past three years. [123994]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): Over the past three years, the total number of fishermen who died as a result of their vessel being lost or of falling overboard is 53, and the number of vessels that capsized or foundered is 60. This year, there have been 14 deaths up to May.

Dr. Godman: It is deeply regrettable, but given the hazardous occupation that those men follow and the seas that they are often in, men and vessels will be lost.

However, some of the terrible losses happen because of inadequate safety equipment, poor safety training and negligence. What will the Department do to reduce those dreadful statistics? Does my hon. Friend agree that there is a sharp discrepancy between the training programmes on safety that are offered to merchant navy personnel and those that are available to fishermen? Something needs to be done soon.

Mr. Mullin: I first pay tribute to my hon. Friend's long-standing interest, which, I recall, stretches back more than 30 years, to the time when we were at university together. We went to one of the élite universities—Hull.

Dr. Godman: I was a mature student, my hon. Friend was an immature student.

Mr. Mullin: I readily own up to that. My hon. Friend has also worn better than me over the years.

For a variety of reasons, the industry has a sad safety record. I am sure that my hon. Friend would agree with that. Part of that is due to the culture in the industry, which in the past tended to treat safety regulations as some sort of Government interference, whereas they should be the norm in an industry as dangerous as fishing.

We have introduced a safety code for vessels under 12 m. We also have a three-year joint initiative with the industry. Arising from that, one possibility under consideration is the provision of mobile training facilities. That would, I think, deal with my hon. Friend's point about taking training to fishermen rather than holding training sessions elsewhere.

The Deputy Prime Minister, who also takes the matter seriously—and who was at university with my hon. Friend and me—has so far held two meetings with representatives of the fishing industry this year to discuss safety.

Mr. Andrew George (St. Ives): Given that 11 lives have been lost in my constituency during the period under discussion, I am sure the Minister accepts the seriousness of the problem. It is particularly serious for smaller and single-handed vessels. In view of his earlier reply, would the Minister be prepared to expand on the timetable for the introduction of a safety code for vessels measuring less than 12 m?

Mr. Mullin: The code is being introduced this year.

Mr. Bob Blizzard (Waveney): Is my hon. Friend aware that, although there may not be many fishermen left in the country, in a fishing community like Lowestoft everyone knows a fishing family, and everyone knows a family who has suffered a bereavement at some point? Ties are strong, and it is an emotive issue.

I am concerned about the seaworthiness of, in particular, small fishing boats in Lowestoft harbour. Fishermen are hard-pressed because of general difficulties affecting fishing. Will my hon. Friend give special consideration to safety grants for smaller vessels? I think that that is the way in which we could save the most lives.

Mr. Mullin: We think that what is most needed is safety training, rather than grants.

I feel that skippers and employers—although I know that many fishermen are self-employed—could take more interest in the risks to which their crews are exposed. It should, for instance, become the norm for fishermen to wear life jackets when on deck. Unfortunately it is not the norm, thus far at least.

Mr. Robert Syms (Poole): This is a serious subject for all of us who represent fishing constituencies. Why, in the light of the tragic figures that the Minister has given, have the Government—as an economy under the comprehensive spending review—cancelled fishing vessel safety equipment grants? Surely they should consider that decision seriously, and, if necessary, reverse it.

Mr. Mullin: The money spent on safety equipment should have been spent on vessels in any case. That is why we are concentrating on promoting safety training for crews. We made the change because we think that it will be more effective.

Cyclists (London)

7. **Mr. Denis MacShane** (Rotherham): What steps he is taking to ensure the safety of cyclists in London. [123995]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Keith Hill): We are supporting London local authorities in the creation of the London cycle network, which aims to develop 2,900 km of cycle routes that are safe and convenient. As part of that initiative, a design manual has been produced by the boroughs to assist in achieving high standards of cycling safety.

Mr. MacShane: That is jolly good, but there is not one secure bicycling lane in Trafalgar square, Parliament square, Whitehall, Millbank, Victoria street or any of the access roads leading to this place. Why is that the case, after 18 years of Conservative government and three years of Labour government?

Mr. Hill: I know that my hon. Friend takes a deep interest in this matter. Indeed, he has just tabled no fewer than 16 questions on it, which I am delighted to say were answered before this Question Time.

The latest available figures suggest that cycling in London is increasing, especially in the central area. Moreover, I am pleased to say that the figures for cycling accidents continue to show a slight decrease in London, against a background of increasing cycle usage. My hon. Friend is right, however: a key aspect of cycling safety is the separation of the cyclist from traffic. Nearly half the London cycle network is now in place, and I am also pleased to say that this year we have increased the allocation to London boroughs for the network to £6 million.

Mr. Bernard Jenkin (North Essex): As a regular cyclist—unlike Ministers in their chauffeur-driven limousines—and while acknowledging that the Minister has been a cyclist in the past, may I ask whether he agrees that one of the contributors to risks for cyclists is the condition of the roads? The roads in London are in their worst condition since the 1970s, with 70 per cent. of local authorities complaining that the condition of the roads is

a risk to road users. At the present spending rate, it would take 70 years to resurface all London's roads. When will the Government admit that they are spending less on road maintenance and, indeed, less on the London cycle network than the previous Government?

Mr. Hill: Of course, the hon. Gentleman is absolutely right that the condition of roads is an essential aspect of successful and expanding cycling. That is why the Government are taking pains to compensate for the Conservative party's deplorable record in government and why, in the first four years of this Labour Government, we will have spent an extra £2 billion in total on the condition and improvement of our roads. Let me not be wholly curmudgeonly about the matter by saying that, of course, I look forward to the hon. Gentleman joining me in our wobble to Westminster next Tuesday as part of national bike to work day, along with no fewer than 75 other Members of the Houses of Parliament.

Housing Investment

8. **Ms Rosie Winterton** (Doncaster, Central): If he will make a statement on housing investment. [123996]

10. **Mr. Gareth R. Thomas** (Harrow, West): If he will make a statement on the housing investment programme. [123998]

The Minister for Housing and Planning (Mr. Nick Raynsford): The Government are committed to delivering major improvements in the quality of housing and in the performance of social landlords to deliver our vision for housing as set out in the recent housing Green Paper. We have substantially increased the resources for housing investment—around £5 billion extra over the lifetime of this Parliament—and we are ensuring that the available resources are used as efficiently and effectively as possible.

Ms Winterton: I very much welcome the extra resources to which my hon. Friend refers, which have meant that Doncaster council's housing investment allocation has increased by 51 per cent. this year. That has allowed the council to make repairs and improvements to the housing stock in greatest need. However, over and above the immediate capital improvement, the problem remains of long-term changes in housing requirements that arise from demographic changes. For example, more accommodation for single people is needed in Doncaster. What steps is my hon. Friend taking to ensure that local authorities can meet those new challenges?

Mr. Raynsford: My hon. Friend makes an extremely important point about the need for local authorities to be conscious of changing demographic trends. In our housing Green Paper, we encourage local authorities to develop a more strategic role in which they will oversee the need for all types of housing in their areas, rather than concentrating solely on the provision of social housing, which many have in the past. There will be further increases in housing investment programme allocations in the coming year, in which the comprehensive spending review provided for an additional 25 per cent. uplift on top of this year's very considerable increase. I hope that my hon. Friend will see the real benefits of that in Doncaster.

Mr. Thomas: I, too, welcome the extra investment in housing that my hon. Friend has announced and congratulate him on his success in securing the funds from the Treasury, but bearing in mind the fact that high house prices in London have pushed up the demand for affordable housing and the previous Government's neglect of social housing—I think of the Rayner's Lane estate in my constituency—can he assure the House that he will continue to press the case for the extra investment that London's affordable housing stock so desperately needs?

Mr. Raynsford: My hon. Friend makes an extremely fair point, and I am grateful to him for his kind remarks about the uplift in the housing investment programme allocation in Harrow, which was no less than 66 per cent. up on the previous year. Of course, that means that the local authority will be able to do substantially more to tackle the backlog of poor conditions. He makes a very fair point about the continuing severe pressures in London and the south-east. He will be aware that in our housing Green Paper we have set out several proposals, including a starter home initiative to assist those who wish to buy their homes but are unable to do so because of exceptionally high prices. We believe that that, together with continuing increases in the improvement of the existing social housing stock and the provision of new social housing through registered social landlords, will make a significant contribution to tackling those real problems.

Mr. David Curry (Skipton and Ripon): Why does the Minister think that the Chancellor of the Exchequer rejected his Department's representations before the Budget to harmonise the rates of value added tax—in particular, to bring them down—on housing repair and renovation of derelict sites? Does not he agree that the absence of such a measure makes it harder to achieve the objectives of his Green Paper? Does he intend to return to that subject in the urban White Paper, which appears to be the last opportunity to put that essential piece of the jigsaw in place?

Mr. Raynsford: The right hon. Gentleman will be well aware that the Chancellor of the Exchequer said in his Budget statement that he would welcome a debate on the use of economic instruments to encourage regeneration and specifically proposed consideration of changes to the stamp duty regime for brownfield areas. The matter is under debate and I have no doubt that the right hon. Gentleman will continue to campaign on it vigorously, as he has in the past, because there are real issues about how we best attune economic instruments to work with the grain of Government policy to encourage brownfield development and the regeneration of our cities.

Mr. Ian Bruce (South Dorset): I am sure that the House welcomes the Government's decision to follow on from the previous Government and to use private finance to take over council estates—Conservative Members certainly do—but what are the Minister's thoughts on encouraging private landlords to put their houses up for

rent further to allow people to get into family homes? In particular, do the Government have any plans to solve the problem of people refusing to pay rent? Those bad tenants are difficult to remove from private tenancies, which puts many people off renting out their houses.

Mr. Raynsford: As the hon. Gentleman will know from reading our housing Green Paper, we attach considerable importance to working with the private rented sector to improve its supply and its quality. He will be aware that, at its best, it provides good-quality accommodation on favourable terms that people welcome. Equally, there are terrible abuses at the wrong end of that sector. There are some poor tenants, and also some poor landlords. We are working to improve standards by encouraging investment by responsible landlords and through arrangements such as the approved letting scheme, on which I have recently focused to encourage high standards. We are also committed to introducing licensing in multi-occupied houses to bear down on abuses at the bottom end of the sector.

Angela Smith (Basildon): Like many others, I welcome my hon. Friend's commitment to extra investment in housing, but may I put a special case to him? Will he consider the problems of new towns and new town housing stock, much of which is the same age and needs repairs and maintenance at the same time? That makes it extremely difficult for councils to have a rolling programme of repairs and, if left, minor repairs become major. Will he meet me and representatives of my local authority to examine ways to find the funding to do the much-needed repairs in my constituency?

Mr. Raynsford: My hon. Friend raises a perfectly fair point about the characteristics of some new towns in which the housing stock was developed in a particular period when the emphasis was very much on the need for family housing. There may be a need to make changes in the housing stock to respond to changing demographic patterns—a point to which my hon. Friend the Member for Doncaster, Central (Ms Winterton) also alluded. The Under-Secretary of State, my hon. Friend the Member for Sunderland, South (Mr. Mullin), and I have met delegations from new town areas and other areas with similar characteristics to discuss the impact of the new housing finance arrangements that we intend to introduce from next April. I am happy to consider representations from my hon. Friend the Member for Basildon (Angela Smith) and her constituency on that subject.

Mr. Archie Norman (Tunbridge Wells): I am sorry that the Deputy Prime Minister is not here to respond to this question as I know that he takes a close personal interest in low-cost housing.

On housing investment, can the Minister explain why he dismissed the Serplan recommendation that 40 per cent. of the new houses to be built in the south-east should be affordable homes? Will he now clarify what he meant in *The Sunday Telegraph* when he implied that he would punish councils in the south-east of England that voted against his proposals to concrete over the countryside of the south-east? Does he not realise that the purpose of consultation is to listen and that the purpose of decentralisation is to let local people decide? Does not his arrogant and petulant response to yesterday's vote illustrate that he is out of touch with people of the south-east of England and that all his claims to have decentralised and to have moved away from predict and provide were a hollow sham?

Mr. Raynsford: The hon. Gentleman will be well aware of the piece in *The Sunday Telegraph* in which the description was an accurate statement of his personal view of the process. However, it was not in any way an accurate representation of my views and I should like to put it on the record that there was serious misrepresentation in it.

As the hon. Gentleman knows only too well, I have made it quite clear that we shall listen to all representations on the RPG—regional planning guidance—for the south-east. We shall listen to the views of the 39 Serplan authorities that voted according to the hon. Gentleman's whip, and to the 30 that voted the other way. Personally, I regret very much that, as a result of the hon. Gentleman's intervention, a body that previously operated on a consensual basis to try to bring agreement on these important issues is split on party political lines. That does no service to the sensible process of trying to reconcile two hugely important issues: housing provision for people in need and the protection of the countryside. The Government are committed to those objectives and, as the hon. Gentleman knows only too well, we shall pursue policies that respond to those responsibilities.

Genetically Modified Crops

9. **Joan Ruddock** (Lewisham, Deptford): If he will make a statement on the progress of the review of separation distances for GM crops undergoing farm-scale trials in the UK. [123997]

The Minister for the Environment (Mr. Michael Meacher): My right hon. Friend the Minister of Agriculture, Fisheries and Food explained to the House on Thursday 8 June that his Department is conducting a scientific review of separation distances and their relationship with crop varietal purity. He is also consulting interested parties, including conventional and organic farmers, and will take account of any lessons that can be learned from the Advanta seeds issue.

Joan Ruddock: I thank my right hon. Friend for that answer. Has he formed an opinion about the risk matrix-based separation distances recommended by the National Pollen Research Unit? Will he take a lead in the matter and can he guarantee that new separation distances will be put in place before the 1 August notification deadline for new, autumn-sown, genetic modification farm-scale trials?

Mr. Meacher: I am concerned about the issue, as my hon. Friend knows. We are examining appropriate separation distances as a matter of urgency. Indeed, we take seriously the variable matrix model produced by the National Pollen Research Unit, which is supported by the Soil Association, with which I have been having discussions, and others. The survey is being conducted by MAFF, to which those proposals should be sent.

Contamination and separation distances are traditional, having been determined by agronomic practice over 50 or more years, and 99.5 per cent. of the pollen will not get

beyond those distances. However, small—sometimes vanishingly small—amounts of pollen may, and indeed can, travel considerable distances. The problem is knowing exactly where to draw the line in a continuous deposition level over long periods.

Mr. Owen Paterson (North Shropshire): The Mayall family have been farming at Pimhill in my constituency for 51 years. Their organic farm is a highly successful enterprise. Important GM trials are taking place not very far away. It is absolutely vital that we establish safe separation distances as soon as possible. GM crops have been grown in bulk in the United States for more than 10 years. How many visits have the Ministers' officials made to find out what the distances are there?

Mr. Meacher: I cannot answer the specific question, but I will ensure that the hon. Gentleman receives an answer. We have been increasing the number of visits made by the Central Science Laboratory, which took over from the Health and Safety Executive in the supervision of GM sites.

I repeat that I am concerned about the issue. There should be due and adequate notification of GM trials. We have arranged local meetings in villages and towns so that people are properly informed and can make representations.

I am concerned that we should have a fresh look at the matter by the August sowing deadline, which my hon. Friend the Member for Lewisham, Deptford (Joan Ruddock) referred to, and that we shall be able to establish a fairer cordon sanitaire, possibly on the variable matrix model, which I favour. It is false to pretend that any distance will prevent all contamination; the question is how we can minimise that to a level that is acceptable to those buying the product, because they will have to determine what degree of GM food in a non-GM product is acceptable.

Empty Houses

12. **Mr. Peter L. Pike** (Burnley): What steps his Department proposes to take to assist those local authorities with large numbers of empty private sector houses. [124000]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): We are considering the recommendations of the empty property advisory group which are aimed at building on the steps that we have already taken to assist local authorities. In addition, from this year we are requiring all authorities to account to local people for their actions by publishing indicators of their performance in tackling empty privately owned homes.

Mr. Pike: My hon. Friend will know that Burnley has almost 3,000 empty private sector terraced houses, in addition to many private sector houses that need major renovation. Do the Government accept that it is a problem that Burnley and councils in a similar situation cannot solve alone? Government help is needed and people must work together.

Mr. Mullin: The Government certainly accept that the problem cannot be solved by councils alone. Many other parts of the north, including my constituency in Sunderland, have a similar problem. That is one of the reasons why we have set up the empty property advisory group, and we certainly recognise that help will be needed.

Mr. Don Foster (Bath): If tackling the scourge of empty homes is so important to the Government, why was no reference made to it in any of the 43 key recommendations in the housing policy paper? Will the Minister acknowledge that there are 750,000 empty homes in this country, and that a quarter of them are in London and the south-east? Would not it be better to start bringing those back into use before concreting over the green belt in the south-east?

As a way of making that happen, will the Minister join the right hon. Member for Skipton and Ripon (Mr. Curry), me and many other Members in a campaign to persuade the Chancellor of the Exchequer to change the crazy VAT arrangements whereby one pays full VAT on renovation to bring homes back into use and nothing on new build?

Mr. Mullin: There have been recommendations on empty homes. Although the original question was about private housing, I agree with the hon. Gentleman that there is a serious problem of empty public housing in London. We are doing all that we can to encourage local authorities to deal with it. It is partly a question of resources, and over this Parliament, we are putting an extra £5 billion into housing. As the hon. Gentleman knows, VAT is a matter for the Chancellor, who will have heard the point made by the hon. Gentleman and many others.

Miss Geraldine Smith (Morecambe and Lunesdale): Is my hon. Friend aware of the large number of Victorian properties which were formerly used as hotel accommodation that lie empty in seaside resorts? Many are sold cheaply at auction—a 10-bedroomed property in Morecambe sold for £4,000—and are bought by unscrupulous absentee landlords who provide poor housing in the rented sector. That problem faces all British seaside resorts, especially Morecambe, and I am interested in the Minister's plans to deal with it.

Mr. Mullin: Unscrupulous absentee landlords are not a problem only in seaside resorts. Sunderland has exactly the same problem; I hesitate to class it as a seaside resort, although it is on the sea. It is one of the reasons why we will introduce licensing for houses in multiple occupation. We have some other measures in mind. We recognise that it is a serious problem.

Mr. James Gray (North Wiltshire): It is important in these considerations to make a clear distinction between so-called management vacants—those houses that are ready to be re-let shortly—and the total number of vacants. Will the Minister confirm two things: first, that the five authorities with the highest number of vacants and the highest number of management vacants are all controlled by the Labour party? Secondly, will he explain why 7.5 per cent.—I believe that that is the figure—of

management vacants in the Deputy Prime Minister's local authority of Kingston upon Hull are ready to be let tomorrow, but, for some reason or other, are not being let?

Mr. Mullin: One of the reasons is that, in the north of England, which is generally controlled by Labour authorities, there tends not to be the same demand for housing, public or private, as there is in the south.

Mr. Gray *indicated dissent.*

Mr. Mullin: It is a fact, whether the hon. Gentleman agrees or not. There is no point in him shaking his Wiltshire head. It is one of the facts of life, with which anyone in government must grapple. Who knows, one day he and his colleagues may be faced with the same problem. There is a massive surplus of demand in the south and insufficient demand in the north. Of course that gives rise to vacancies. We are anxious that those vacancies be properly managed and we are taking steps to do so.

Mr. Hilary Benn (Leeds, Central): Does my hon. Friend agree that, in certain circumstances where there are many empty properties, comprehensive redevelopment of an area is the best solution? If so, does he share my concern at the recent ruling of the European Commission, which has declared that gap funding is outwith state aid rules? Is he aware that that ruling is threatening many housing and other redevelopment schemes on brownfield sites, including the proposed Holbeck urban village in my constituency?

Mr. Mullin: I am aware of the European Union ruling; we are looking at it. I agree with my hon. Friend that sometimes the best solution is wholesale redevelopment. That is happening in some parts of the country, including, as he says, in his constituency.

Road Accidents (North Yorkshire)

13. **Miss Anne McIntosh** (Vale of York): If he will make a statement on the incidence of road accidents in North Yorkshire in the last three years; and if he will make a statement. [124001]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): The total number of personal injury road accidents in North Yorkshire, including the City of York, in the last three years for which published figures are available, was as follows: in 1996, 3,274; in 1997, 3,315; and in 1998, 3,278.

Miss McIntosh: Does the Minister agree that 160 injuries and deaths in accidents per 100,000 of population—her own Department's figures—gives North Yorkshire the worst road accident rate in the country? Most of the traffic is coming from and destined for parts outside North Yorkshire, and is putting increasing pressure on North Yorkshire county council's highways budget. If the Government proceed to detrunk, which is their announced intention, it will be totally unfair and unjust to ask the council, against the background of those figures, to meet the total contribution.

Ms Hughes: The written answer that the Under-Secretary of State, my hon. Friend the Member for Streatham (Mr. Hill), gave to a question about road accidents in relation to static population did give that figure for North Yorkshire but, as the hon. Lady knows, and as North Yorkshire police have pointed out, North Yorkshire is a very large county in terms of area and road miles—it has 6,000 road miles. However, it has a very small population. Therefore, any comparison of accidents in relation to population will give a relatively large figure. If we relate accidents to road miles in North Yorkshire, the incidence is no higher than the national average; indeed, it is somewhat better. We are not, however, complacent.

The Government have given North Yorkshire a 58 per cent. increase in its local transport capital settlement—to the tune of £8.5 million—so that it will be able to put even more emphasis on local safety measures. In the past few years, North Yorkshire has certainly been reducing the number of road accident casualties and serious injuries. I am sure that the hon. Lady will be pleased to note that, since the previous general election, in North Yorkshire, the number of road accidents, the total number of casualties and the number of those who are killed or seriously injured in accidents have all declined significantly.

Mr. Lawrie Quinn (Scarborough and Whitby): I welcome the improvements that my hon. Friend has just described in road safety, particularly on trunk roads, in North Yorkshire. However, will she consider speaking with people at the Highways Agency about progress on the A64 corridor to Scarborough, examining very carefully the growth in traffic that has occurred in the corridor since the general election, and reviewing progress on possible future work on the A64?

Ms Hughes: Certainly. As the hon. Member for Vale of York (Miss McIntosh) will know—at the end of February 2000, she received a letter from the Highways Agency outlining all the initiatives on trunk roads, particular safety studies and traffic calming in North Yorkshire—the A64 trunk road and the A1 Bramham to Scarborough are the subject of a route improvement strategy for improving safety, particularly in relation to the A64 between the A1 and Scarborough. The strategy has recently been presented to the regional planning forum for its agreement, and includes a variety of individual proposals designed to deal with the problems that my hon. Friend rightly raises.

Transport Bill

14. **Mr. Andrew Robathan** (Blaby): What recent representations he has received from the RMT union on the provisions of the Transport Bill. [124002]

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Keith Hill): My Department has received a number of representations about the provisions of the Transport Bill and has met a wide range of organisations and individuals

to discuss matters of mutual interest. The organisations include, of course, the RMT, which Ministers meet from time to time. Most recently, on 1 June, my right hon. and noble Friend Lord Macdonald of Tradeston met the RMT.

Mr. Robathan: I am particularly sorry that the Secretary of State for the Environment, Transport and the Regions is not in the Chamber at least to listen to this question, as it is really directed at him. Does the Minister believe that the Deputy Prime Minister's tenancy of an RMT flat contravenes both the spirit and the letter of the ministerial code of conduct's provisions on trade unions, which state:

> care must be taken to avoid any actual or perceived conflict of interest . . . Ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence . . . and should receive no remuneration from a union . . . ?

Does the Minister deny that the Deputy Prime Minister's action also contravenes paragraph 109 of the code? It states:

> Where there is a doubt it will almost always be better to relinquish or dispose of the interest.

Has the Minister found that the relationship between the Secretary of State and the RMT has in any way enhanced or detracted from the workings of his Department?

Mr. Hill: The hon. Gentleman is trying to make political capital out of something that is old news. The Parliamentary Commissioner for Standards investigated the matter and rejected all complaints against my right hon. Friend.

Quite frankly, if the hon. Gentleman is seriously trying to make the imputation that the Government have conferred favour on the RMT in our transport legislation, he has utterly failed to do his homework on the matter. While providing for the more effective regulation of the railways through the new Strategic Rail Authority, the Transport Bill falls far short of the RMT's desire for re-nationalisation of the railway industry. The Bill's proposed National Air Traffic Services public-private partnership is also in direct opposition to the RMT's official policy. In that context, I might also point out that the RMT is not exactly wildly enthusiastic about the London Underground PPP.

The truth is that the Government serve the public interest. We need no strictures from the official Opposition, with their long and discreditable record of subservience to vested and sectional interests.

Mr. Robathan: On a point of order, Madam Speaker. Given the Minister's unsatisfactory answer, I shall raise the matter in an Adjournment debate.

Regional Development Agency (West Midlands)

15. **Mr. Steve McCabe** (Birmingham, Hall Green): If he will make a statement on the activities of the regional development agency in the west midlands. [124003]

The Minister for Local Government and the Regions (Ms Hilary Armstrong): Advantage West Midlands has been in existence for just over a year. A major activity in that time has been the production of the west midlands regional economic strategy which was endorsed by its partners in the region. Another important task was leading the Rover task force at the request of my right hon. Friend the Secretary of State for Trade and Industry. It is due to produce its final report at the end of June.

Mr. McCabe: Will my right hon. Friend join me in congratulating Mr. Alex Stephenson, the chairman of Advantage West Midlands, and his colleagues on their speedy and efficient work on behalf of the taskforce established in the wake of the BMW-Rover crisis? Will she also confirm that in its first full year of operation, Advantage West Midlands has been responsible for attracting record levels of direct foreign investment to the west midlands, resulting in 5,000 new jobs and safeguarding a further 9,500 jobs in the region? Does that not demonstrate the value of such agencies, and is it not an argument for nurturing and strengthening them, rather than sniping from the sidelines or threatening to dismantle them as the Opposition do all too often?

Ms Armstrong: My hon. Friend is absolutely right. The regional development agency enabled people in the west midlands to work together under an organisation that already had an extensive network in the area, and the chairman of AWM, Mr. Alex Stephenson, to lead an effective response to the announcement from BMW. In addition, because the regional development agency has drawn the task force together and developed its work, the west midlands is now well placed to take that work further, to make sure that the response is not what we originally saw in respect of Rover and to develop a sustainable strategy for the future of car manufacturing in the area. Indeed, I can confirm its outstanding success to date. Everyone involved—including those who associate with the Conservative party and who are now involved with regional development agencies—thinks that the Conservative party has totally lost its way and is wrong to talk about getting rid of regional development agencies.

Point of Order

3.32 pm

Sir Sydney Chapman (Chipping Barnet): On a point of order, Madam Speaker. I had always understood that, when the lead Minister in a Department was unable to be in his place to answer questions, it was customary, and expected by the House, that the Minister answering the first question should give an explanation—in this case concerning the absence of the Deputy Prime Minister. Do you agree with that observation? Some of us are still waiting for an explanation.

Madam Speaker: The Deputy Prime Minister sent me his apologies and the reason for his absence, which is a very important mission overseas, which I accept. I assume that the right hon. Gentleman also sent his apologies to the Opposition Front Bench.

Mr. Archie Norman (Tunbridge Wells) *indicated assent.*

Madam Speaker: The Opposition indicate that that is the case. Perhaps it was remiss of me not to remind the Minister who first answered to make that quite clear to the House. I apologise to the House; perhaps it was my fault for not reminding the Minister that he ought to do that. In future, if the Secretary of State has to be absent, it is always a good thing for the Minister answering to explain to the entire House so that we are all aware of it.

Ticket Touting (London Underground)

3.34 pm

Mr. Neil Gerrard (Walthamstow): I beg to move,

That leave be given to bring in a Bill to amend the law in relation to the sale of London Underground tickets by unauthorised persons.

I am sure that many people who travel on the underground will have seen ticket touts in action at underground stations. Hon. Members from outside London, and perhaps even some London Members who do not use the tube to come to the House every day as I do, may not be so familiar with the practice. I am sure that many people who see the touts in action think that what they are doing is relatively harmless.

London Underground carried out a survey recently. About three quarters of those who responded said that they would give their tickets to a tout—either because they did not see much harm, given that they no longer needed the ticket, or because they considered that the people asking were down on their luck and lacked the money needed to buy a ticket.

It is illegal for people to buy and sell underground tickets, but more important matters are at stake than the relatively small amounts of money involved. Although I shall return to the question of money, I do not consider it to be the main issue.

I only realised the seriousness of the nuisance caused by touts at stations when I encountered the problem in my constituency and in the borough of Waltham Forest. It is especially bad at busy underground stations in central London, but difficulties arise in parts of east London, too.

Passengers are harassed—the gentlest means are not always used—to hand over a ticket that they no longer need, or to buy a ticket from a tout. I have seen passengers at ticket machines being almost surrounded by people wanting them to buy a ticket from them.

Touts especially focus on women, and women with children, as they think that they will be easier targets. Such targeting can be a threatening experience for passengers, but people who have been harassed, or consider that they have been harassed, are reluctant to act as witnesses if a prosecution is brought.

Just last week, I was approached by a passenger as I went home from the House late one evening. He did not know about my Bill, but he asked me when something was going to be done about the touts. He explained that he had refused to hand his ticket over to touts, and that the same people had approached him, repeatedly and in a threatening manner, over the following two weeks as he went into the station on his way to work in the evening. He said that he felt quite threatened.

London Underground staff also suffer from threats, and sometimes are assaulted. I have spoken to staff members, London Underground managers and trade union representatives, and all tell the same story: staff who interfere with the touts' activities and tell them to move on are threatened and, on occasion, physically assaulted. I was told too that some members of staff who approach touts at stations have been followed on their way home. Clearly, those people are not likely to be too keen to get involved and perhaps give evidence.

The problem extends to people who work around underground stations. A newsagent told me that a knife was held to her throat when she objected to people

blocking her news stand as they tried to sell tickets to passengers. Two other people—a florist and a newsagent in my borough—have complained to me that their businesses have suffered because passengers do not want to visit their stalls when touts are hanging around nearby.

Ticket touts are a serious problem at many underground stations. London Underground's best estimate is that they cost about £1 million in lost revenue every year. Clearly, that is money that could be invested in the system, but the prime issue is the safety of passengers and staff.

Why is there a need for a change in the law? The degree of offence and level of penalty under the law as it stands make the problem difficult to deal with. The Police and Criminal Evidence Act 1984 defines the offence as minor. Ticket touting is not, in itself, an arrestable offence—another offence would have to be committed as well for an arrest to be made. Nor is it recordable: when someone is arrested and charged, the offence is not recorded. Under London Underground byelaws, there is a maximum fine of £50, but, again, the offence is arrestable only if someone refuses to give his name and address. That is not much of a deterrent.

The levels of penalty are not very severe, and because the offence is not recordable, repeat offenders can appear in court again and again, but as far as the magistrate is concerned, they are there for the one offence which appears quite trivial—trying to sell an underground ticket for £1.50, when they did not have authority to sell it. The minor penalties, conditional discharges and tiny fines are no deterrent for repeat offenders.

The Bill would clarify and strengthen the law in this area. I do not believe that the law is the only answer. Part of the answer is for passengers not to give their tickets over when they have finished with them. As with quite a lot of pretty crime, there are links with drugs—some of the people involved undoubtedly want the money to buy drugs. I do not believe that penalties are necessarily the only answer—we need other ways of dealing with the drugs problem. However, there is no question but that we should be able to be tougher on persistent repeat offenders and those who harass passengers. The police should have the power of arrest so that it is much simpler and easier for them to deal with the problem, which would mean revision of the PACE provisions. I believe that it would be useful if the London Underground byelaws were in some way amended and brought into statute law.

That is the purpose of the Bill, which I commend to the House this afternoon.

Question put and agreed to.

Bill ordered to be brought in by Mr. Neil Gerrard, Mr. Harry Cohen, Mr. Mike Gapes and Mr. Andrew Mackinlay.

TICKET TOUTING (LONDON UNDERGROUND)

Mr. Neil Gerrard accordingly presented a Bill to amend the law in relation to the sale of London Underground tickets by unauthorised persons: And the same was read the First time; and ordered to be read a Second time on Friday 21 July, and to be printed [Bill 139].

Orders of the Day

Countryside and Rights of Way Bill

As amended in the Standing Committee, considered. Ordered,

That the Countryside and Rights of Way Bill, as amended, be considered in the following order: Amendments relating to Clause 1, Schedule 1, Clause 2, Schedule 2, Clauses 3 to 8, Schedule 3, Clauses 9 to 42 and Schedule 4; New Clauses relating to Part I; Amendments relating to Clauses 43 to 47, Schedule 5, Clauses 48 and 49, Schedule 6, Clauses 50 to 57, Schedule 7 and Clauses 58 and 59; New Clauses relating to Part II; Amendments relating to Clause 60, Schedule 8, Clause 61, Schedule 9, Clauses 62 to 65 and Schedule 10; New Clauses relating to Part III; Amendments relating to Clauses 66 to 70, Schedule 11 and Clauses 71 and 72; remaining new Clauses; new Schedules.—[*Mr. Kevin Hughes.*]

Clause 1

PRINCIPAL DEFINITIONS

3.43 pm

Mr. Damian Green (Ashford): I beg to move amendment No. 101, in page 1, line 12, at end insert—

', and is at least 10 hectares in size'.

Madam Speaker: With this it will be convenient to discuss the following amendments: No. 102, in page 2, line 17, leave out "wholly or predominantly" and insert—

'of at least 60 per cent.'.

No. 306, in page 2, line 21, at end add

', and to which the public has a general right of access'.

Mr. Green: In Committee, the Minister described the Bill as "messy". He was right then, and, unfortunately, he is still right. He will be as aware as anyone that the countryside's dislike of the Government is growing by the week. I hope that the right hon. Gentleman will therefore respond positively during our debates to our attempts to improve the Bill.

This group of amendments—particularly amendments Nos. 101 and 102—represents an attempt to continue to make this part of the Bill less impracticable: one of our main complaints about the Bill concerns its impracticability. The Government should be aware that as they stir up opposition in country areas with other measures that we have heard about this week, it is all the more important that this Bill should not cause further friction between the Government and their officials, and those who live and work in the countryside. Let me give an example of the effects of many of the measures in part I of the Bill. Every farmer contemplating providing permissive access as part of a stewardship scheme or diversification initiative will now have that income-earning opportunity removed. It is precisely because upland farmers will be the people most affected by the right of access as defined in the Bill that it is important that the provisions in part I should be made as workable, and non-disruptive to their businesses, as possible.

Mr. Andrew F. Bennett (Denton and Reddish): Where is the hon. Gentleman's evidence that the measure will

[Mr. Andrew F. Bennett]

cause any problem? As was pointed out on Second Reading, such provisions have applied in most of the Lake district for more than 100 years—and in large chunks of the Peak district as a result of access agreements negotiated by the national park—without causing any difficulties at all. If such arrangements do not cause a problem in those two areas, where is the hon. Gentleman's evidence that it will cause problems elsewhere?

Mr. Green: The hon. Gentleman is tempting me down a route that is not entirely germane to the amendments. However, the upland areas in particular contain the farms which are under the most economic pressure: they are suffering from the worst economic crisis that many can remember. I am sure that the hon. Gentleman, who is knowledgeable on these matters, will agree that for the Government to deny money-raising opportunities to upland farmers in the climate in which they are forced to operate today is particularly unfortunate.

In this group of amendments and others, we will seek precisely to ensure that the right of access—which we did not oppose on Second Reading—is as practicable as possible so that all those who have to make it work, particularly in the uplands, can feel that, although the Government are making their lives more difficult in many ways, they are not making it unnecessarily difficult through the detailed provisions of the Bill.

Mr. James Gray (North Wiltshire): Does my hon. Friend agree that one of the important distinctions to be made between the arrangements applying to the Peak district and Lake district national parks and the provisions of the Bill is that, in those areas, the authorities are able to designate where people are allowed to walk? They may choose to allow people to walk anywhere, but they are certainly allowed to offer them designated access points—mainly linear access. That is quite different from what is proposed in clause 1.

Mr. Green: My hon. Friend makes the point that there are many differences between the designated national parks and other areas where access will now be allowed. Each has individual characteristics and it is important—precisely because this House cannot and should not pass legislation that bears differently on different parts of the country—that the legislation that we pass should not disadvantage those who are already in the most difficult economic circumstances.

The purpose of amendment No. 101 is to make practicable the provision of access to areas permitted under the clause. We are seeking to introduce greater consistency to the Bill, which has as one of its many faults a degree of inconsistency. The Government recognise in clause 4(5)(a) that pieces of open country may be so small that access should not be required. The amendment proposes a de minimis limit of 10 hectares, to ensure that that perfectly sensible provision in clause 4 also applies in clause 1.

I am sure that the Minister will recognise that there are many reasons why that should be the case. In all cases, there are many costs associated with providing the access land—whether related to signing, to providing wardens or to making byelaws. Quite apart from the economic effect on farmers and other landowners, there will be costs on the public purse.

We want to ensure that the extra access actually provides the most advantage to those who want to use it—the walkers—and that it is targeted towards decent-sized areas of land that offer the greatest public benefit. We keep using the phrase "right to roam". Clearly, the right to roam is of less use on a small parcel of land because less roaming can be done there.

We want both to restrict the additional costs that arise from the Bill and to maximise the leisure and health benefits that will accrue if more people are encouraged to walk in the English countryside—one of the matters that does not divide those who hold differing views as to the merits of this part of the Bill. There is little point in a right to roam if there is not enough land over which to roam, so it would be a good idea to establish a minimum size for access land.

Many of those with the greatest knowledge of such matters agree with us. The point is well made by the National Farmers Union, which supports the amendment because, without it, many small areas of land that are difficult to reach could fall under the definition of access land. That would be especially relevant in the uplands. If such places were difficult of access, new areas of access land would have to be created in order to reach them. Those places might be small, of limited interest to the user and awkward to map and manage.

I hope that the Government will take the amendment in the spirit in which it is intended; it would improve the practical application of the measure without denying to any great extent the right of access to any area.

Amendment No. 102 is an attempt to improve the Bill by adding greater precision to the definitions of access land. Currently, the phrase "wholly or predominantly" is used. We want to make the wording more practicable by changing it to

at least 60 per cent.

We all have a vague idea as to the meaning of "predominantly", but the scope of the provision is unclear none the less. In Committee, the Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Sunderland, South (Mr. Mullin), said that "predominantly" meant anything more than 50 per cent. Our proposal is that it should be 60 per cent. Other people have suggested 66 per cent.

I shall take the unusual step of referring to a briefing that is in disagreement with the amendment. The NFU agrees that further clarification is needed, but thinks that our amendment sets too low a threshold. That is one point of view. However, it is unarguable that some sensible and definite level needs to be set; otherwise confusion will reign and it will not be clear whether the measure is being applied fairly.

There are some other problems—literally around the edges. The definition of whether and how far the land can extend beyond the edge of the heath in certain circumstances is clearly relevant too.

I am aware that the expression "wholly or predominantly" has been taken from access agreements and orders made under the National Parks and Access to the Countryside Act 1949. However, there is an important difference between such orders and those that would be made under the Bill. The provisions made under the 1949 Act applied by agreement or by a carefully considered order and were subject to compensation. We shall discuss

compensation later, but the key point is that those provisions were not likely to be applied to land that was not obviously open country. The Bill will impose that regime on 4 million acres of open country and it is obvious that the definitions require more precision if they are to be applied to such land.

Other legislation applying to land designations—to sites of special scientific interest, for example—does not use the word "predominantly". If the Government wished to accept the amendment, they could satisfactorily argue that it followed precedent. There are better ways of defining land areas than that used in the Bill.

Mr. John Bercow (Buckingham): Does amendment No. 101 spring from the premise that the privacy appertaining to a small piece of land is inherently greater than that which applies to a larger piece of land, or is it my hon. Friend's contention that it is merely a matter of practicality that informs the amendment?

Mr. Green: My hon. Friend tempts me into a debate about principle, which I suspect you, Madam Speaker, would not find acceptable in this context. I merely say that practicality is the predominant issue in this group. However, I am aware that many hon. Members on both sides of the House have views about the principles involved.

Should they wish to, the Government could accept amendment No. 102 in the full knowledge that they would merely be following the legislation that set up the sites of special scientific interest, which hon. Members on both sides of the House supported. I recommend that the Government follow that example rather than that used in the National Parks and Access to the Countryside Act 1949.

Mr. Bill Etherington (Sunderland, North): The hon. Gentleman has referred to the size of the area of land and to practicalities, but is he aware that at Hawes in Wensleydale, north Yorkshire, is the Hardraw force, one of the most beautiful waterfalls in the country? It is made more interesting by the fact that, in the 19th century, it was destroyed by severe flooding and was rebuilt in a magnificent way by the then landowner. If the hon. Gentleman prevents the public from having access to small parcels of land, he will deprive them of the opportunity to see the one small feature that is worth visiting in an area of many square miles. Will he respond to that point?

Mr. Green: I will happily respond to it. I am not aware of that waterfall, but I shall make a point of visiting it. I am advised by my hon. Friends who know the area that a footpath runs right to the waterfall, so there is already access to it. The hon. Gentleman's example is not relevant to the Bill and to the access provisions, because access is already provided. Even if there were not a footpath to the waterfall, I remind him that it is open to any landowner to provide voluntary access, in the way that many do. As the hon. Gentleman said, a public-spirited landowner repaired the waterfall in the 19th century. I hope that his descendants—if they still own the land—are equally public spirited and would wish the public to enjoy the full beauty of that waterfall.

The hon. Gentleman's point is not relevant to my point, which is that, if the Bill is to have largely beneficial effects, it needs to be as practicable as possible. My hon. Friend the Member for Salisbury (Mr. Key) will speak to amendment No. 306, which deals with a specific issue but which is also concerned with the overarching point that the Bill should be as practicable and tidy as possible. In that spirit, I commend the amendments to the House.

4 pm

Mr. Robert Key (Salisbury): I shall speak to amendment No. 306. I fear that, inadvertently, the Bill will extinguish the rights of the villagers of Great Wishford in my constituency and remove their ancient privileges.

Prior to the Commons Registration Act 1965, there was considerable doubt over what land was subject to rights of common, and what rights of common existed over common land. In order to ascertain exactly what common land existed and to provide for the management and improvement of common land, the Commons Registration Act 1965 introduced a scheme for registering common rights that were claimed to be in existence. I know that the Minister for the Environment referred to that in Committee.

Under the 1965 Act, among other things, common land and rights over common land were registrable. After July 1970, no land could be deemed common land unless it was registered under the Act, and no rights of common were exercisable over any land unless they were registered under that Act or had been previously registered under the Land Registration Acts 1925 and 1936.

Examples of rights of common are the right of piscary—the right to catch and take away fish; auceptary—fowling; turbary—the right to take peat or turf for use as fuel; and estovers—the right to take wood from the land of another for a specific purpose.

On 29 May each year—this year was no exception—the villagers of Great Wishford celebrate Oak Apple day. It was during the Whit recess this year, so fortunately I was able to enjoy it. I did not get up at dawn to exercise the right with the villagers to go into the forest to gather wood. In a very ancient ceremony probably going back to the 14th century, the boughs of oak that have been gathered are taken into Salisbury cathedral, a dance is performed in front of the altar, and the villagers shout, "Grovely, Grovely, Grovely and all Grovely", and go back for a jolly good feast.

That is history and reality and, for the souls of Great Wishford, a treasured part of their heritage. The Wilton estate, and the Earl of Pembroke in particular, fully support and welcome the continuation of those rights. That is not in question. No one is suggesting that those rights should not exist—on the contrary, we want to preserve those rights and privileges for the villagers of Great Wishford. Everyone recognises them as an essential part of the character of the life of Great Wishford.

There has been great uncertainty, however, on the part of that estate and the Oak Apple club, which was formed almost two centuries ago to ensure the perpetuation of those ancient rights, about what the rights comprise. That was fully investigated a couple of years ago, and everyone in the parish received a letter jointly from the parish council, the Oak Apple club and the estate to clarify the position.

The rights have existed since time out of mind, and they were recorded in a charter of the forest court of Grovely in 1603. All but one of those rights were abolished under an

[Mr. Robert Key]

Enclosure Act of 1809 in return for a grant of allotment land outside the wood. The only right not abolished was the right of estovers—the right to collect dead wood. That is now registered as a legal right under the Commons Registration Act 1965. The other ancient custom that has been resurrected is the collecting of green oak or hazel boughs on 29 May each year, and that continues.

The right of estovers is defined under the Commons Registration Act 1965 as

the gathering and bringing away of dead snapping wood boughs and sticks

over the whole of Grovely wood. The right can be exercised by all the inhabitants of the parish of Great Wishford, subject to these conditions: the collecting of dead wood must take place on foot. If required, a handcart may be used, but there is no right to take a vehicle beyond the main entrances to the wood. The right does not include any right to roam freely over the wood for purposes of recreation, referring only to the collecting of dead wood. The exercise of one's right to collect dead wood does not mean that one has a right to exercise a dog. The exercise of the right must not interfere with the owner's lawful use of the land.

That is all agreed. As far as I am aware, no one in the village disputes it. The management of Grovely wood is undertaken half by the Wilton estate and half by the Forestry Commission. They are involved in the responsible and far-sighted management of that land. The policy of the estate is to welcome and support public access, as far as is reasonable, within the constraints of other management considerations. In addition to the right of estovers, there is a network of bridle paths. Indeed, there are permissive bridlepaths in addition to the public rights-of-way network, an increase in the amount of way-marking and the placing of maps at the main entrances to the wood to show the extent of public access. That is all clear. However, it seems that the Bill, which has many good points, will give any member of the public the right to enter and remain on any common land for the purposes of open-air recreation, subject to his observing various restrictions. Access will also be allowed with a dog, subject to certain restrictions.

The effect of the Bill would be to allow the general public unlimited access to about 2,000 acres of woodland which previously was subject to only very limited rights of access for a very limited group of people—the villagers of Great Wishford.

The landowner may be able to restrict access for up to a maximum of 28 days in any year, but I am sure that the Minister will understand the implications of the matter. Grovely wood has never been common land in the loose sense of the term. A particular common land right—the right of estovers—was formalised in 1970, but it was never the intention of anybody, landowners or villagers, that the whole of this important woodland should become common land in the way that that is implied under the Bill. I am sure that there are many similar cases throughout the country—

Mr. Geoffrey Clifton-Brown (Cotswold): Is my hon. Friend aware that on 28 March, in Committee, I asked the Minister for the Environment whether under the Commons Registration Act 1965

certain commons are registered that give rights in common to certain restricted groups of people? It seems that the Bill will give a general right of access to such common lands. If so, it will widen the definition—

in the Act—

of common land.

The Minister for the Environment said:

My immediate reaction, without receiving advice, is that the Bill is intended to have that effect. If I am wrong, I shall ensure that the Committee is informed of the fact.—[*Official Report, Standing Committee B*, 28 March 2000; c. 25-26.].

As far as I know, we have not been given an answer. The amendment of my hon. Friend the Member for Salisbury (Mr. Key) is completely pertinent to what I said in Committee.

Mr. Key: I am grateful to my hon. Friend. I was aware that he had assiduously taken part in the proceedings in Committee. I have referred to a speech that the Minister made in Committee. My hon. Friend has done us all a favour by pointing out that the Minister has not replied. I hope that the right hon. Gentleman has now taken advice. I wrote to him on 15 May, and I look forward to receiving a reply.

Mr. Nicholas Soames (Mid-Sussex): So do we all.

Mr. Key: So do we all, as my hon. Friend says. I know that he knows Grovely wood very well, and understands the importance to the people of Great Wishford of what I am saying.

My desire is to set out clearly the definition of common land in the Bill to make it clear that common land means registered common land to which the public have a general right of access, and that the Bill does not seek to extinguish rights of common and common land registered under the Commons Registration Act 1965, or land that had previously been registered under the Land Registrations Acts of 1925 and 1936.

It is a simple matter of trying to preserve ancient rights and privileges for the people of the parish of Great Wishford. I hope that the Minister will respond positively. If he has not had time to receive advice, I understand that. However, I hope that he will take the matter on board, possibly even in another place. It is an issue that must be addressed. The people of Great Wishford will not take it kindly if a Government who purport to be extending people's rights to access to the countryside effectively extinguish their own ancient rights.

Mr. David Heath (Somerton and Frome): It is a delight to be back with the Bill. I was feeling withdrawal symptoms after a few weeks of not having my weekly fill of discussing access issues and rights of way.

The amendments are all pertinent in their way. However, I fear that I cannot personally support them and that I shall advise my right hon. and hon. Friends not to support them. That is a shame, because we worked closely together in Committee, and we found common positions with the Conservative Opposition on many issues. I feel that the amendments are misdirected, and I shall try to explain why.

Amendment No. 101 addresses the important issue of a de minimis provision, which we discussed in Committee. As I said then, I have some sympathy for the position taken by the hon. Member for Ashford (Mr. Green)—which is that there should be some kind of de minimis provision. Where I fall out with him is over the fact that he is trying to make that a fixed figure. Ten hectares or 25 acres may seem an appropriate arbitrary figure, but in particular circumstances, it may seem entirely inappropriate to a point on the map. What is proposed is an unqualified de minimis figure, which means simply that land that falls within this category is excluded from access land.

Mr. Gray: Will the hon. Gentleman give us one example of a piece of land which currently has no rights of way and, therefore, to which the public have no access, but to which, under the Bill, he believes the public should have access, and which is less than 10 hectares?

Mr. Heath: No, because I do not have an example in mind, just as the hon. Gentleman may not have in mind an example of land which would fall under the requirements of access land and meet all the other definitions in the Bill, and which would otherwise be included in the mapping process, but which falls within that limited area.

The hon. Member for Ashford is tilting at the wrong windmill. He was on to a much better point in Committee when he talked about inaccessible land. There is a strong argument for not including inaccessible portions of land in the mapping of open country. To whose advantage would it be for land which cannot be reached by any means—which by definition will be a small portion of land because otherwise it would be accessible—to be included in the map, which, presumably, people will use as a means of identifying land over which they can walk?

Had the amendment been couched in terms of inaccessibility, its movers would have had a strong point; however, imposing an arbitrary figure of 10 hectares gives rise to the question whether there is open access land as defined in the Bill that is surrounded by common land or by a promontory which is important in recreational or leisure terms and which should be included but which might be excluded simply because of the inflexibility of the suggested formula.

Mr. Bercow: I find myself in uncharacteristic agreement with the hon. Gentleman. Is his point about accessibility not strengthened by the fact that, in this context, we are discussing access by foot, and not, for example, by air? Hang-gliding and paragliding are quite properly subject to restrictions in the Bill. Does that not serve to underline the force of the hon. Gentleman's point?

Mr. Heath: I am grateful to the hon. Gentleman for his support. He is right. I cannot claim originality for the concept because the proposal came from Conservative Members in Committee. However it was a sensible one which I support.

Throughout our proceedings, we have sought to make the Bill practicable—to make it work for those who wish to take advantage of access and for those who are landowners or who try to work the land and have an interest in the land, who also need clarity of definition for all sorts of reason. My main criticism of the Bill is that some areas still lack clarity.

I am not convinced that the 10 hectare proposal is a particularly useful yardstick or metrestick. Provision already exists for countryside bodies not to include land which it is of no value for them to map for the purpose of access, so the de minimis provision is essentially there but not in a defined form. The question is whether the definition adds to or subtracts from the Bill. My view is that it does not add anything and may subtract something.

Amendment No. 102 was a vexed question in Committee. All, apart from the Minister, agreed that "wholly or predominantly" was not a particularly helpful definition because it left a lot about which to argue. We suggested alternative forms of words. I proposed "almost entirely" and was told that that was equally vague. I accept that it is imprecise. "Overwhelming" was suggested as an alternative to "predominantly". Again, it is imprecise.

4.15 pm

My objection to amendment No. 102 is that I interpret "predominantly" as more than 60 per cent. The hon. Member for Ashford said that that was the NFU's criticism; it is also mine. I do not expect land that is only 60 per cent. heathland, moorland or mountain to be mapped as open access land per se. The amendment proposes an unhelpful definition, which I hope the hon. Gentleman will not pursue.

The hon. Member for Salisbury (Mr. Key) gave a complex discourse on the position in Great Wishford, and the difficulties of estovers and turbary. He made a good point about partial rights of access to common land. However, the provision to which he wants to add amendment No. 306 is not the appropriate one. I may be mistaken, but I believe he is trying to add it to a provision that excepts land from open access. The qualification would therefore make matters worse from the hon. Gentleman's point of view. The Minister will deal with that, and I shall listen carefully to the argument. The hon. Member for Salisbury made a good point, which may have to be pursued in another place. However, I suspect that amendment No. 306 is not helpful from his point of view.

Mr. Gray: I support amendments Nos. 101 and 102. I would support amendment No. 306 if I knew more about Great Wishford. However, my hon. Friend the Member for Salisbury (Mr. Key) spoke eloquently enough on that. Despite the fact that I, too, am a Wiltshire man, the amendment needs no support from me. I am confident that the Government will accept the power and logic of my hon. Friend's arguments.

Amendments Nos. 101 and 102 are vital if the Bill is to work. Many people in the countryside and Conservative Members oppose the principle of the right to roam. We do not like it because we believe that it infringes on the rights of ownership and other matters. However, it is not appropriate to consider that now. If we grant that the principle has been lost, that the Bill will be passed and rights of access will exist, it is vital that the detail be crystal clear, precise and completely understood. The measure will work only if walkers understand their responsibilities and owners understand their privileges of

[Mr. Gray]

ownership. The Bill must strike a delicate balance between the rights of owners and the rights and obligations of walkers. Imprecision in the Bill's language will lead to confrontation and to the measure falling into disrepute. It will also mean that parts of the Bill will be disputed in court. We do not want that.

In Committee, I said that I was proud of the fact that the Ramblers Association in Wiltshire is working well with the county council and others to establish an embryonic access forum. I hope that it will become a worthwhile and useful organisation once the Bill is enacted. I am worried that, if the detail is not made clear and precision of language is not achieved, such useful co-operation between walkers and landowners will fail and there will be the sort of confrontation and argument that has taken place between walkers and landowners in other parts of England.

On amendment No. 101, it is important to be clear about what we mean by access land. When pressed, the hon. Member for Somerton and Frome (Mr. Heath) could not produce an example of a piece of land of less than 10 hectares, which would otherwise be suitable for access under the Bill, but would be prohibited by its size, and land that did not have some other form of access, such as a right of way, path or road. I challenge anyone to name a piece of land measuring less than 10 hectares that would not be covered by the Bill.

Mr. Gordon Prentice (Pendle) *rose—*

Mr. Gray: The hon. Gentleman, who is a well known rambler, apparently has such an example.

Mr. Prentice: There may well be crags measuring less than 10 hectares to which mountaineers want access. Surely that is not inconceivable.

Mr. Gray: But the mountain itself, being more than 600 m high, would be fully accessible under the Bill. Crags measuring less than 10 hectares would therefore also be accessible. The hon. Gentleman has not given me an example of a piece of land that would not be accessible—that is, land that is not a mountain measuring more than 600 m, and is not surrounded by access land.

Mr. Bennett: Will the hon. Gentleman give way?

Mr. Gray: Of course I must give way to the president of the Ramblers Association.

Mr. Bennett: I am certain that Windgather Rocks in the Peak district is within the definition in terms of scale.

Mr. Gray: I hope that, as Chairman of the Environment, Transport and Regional Affairs Environment Sub-Committee, the hon. Gentleman will want to take us to the Peak district to inspect the piece of land that he cites. I fear that I do not know it, but I am confident that it will turn out to be surrounded by access land, and therefore to be eligible for access. I shall, however, examine the position in detail later.

More important is the fact that, throughout the nation, there are large areas of otherwise cultivated land, in the centre of which there may be pieces of land that—possibly temporarily, possibly for a number of years—constitute heathland. Under the Bill, that land would become a small pocket of access land, although it would be foolish to allow that to happen, for a number of reasons.

Let us consider the issue from the point of view of those who want the Bill to succeed. If every pocket handkerchief—the odd hectare here and there—were included in the mapping exercise, the exercise would become bogged down in bureaucracy. It would not be possible to produce an accurate map covering the whole nation and including every minute piece of land. The value of the exercise to walkers would be greatly reduced: what is the point of a map peppered by a variety of otherwise useless bits of land, on which the average walker would not want to walk in any case?

Moreover, the burden on farmers who would have to prepare such land for reasonable access under the terms of the Bill would be disproportionate. They would have to spend a great deal of time and effort, and incur considerable costs, getting the land ready for walkers and safeguarding themselves against the various penalties that the Bill imposes—and probably no one would walk on the land, because it would not be appropriate for walking on.

A minimum of 10 hectares is essential. We should be able to tell farmers, "If it measures less than 10 hectares, do not worry about it: it will not be affected by the Bill." In fact, I would have preferred a larger figure. I think that 10 hectares is extremely modest, and the National Farmers Union agrees that that is a very small area suddenly to become access land. However, I dare say that the NFU, the Country Landowners Association and others would, like me, be prepared to compromise and agree on a minimum of 10 hectares, simply in order to prevent the conflict between landowners and walkers, which hon. Members on both sides of the House are so keen to avoid.

Amendment No. 102 proposes the deletion of the words "wholly or predominantly" and their replacement with a figure. Like the hon. Member for Somerton and Frome, I think that 60 per cent. is probably too low a figure. In my view, "wholly or predominantly" means 80 or 90 per cent.; indeed, "wholly" means 100 per cent. To tempt the Government to accept the precision of the definition, however, it seems reasonable to propose a figure of 60 per cent. in relation to moorland, heathland or mountain. I do not understand why the Government do not want to accept that. Surely, if we introduce precision we shall be more likely to avoid conflict between the two interested parties.

The Government may say that the question of a de minimis figure is covered by clause 4(5)(a), which says that the mapping bodies may ignore certain parcels of land if they are too small. That applies, however, only if the mapping bodies are in agreement with the landowner. However, it is possible that, in a spirit of determination to give as much land possible to walkers, the mapping or access body could drive ahead with opening otherwise absurdly small pieces of land to walkers, which would achieve nothing for them or the farmers.

In these amendments and in others that my hon. Friends will move later this evening; it is absolutely crucial that, on this terribly important principle, we should state clearly and precisely what the Bill means for the public and for landowners. I am already concerned that my constituents believe that the right to roam means that they can walk

anywhere. People are saying, "We have a right to roam; we can walk on your fields, gardens or wherever we like." That is the word that has gone out from this place to the public. It is important that, on Report and during the Bill's other stages, we send out messages to the public that there will be access to particular areas.

Mr. David Lepper (Brighton, Pavilion): Will the hon. Gentleman give way?

Mr. Gray: I was about to finish, but of course I shall give way.

Mr. Lepper: Can the hon. Gentleman produce any documentary evidence which he could place on the record to substantiate his claim that there is a general view that people in their thousands are saying that they will be entitled to walk anywhere once the Bill is passed?

Mr. Gray: I am not sure that there is any documentary evidence about people's perceptions, but there is certainly plenty of anecdotal evidence. Many people in my constituency have asked me, "Why are you worried about rights of way? Surely, they will be finished because we will have the right to roam and can walk wherever we like." By definition, any such documentary evidence is extremely unlikely to exist because of the nature of the proposal and the fact that we are still considering the Bill, but there is certainly fairly convincing anecdotal evidence. We shall see—perhaps in a few years, the hon. Member for Brighton, Pavilion (Mr. Lepper) might be able to say that there has been no problem. I am concerned that there may be a problem, which is why it is important that the Bill is drafted precisely.

I am in favour of precision in the Bill's wording so that people outside the House know precisely what the right of access is. I fear that I do not agree with the hon. Gentleman if he is arguing that the Bill should be woolly and imprecise because he believes that there will be no problem. It is vital that we get it right so that people know precisely what the right of access is. That will reduce time in the courts, but, more importantly, it will ensure that the important relationship between farmers and walkers is preserved, as I believe it should be, in a warm and friendly way.

Mr. Bennett: I hope that the Government do not concede those amendments. The hon. Member for North Wiltshire (Mr. Gray) pleads for precision, but that will come from the mapping. The general public will be able to look at precise maps. I would argue that, certainly in the north and south downs, many small pockets of land would not be included under amendment No. 101. Certainly, on the gritstone edges along the Pennines—areas where people like to rock climb—many fields come up almost to the bottom of the cliffs that are climbed. The moor often slopes away above the climbing area, but in several cases, it has been replaced either by forestry or, in one or two cases, by cultivated fields. I suspect that quite a few areas that are important for access would be lost under the amendment.

On amendment No. 102, such a percentage would not produce precision because the landowner would agree that a bigger area should be considered and say that the percentage is less than 60 per cent. in that bigger area. There would be a huge argument about the area over which the 60 per cent. should be measured. The amendment is nonsense, and I hope that the Government will stick to their guns.

The Minister for the Environment (Mr. Michael Meacher): The Government will stick to their guns. Under amendment No. 101, open country of less than 10 hectares would be excluded from the right of access. As we said in Committee when a similar amendment on common land was debated, we believe that 10 hectares, which is about 25 acres and the equivalent of about 15 football pitches, is substantial and, therefore, could be valuable for the purposes of access.

4.30 pm

To take up the point raised by the hon. Member for North Wiltshire (Mr. Gray), although he may have been referring to another clause, clause 4(5)(a) already provides for the countryside bodies—not only the mapping bodies in agreement with the landowners—to exercise their discretion and to apply a minimum size threshold in deciding whether to map an area of open country. We believe that the decision to determine a threshold is best left with them. I do not disagree in principle with the concept of a de minimis threshold, but it is not wise to pick an arbitrary figure, whatever it may be. The decision is best left to local discretion.

The provision will allow the countryside bodies flexibility in making their decisions. They will be able to consider whether a threshold is appropriate in a particular case and, if necessary, to apply different thresholds in different cases. I do not want to tie the hands of the countryside bodies so as to bind them either to exclude or to include all land of a particular size.

On amendment No. 102, we debated the definition of "predominantly" at length in Committee and I can assure hon. Members that the Government's view has not changed. The amendment would substitute a threshold of 60 per cent. for "wholly or predominantly" in determining whether, in clause 1, the countryside bodies should map land as open country. We chose not to define or replace "predominantly" by reference to any percentage or figure because that would be too prescriptive. The usual definition will therefore apply—that is, "mostly" or "prevailing". I pray in aid the hon. Member for South-East Cambridgeshire (Mr. Paice), who was good enough to say in Committee:

> I happily accept that a percentage figure would be too specific.—[*Official Report, Standing Committee B*, 4 April 2000; c. 119.]

I agree.

On amendment No. 306, I originally thought that the hon. Member for Salisbury (Mr. Key) may have misunderstood the intentions of the Bill. Part I will give people a new right of access to open country and registered common land, subject to sensible restrictions and limitations. It does not affect common land to which there is an existing right of access; access to such land is preserved by clause 15. The amendment would create no new rights of access to common land. However, having listened to his speech, I understand that this is the Great Wishford question.

Mr. Key *indicated assent.*

Mr. Meacher: The hon. Gentleman's concern is whether common land to which a small local population

[Mr. Meacher]

have privileged access should be opened to all. If the land over which the rights are exercised is registered under the Commons Registration Act 1965, as he said, the statutory right of access under the Bill will extend to the land. If the rights are registered, they are protected under the 1965 Act and there is no question of the Bill interfering with them.

The hon. Gentleman nodded a moment ago, but I was not sure whether he was indicating that the land is explicitly registered common land. If it is woodland, which is not part of the increased right of access under the Bill unless it is voluntarily dedicated by the landowner, I imagine that the Bill would not give general access to it. However, it may be better to examine the precise details of Great Wishford—although I was not specifically briefed on it before the debate, I would like to get it right—and I undertake to reply to the hon. Gentleman. He said that he wrote to me on 15 May; he should certainly have had a reply by now. I apologise and will see that he gets one in the next week.

I have a good deal of sympathy with what the hon. Member for Somerton and Frome (Mr. Heath) said about the alternative of inaccessible islands. I accept that there may be some areas to which there is currently no legal right of access. However, I would not wish to exclude such areas automatically, as authorities have powers to provide access to them. The public should be made aware that such areas are currently out of bounds so that they can seek access when appropriate by applying pressure on the access authorities to act.

Mr. David Heath: The right hon. Gentleman's last sentence was helpful. However, the moment that the local authority succeeded in getting access, the land would no longer be inaccessible and would be back on the map. The dilemma, therefore, is not wholly impossible.

Mr. Meacher: If I have understood the hon. Gentleman correctly, I believe that he has answered his own question.

The Bill will give people a statutory right of access to all common land registered under the Commons Registration Act 1965, subject to provision for excepted land in schedule 1. We gave the public that commitment in our manifesto and we are determined to deliver on it. The amendments do not assist in defining the extent of access under the Bill. I accept the general principle of precision and accuracy, but there are better ways of achieving the Opposition's aims, as I have made clear. I therefore call on the hon. Member for Ashford (Mr. Green) to withdraw his amendment.

Mr. Green: I am grateful to my hon. Friend the Member for Salisbury (Mr. Key) for his amendment and for his insight into his constituents' traditional leisure activities, with which they should certainly be allowed to carry on. I hope that my hon. Friend achieves his aim of ensuring that there is no damage to the traditions of the villagers of Great Wishford, once he and the Minister have resolved what may, or may not, be their differences.

Like the Minister, I was not clear about what the hon. Member for Somerton and Frome (Mr. Heath) was saying in his last intervention. The hon. Gentleman appeared to be saying that he wished inaccessible land not to be included unless it was accessible. However, he now has a chance to clear that up.

Mr. David Heath: I obviously need to provide clarification. The Minister appeared to be saying that inaccessible land should be included on the map because it may become accessible at some later stage. I was saying that, once such land became accessible, it would no longer be defined as inaccessible and would appear on the map, so the Minister did not have a problem.

Mr. Green: I hope that the House thinks that that has cleared the matter up. The hon. Gentleman appears to be saying that, if land is accessible, or even potentially or putatively accessible, it is not inaccessible. He and the Minister described my formulation as imperfect but, to be perfectly honest, it is better than that.

Several points have been made about the 60 per cent. definition that would replace "wholly or predominantly" being too low. As I have said, there are arguments to be made on that. I take the point made my hon. Friend the Member for North Wiltshire (Mr. Gray) and others: perhaps I am being too moderate. I can accept my hon. Friends regarding me as too moderate, but being so regarded by the Liberal Democrats is a savage blow from which I shall seek to recover. The point still obtains that there will be confusion and a sense of unfairness if widely different definitions are used in different parts of the country. When the Bill is debated in another place, the Minister should try to give better, clearer guidance on the issue.

On amendment No. 101, the Minister said that he preferred a discretionary de minimis threshold. Again, either he or the countryside bodies should, at the very least, give some kind of guidance, not least because, if individual cases are to be decided locally, there will be serious resource implications. One of the overall problems is that the Bill imposes many extra duties not only on farmers and other landowners but on local authorities, without compensating them with increased resources. Every time the Minister says, "I shall leave that to be decided locally", he adds an extra cost for which he is not providing compensation, so other essential services will be damaged.

Mr. Soames: My hon. Friend makes an extremely important point. Does he agree that local authorities have plenty of money with which to deal with these matters and to hire, at the snap of a finger, as many people as are needed, whereas farmers and landowners do not have the necessary resources? Local authorities will tell their finance committees that they need the money and will easily be able to do the work, but a further, intolerable strain will be imposed on already hard-pressed farmers and landowners.

Mr. Green: My hon. Friend is right to point out that there will be variations in the ability to pay for the extra work that the Bill imposes on bodies in both the public and private sectors.

The amendment seeks to reduce the amount of extra work, but I hear what the Minister says, and I am sure that the other place will give the Bill full consideration. Therefore, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Schedule 1

EXCEPTED LAND FOR PURPOSES OF PART I

Mr. Meacher: I beg to move amendment No. 195, in page 40, leave out line 6 and insert—

'1. Land on which the soil is being, or has at any time within the previous twelve months been, disturbed by any ploughing or drilling undertaken for the purposes of planting or sowing crops or trees.'.

Mr. Deputy Speaker (Mr. Michael Lord): With this it will be convenient to discuss the following: Government amendment No. 196.

Amendment No. 1, in page 40, leave out lines 19 and 20.

Government amendments Nos. 197 to 199, 207 and 187.

Mr. Meacher: Amendments Nos. 195 and 198 give effect to my undertaking in Committee to introduce a clearer definition of the exception from the right of access to cultivated land set out in paragraph 1 of schedule 1.

The amendments provide that land will be excepted if the soil has been disturbed within the previous 12 months by ploughing, drilling or similar agricultural or forestry activities for the purposes of planting or sowing crops or trees. They will ensure reasonable certainty for farmers and walkers about whether land is excepted from the right of access, dependent on whether land has been recently cultivated for the purpose of growing annual crops.

Mr. Soames: I well remember our discussion on this matter in Committee. The right hon. Gentleman may recall that, at the time, I asked him about the reseeding of heather moorland. Enlightened landowners, of which there are many more than he would believe, do their best to try to get rid of rank heather by burning, and if they cannot do so, they try to reseed it, but it takes a long time to set. Will such land also be excluded?

Mr. Meacher: I undertook to examine that issue further, and I am still doing so. I promise that Ministers will respond to that by the time that the Bill reaches the upper House. During the Committee proceedings, which ended only a couple of weeks ago, I offered, perhaps unwisely, to examine many issues. I have worked through a great many of them, but I am taking further soundings on others.

I make it clear that the amendment should be seen as a long stop; it is not intended to provide a mechanism for excluding access to any land that has been improved or semi-improved, which, as I have indicated, is a function of the mapping process. The amendment simply recognises that in certain circumstances the use of open country or registered common land will be incompatible with continued access.

4.45 pm

We recognise that the amendment will not provide for every conceivable circumstance. There may be occasional cases where the agricultural use of the land is incompatible with freedom of access, but where the land does not fall into any of the exceptions in schedule 1. That would apply to multi-annual crops such as rhubarb or vines. We are considering whether a further amendment is necessary in another place for such cases. However, where necessary, it will always remain open to the landowner to apply to the countryside bodies or national park authorities for a direction to exclude or to restrict access under clause 22. That will ensure that, even where land is not excepted, farmers' interests are safeguarded.

Government amendment No. 197 amends the definition of "building" as used in paragraph 2 of schedule 1, so that the right of access would not extend to land covered by any structure or erection, including tents or caravans. That is a sensible amendment, which will meet a number of the objections raised by hon. Members in Committee.

Government amendment No. 199 responds to the concern expressed in Committee that land would not be excepted from the right of access if it had been developed without planning permission, but the time limits for enforcement action had passed. The amendment rectifies that anomaly.

Another issue was raised in Committee. I was asked to consider further the merits of excepting land used for animal pens from the new right of access. We have therefore tabled amendment No. 196 to introduce an exception for land covered by pens while they are used for the temporary confinement of livestock. Again, I am grateful for the discussion in Committee. That is a sensible amendment.

Amendments Nos. 207 and 187 are consequential to amendment No. 196 and simply move the definition of "livestock" to a new home in the general glossary at clause 41. As a result, the definition will apply to both schedule 1 and schedule 2. I hope that the amendments will be seen as reasonable and will be welcomed. I am aware that the exact definition of "livestock" for the purposes of restrictions on dogs has been the subject of continuing debate. Again, it is one that we will doubtless revisit as the Bill progresses through Parliament.

If I may, I shall leave any response to amendment No. 1 to a later stage.

Mr. James Paice (South-East Cambridgeshire): I welcome the Minister's response on a number of issues—particularly that on livestock pens and buildings—which, as he rightly said, were raised in Committee by me, my hon. Friend the Member for Ashford (Mr. Green) and hon. Members from other parties. I note what he says about the definition of "livestock", which I am sure will be revisited. I am glad that he is still considering it. As for dealing with developments that pre-dated planning legislation, I welcome the amendment that he has tabled. He seemed to resist the idea far too strongly in Committee, but I am glad that he has had second thoughts.

My real concern is with the lead amendment, No. 195, which links with amendment No. 198. It refers to the definition of cultivated land. The Minister has referred to not including semi-improved or improved grassland. Understandably, he said the same thing in Committee, but he agreed on a number of occasions to consider or to receive advice on various issues, not least—it is the crucial one—that, in many areas adjoining open country, there will be grassland. Although I welcome the Minister's point about rhubarb and vines, both of which are important niche crops, I suspect that neither of them is very often to be found adjacent to open country, whereas grass usually does occur adjacent to open country.

[Mr. James Paice]

The problem is whether grass should be defined as a crop. Most farmers would argue—as does the National Farmers Union, which has circulated information to, I suspect, all hon. Members—that grass is a crop. We debated the issue extensively in Committee. For a farmer who is growing grass for grazing or—more important in this context—for hay or silage, a crop of grass is no different from a crop of wheat, barley or anything else.

Mr. Soames: Does my hon. Friend, who is extremely knowledgeable about these matters, agree that for a hill farmer or a farmer with a holding on inby land, grass is as critical as any crop that he will grow? Indeed, is not grass probably the only crop that such a farmer would grow?

Mr. Paice: My hon. Friend is absolutely right and makes my point for me.

Moreover, the point holds true in countless parts of the United Kingdom, including in Wales. We do not have the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) with us today, but, in Committee, he made some extremely important points on the matter. The only crop grown by most farmers in Snowdonia, for example, is grass—which is the means by which they feed their livestock, not only in the summer but through the winter. A grass crop being grown for silage will be harrowed, rolled and fertilised, and, occasionally, even weed killer may be applied to it. The crucial point, however, is that it will not necessarily be ploughed or drilled within a 12-month period.

Grass is just as much a crop as wheat or barley, and people walking across a grass field would damage that crop's potential yield just as much as they would damage the potential yield of a wheat or barley crop by walking across it. The Minister does not seem to have taken that point on board, despite his undertaking to consider all the comments made in Committee.

In many parts of the country, even non-permanent grassland is part of a rotation. However, grassland is rarely part of an annual rotation. As you will know from your own experience, Mr. Deputy Speaker, the most common practice is for grassland to be left for two or three years, to give the grass time to improve the land's nutrient value, thereby providing nutrients for subsequent arable crops.

Mr. Simon Thomas (Ceredigion): Does the hon. Gentleman agree that the views he has just expressed are particularly relevant to organic farming, in which the need to fix nutrients in the soil is particularly important? Additionally, in Wales, there is ever more organic sheep farming.

Mr. Paice: The hon. Member for Meirionnydd Nant Conwy has sent an admirable substitute. The hon. Member for Ceredigion (Mr. Thomas) is entirely right to say that, in organic farming, grassland rotation is critical as an alternative to artificial fertilisers in providing nutrients for crops. As I know from my original agricultural training, grass crops grown for only one year will have a minimal effect on the soil's nutrient value.

The key point is that grass crops have to be in for two or three years to have any beneficial effect. Grass is sometimes included in a rotation with conventional crops such as wheat, barley, potatoes and other arable crops, but it is left in for two or three years. Although I welcome the Minister's attempt to define "cultivated land", I am worried that the definition in the amendment would exclude that type of country.

In Committee, the Minister said:

> It is also unlikely that land that has been recently cultivated would be mapped as open country.—[*Official Report, Standing Committee B*, 6 April 2000; c. 172.]

If that is so, there is no need at all for the amendment. Either one has to define cultivation or one has to except land that has been cultivated recently. The Minister proposes a definition of what could best be described as soil disturbance within the previous 12 months, but I do not believe that it is enough. He may well say that the Opposition did not table an alternative amendment. Although that is perfectly true, we knew that the Minister had taken heed of the many points raised by me and other hon. Members on the subject and we had hoped that he would have produced a more substantial amendment.

Amendment No. 195 does not meet our desires or those of the National Farmers Union, which, although it welcomes the Government's recognition that "cultivated" requires further definition, is disappointed by the definition that the Government have used. It makes the following point:

> We also feel the time period of 12 months is too narrow as land on rotational leys can often lay fallow without being ploughed or drilled for three years or more.

That substantiates my argument.

My final point relates to other agricultural schemes such as set-aside and countryside stewardship schemes. Under the set-aside scheme, as it now operates, farmers can leave the same piece of land set-aside for more than a year. It used to be rotational; now it can be the same piece of land. It is self-explanatory that land that is set aside for more than one year will not have the surface of the soil disturbed within a 12-month period. Again, there is a problem that I hope the Minister will reconsider.

Mr. Bennett: Will the hon. Gentleman explain what the problem is in allowing people access to set-aside land?

Mr. Paice: There are plenty of problems in allowing people access to set-aside land. First, access to it may involve crossing other cultivated land. Secondly, the inclusion of all set-aside land would double or treble the 4 million acres that would be affected by the Bill. That would be a huge alteration in the general perception of the impact of the Bill. Thirdly, the various environmental bodies now recognise that land that is set aside for more than a year is having a beneficial effect, particularly on traditional farmland birds—ground-nesting birds such as skylarks and lapwings. Allowing access to set-aside land would have a damaging impact on that.

Mr. David Heath: Does the hon. Gentleman agree with me on another point that we discussed in Committee—namely, that there is at least a potential conflict with the European Union rules that apply to set-aside, in that the land has to be cultivatable but not

cultivated? It is at least arguable that if land that was not cultivated was designated as access land, it would no longer be cultivatable.

Mr. Paice: That is certainly a strong possibility.

Although I welcome the fact that the Government have sought to define cultivated land, I believe that their definition is far too narrow. I do not seek to divide the House on the matter because I welcome the fact that the Government have taken a step in the right direction, but I hope that the Minister will take heed that there are still widespread concerns about the proposed definition, which I am sure will be examined carefully in another place, where I have no doubt that there will be attempts to amend the Bill.

In the meantime, I hope that the Minister will agree to look at the matter again. I hope that he understands the importance of grass as a crop for thousands of farmers who farm adjacent to open land. On that basis, I hope that he will at least agree that he might not have got it entirely right first time.

5 pm

Mr. Gordon Prentice: I shall speak briefly to amendment No. 1, tabled by my hon. Friend the Member for Denton and Reddish (Mr. Bennett). It concerns military land.

Even under the Bill, vast expanses of land used by the military from time to time will remain out of bounds. My friends among the ramblers have given me a little list of the areas involved: Castlemartin in Pembrokeshire, the vast expanse of land at Otterburn in Northumberland, Catterick in north Yorkshire, Longmoor on the Surrey-Hampshire border, Salisbury plain, and Watton Brook in Norfolk.

The Bill automatically excludes from the definition of access land all land that is subject to military byelaws. Such byelaws cover all the areas that I listed, but I do not understand the reason for the exclusion. It is perfectly possible for military use and public access to coincide, as happens with Dartmoor, where separate legislative provisions apply. That example shows that there is no reason why the coexistence that I envisage cannot occur.

A powerful ally of the amendment is the Countryside Agency, whose briefing all hon. Members will have received. It states that lines 19 and 20 of schedule 1, covering the point about military land that I have just made, are too restrictive and are unnecessary, given the provisions of clause 26. That clause gives the Secretary of State powers to restrict access to access land if that land is needed for defence or national security purposes. Lines 19 and 20 of schedule 1 are therefore not necessary, and I hope that my right hon. Friend the Minister will be able to give a little on that point.

Mr. David Heath: I shall be brief. I pay tribute to the Minister, who promised to give serious consideration to points raised by hon. Members in Committee, and has done so. Some definitions have been improved. The right hon. Gentleman undertook to consider the definitions of cultivated land, pens and unauthorised development, for example, and the amendments that he has tabled prove that he has considered them.

However, I fear that I am no more content with the definition of cultivated land than is the hon. Member for South-East Cambridgeshire (Mr. Paice). I agree that huge difficulties remain with improved grassland and with different rotations that do not fall within the specified annual scheme. In Committee, we discussed under which definition, if any, certain kinds of land fell. Such land included coed cae and ffridd land in Wales, and inby land in northern England. The matter will have to be revisited in another place.

I also hope that more consideration will be given to the definition of livestock. Moving the definition has not improved it one bit—it remains incomplete, with obvious omissions. In Committee, we fastened on the absence of deer from the definition, but we also discussed ostriches, llamas and alpacas. I still prefer the definition that appears in the Agriculture Act 1947, as it can be extended to any domesticated animal. However, even that is deficient, as it does not include horses used purely for recreational purposes.

The hon. Members for Pendle (Mr. Prentice) and for Denton and Reddish (Mr. Bennett) are right about military land. I do not see why the Bill should have to define that term several times and make it ever more inclusive of land that probably should be given to access.

The Bill contains provisions for public safety and national security purposes. The Minister assured me that he would look again at the possibility of a regular review being presented to Parliament of the extent of military exclusions from the right of access. I do not know whether he has had any further thoughts, but this seems unnecessary. I hope that if the right hon. Gentleman cannot consider that issue today, he will do so before the Bill goes to another place.

Mr. Simon Thomas: I shall speak to amendment No. 195, which has already received a lot of attention this afternoon. Before I do so, however, let me say that I am in two minds about amendment No. 1. Most upland land in Wales would be ruled out as it is used for low flying, so a military exception might find favour with some farmers in my constituency.

On amendment No. 195, I have not had the experience in Committee that many right hon. and hon. Members have had, including my hon. Friend the Member for Meirionnydd Nant Conwy (Mr. Llwyd). However, I welcome the fact that the Government have given a definition of cultivated land. What is not so welcome is the fact that the definition does not include some vital farming practices in Wales, particularly those of sheep farmers. The Committee had a very esoteric debate on the ffridd and coed cae, the Welsh terms for particular types of land that border open access land. I am pleased that no amendment has been brought forward in that respect, as I must admit that I would hate to try to define what ffridd and coed cae might be.

Improved grassland borders on many of what will become access lands. We must address the question of access over that grassland and consider the farmers' interests. The amendment does not recognise that grassland is crop land. The Minister mentioned annual crops when he opened this short debate. I believe that the amendment is too heavily couched in terms of the needs of arable farmers and does not pay enough attention to the needs of sheep farmers. As for the declining but still vital dairy industry in Ceredigion, for example, the silage needs of the dairy farmer are taken from the cut on such fields. When the land is open to access, there may be an

[Mr. Simon Thomas]

effect on hay and silage crops from large-scale access. The question must be looked at again—in another place, if necessary—and we must try to protect those interests.

The farming industry in Wales is in a deep depression. The income of sheep farmers is falling to as little as £4,500 a year. If we are to open access to cultivated land, the definition of "cultivation" must provide some real protection. I do not think that the amendment goes far enough. The Minister said that there would be a way to appeal through the mapping process, to apply for a direction and opt out, but that is not the answer for the several hundred sheep farmers in my constituency alone who may be affected. I do not think that the Countryside Council for Wales wants to deal with hundreds of appeals on what may be called, for the purposes of this debate, the semi-cultivated or semi-improved land. The definition needs to be far clearer.

Grassland is cultivated land in Wales. Grass that is grown on that land, cut two or three times a year, is a vital income stream for the farmer. It enables him to feed his cattle and sheep, and it enables us to get the good Welsh lamb from the first flush of spring growth. We must ensure that there is protection in the definition.

Mr. Gray: I wish to speak against amendment No. 1, in which I have an obvious constituency interest. It would be very damaging, and I suspect that when the Minister replies to the debate, he may well agree with me. It is none the less important to put my objections to the amendment on the record.

It would be wildly impractical to allow access to, for example, the Salisbury plain training area, which is near my constituency. It is not a question of its being land that might be included were it not for national security reasons, which is a broad, general and grand definition. It needs to be exempted because all sorts of military units can use it from time to time, unpredictably and at short notice. It would be wildly impractical to make it access land. Large areas of it are very dangerous—particularly the impact area, where unexploded bombs lie off the track.

Most important, there is an access regime on Ministry of Defence land that is a great deal more generous than most access regimes throughout England, under an Act passed by the last Conservative Government. We now give access to all suitable military land for recreational purposes on all sensible occasions. However, that is controlled by the military, who say when people may go on to the land and, more important, where they may go. By and large, it is linear access down tracks, and the military clearly and precisely control and restrict where people go on military land. That is eminently sensible. Simply allowing right of access across the whole of the Salisbury plain training area would be dangerous from the point of view of the walker and wholly impractical from the point of view of the military.

A large part of the Salisbury plain training area is privately owned land which is leased to the military. That land, which is not currently used for farming, would, under the provisions of amendment No. 1, not become access land as it is privately owned. At the moment, walkers have access to large acreages in Wiltshire—access that would suddenly be removed from them if amendment No. 1 were to be allowed. My contention would be that under current regulations—for example, as regards the Salisbury plain training area—more land is available to walkers than would be if amendment No. 1 were accepted. I hope that the Minister will not even consider allowing it.

Mr. Meacher: With permission, Mr. Deputy Speaker, I shall respond to the points made in the debate, including those on grasslands. The hon. Member for South-East Cambridgeshire (Mr. Paice) wondered why, if mapping addresses the exclusion of cultivated land, we have the exception in the Bill at all. There are two good reasons. One concerns land that has been improved after the maps have been issued so that access is incompatible with continued access. The other is registered common land, where land is already improved but the right of access would apply anyway were it not for the exception.

The hon. Gentleman asked if grass was to be considered a crop for these purposes. The answer is yes. Grass is a crop for the purposes of the amendment, provided it meets the terms of the amended exception—namely, that the land has been ploughed or otherwise disturbed for the purpose of sowing or planting grass or other crops within the past 12 months. We would not expect improved grassland to be mapped in the first place. However, I hope that that gives the hon. Gentleman the positive answer that he seeks.

Mr. Paice: I have to say that it does not. The point I was trying to get across was that grass is not necessarily an annual crop and may be down for two or three years. Therefore, although it fits all the other aspects of the criteria used by the Minister, it does not fit the 12-month criterion and therefore will not be included. If it is included as part of an arable rotation and is down for two years, it is immediately excluded from the definition.

Mr. Meacher: The hon. Gentleman raises a matter that the hon. Member for Cotswold (Mr. Clifton-Brown) raised in Committee—namely, that we give consideration to the exception of rotational leys. Again I would not expect land cultivated in this way to be mapped as open countryside in the first place. In the unlikely event of open country being converted to a rotational ley, it will be excepted from access in any year in which the soil has been disturbed. That goes further towards what the hon. Member for South-East Cambridgeshire wants, although it does not entirely meet the point that he has just made. I am not prepared to give a commitment at this moment, but I will deliberate further on the matter and see whether it might be appropriate to table an amendment in another place.

5.15 pm

The hon. Member for Mid-Sussex (Mr. Soames), who is not in the Chamber at present, asked whether heather should be included as a crop for the purposes of the definition of cultivated land. I apologise to the hon. Gentleman, because it had escaped my memory that we had considered that matter in Committee. I am happy to reassure the House and the hon. Gentleman that it would be considered a crop for the purposes of the definition.

The hon. Member for Somerton and Frome (Mr. Heath) referred to military land. He tabled an amendment in Committee that would require the Secretary of State for

Defence to report to Parliament the findings of the five-yearly reviews of long-term directions to restrict or exclude access for reasons of defence. In Committee, the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Sunderland, South (Mr. Mullin), indicated that, although the Government could not give any undertakings, we would consider the amendment. I have been most conscientious about that. Officials in my Department and in the Ministry of Defence have certainly held discussions on the issue. The Government wholly agree that there should be effective scrutiny of directions for long-term closures or restrictions on defence grounds, provided, of course, that defence interests are properly safeguarded. That is understandable.

We are considering the most appropriate way to meet the hon. Gentleman's concerns. If we conclude that a change to the Bill is indeed the right approach, we shall table a suitable amendment in another place. I hope that meets his needs.

My hon. Friend the Member for Pendle (Mr. Prentice) mentioned military land. The amendment tabled by my hon. Friend the Member for Denton and Reddish (Mr. Bennett) would ensure that my right hon. Friend the Secretary of State for Defence was compelled to undertake a fresh assessment of the need for restrictions on access to military training lands. I am happy to tell my hon. Friend, however, that that objective will be achieved without the amendment.

My right hon. Friend the Secretary of State has already announced, in "In Trust and on Trust: The Strategy for the Defence Estate"—it is amazing how catchy these titles are—which was published on 7 June, that he will review all byelaws imposed under section 14 of the Military Lands Act 1892 and section 2 of the Military Lands Act 1900. Thus the imposition of a separate requirement to consider the need for restrictions under clause 26, which the amendment would perhaps achieve, would merely serve to duplicate that process.

I hope that my explanation has convinced my hon. Friend the Member for Denton and Reddish that his amendment is unnecessary and that he will not press it.

Amendment agreed to.

Amendments made: No. 196, in page 40, line 18, at end insert—

'. Land covered by pens in use for the temporary reception or detention of livestock.'.

No. 197, in page 40, line 24, leave out ""buildings"" and insert—

' "building" includes any structure or erection and any part of a building as so defined, but does not include any fence or wall, or anything which is a means of access as defined by section 32; and for this purpose "structure" includes any tent, caravan or other temporary or moveable structure;'.

No. 198, in page 40, line 25, at end insert—

' "ploughing" and "drilling" include respectively agricultural or forestry operations similar to ploughing and agricultural or forestry operations similar to drilling;'.

No. 199, in page 41, line 2, at end insert—

'(2) Sub-paragraph (1) does not apply where the development is treated by section 191(2) of the Town and Country Planning Act 1990 as being lawful for the purposes of that Act.'.—*[Mr. Meacher.]*

Clause 2

RIGHTS OF PUBLIC IN RELATION TO ACCESS LAND

Mr. Green: I beg to move amendment No. 7, in page 2, line 38, leave out from first "the" to end of line 39 and insert "next 72 hours".

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 27, in page 2, line 39, at end insert—

'( ) Where a person becomes a trespasser because of a failure to comply with a restriction imposed under section 24, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.'.

Amendment No. 103, in page 2, line 39, at end insert—

'(4A) If without lawful authority a person fails to comply with Schedule 2 or with any restriction imposed under Chapter II, he shall be guilty of an offence and liable on conviction to a fine not exceeding level 1 on the standard scale'.

Amendment No. 104, in page 2, line 41, leave out from "means" to end of line and insert—

'the period from one hour before sunrise to one hour after sunset'.

Government amendments Nos. 200 to 206.

Amendment No. 105, in schedule 2, page 42, line 3, leave out "30th June" and insert "31st July".

Amendment No. 83, in page 42, line 5, leave out from "dog" to end of line and insert—

', whether the person is on the access land or is passing or re-passing on a public right of way over the access land'.

Government amendments Nos. 208 and 209.

Mr. Green: This is an important group of amendments. The five amendments tabled by my hon. Friends and me cover three key aspects in which the Bill is deficient and, in some cases, unfair: the penalties for abuse of restrictions on access; the restriction that we want imposed on dangerous night-time access; and—especially importantly—the extension of the dates within which dogs should be kept on a lead while they are on access land. I am sure that hon. Members on both sides of the House will agree that those matters are especially vital, although the Government amendments that deal with potential criminal activity on access land are also important. I look forward to the Minister's explanation of them.

I first deal with amendment No. 7. The penalty proposed for breaking the restrictions on access land is merely for someone to be excluded from the owner or tenant farmer's land for the rest of the day. That penalty is inadequate and unfair because farmers will face criminal prosecution under the Bill if they discourage access. There is a need for the penalties to have a rough-and-ready parity.

I suspect, and I hope, that on this divide—if divide there be—the vast majority of farmers and walkers will be responsible, law abiding and sensible. The amendment deals with the small minority in each group. Both minorities should be treated roughly equally by the law, but, as it stands, they will not be.

A penalty of substance is necessary to control irresponsible behaviour. Instead of simply excluding the transgressor from the land of the owner or tenant for the rest of the day, the amendment would remove the transgressor's right to go on to any access land for the

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next three days. That not only would provide a more significant penalty, but it would prevent a farmer from being plagued by the same troublemaker day after day. All those who are responsible for working the land would find such a penalty fairer and more practical.

Amendment No. 103 and amendment No. 27, which was tabled by the hon. Member for Somerton and Frome (Mr. Heath), suggest that the transgressions covered by the Bill should be criminal offences. The hon. Gentleman is more draconian than we are in the penalties that he wishes to impose, but he will be able to explain the reason for that. None the less, the current drafting of the Bill is unbalanced and unfair on the penalties for transgressors.

Amendment No. 104 deals with the vexed issue of night-time access. I am sure that our proposal would affect a very small minority and we had a long debate about it in Committee.

Ms Candy Atherton (Falmouth and Camborne): Unlike me, the hon. Gentleman is clearly not a bird watcher. If he were, he would understand that one of the joys of bird watching is rising before dawn and going out into the wilder areas of the countryside so that one is there as the birds awake. If one goes out any later than dawn, one literally misses the bird on the wing. I ask him to consider that point seriously.

Mr. Green: I have considered it. I am grateful to the hon. Lady, because she allows me to make the point that the amendment would not seek to restrict access to the period between dawn and dusk. We specifically say that access should be granted an hour before dawn and an hour after dusk. We understand that people want access for bird watching and for other reasons when the dawn breaks or when the sun sets, and that they need time to get on and off the access land. Our amendment is perfectly sensible and we do not seek the rigid dawn-to-dusk limit that applies in other countries, such as Denmark.

Mr. Tom Levitt (High Peak): Will the hon. Gentleman give way?

Mr. Green: The hon. Gentleman has not had a go yet, so I give way.

Mr. Levitt: I am grateful to the hon. Gentleman; perhaps it will be the first of many goes.

My hon. Friend the Member for Falmouth and Camborne (Ms Atherton) mentioned bird watching, and I have watched badger setts late into the night. It is a wonderful experience, but people will not have the chance to see badgers when they are most active if the hon. Gentleman has his way with the amendment.

Mr. Green: It depends on how many badger setts are on access land. However, let me put the case against the hon. Gentleman's view, because a balance must be struck. The Minister's draft of the Bill prevents camping even though that should be encouraged in certain controlled circumstances. Much of the land that is available for voluntary access allows for camping.

Against the more or less feeble argument being advanced in favour of 24-hour unlimited access, I hope that hon. Members on the Government Benches recognise some of the problems. First, there are ill-intentioned people—potential poachers and potential burglars—who should not have the freedom to be in the vicinity of private dwellings at night, with every excuse to be there.

Mr. Gordon Prentice: We know what the hon. Gentleman is going to say about burglars, but what about people who want to get away from light pollution simply to gaze at the stars, or who want to see a shooting comet? Does the hon. Gentleman remember Hale-Bopp streaking across the night sky? To see that in pitch blackness would have been marvellous. What about the star-gazers?

Mr. Green: I remember seeing Hale-Bopp in my constituency—on private land, as it happens. There should be places where there is no light pollution. It is a live issue in my constituency, as it is in many others. Many villages work hard to ensure that there is no light pollution, so that star-gazing can be done, but to say that that has anything to do with the Bill and access land is nonsense.

Mr. Dominic Grieve (Beaconsfield): My experience of walking at night, which I do quite frequently, is that nowhere is light pollution more manifest than in open country at night, looking down from hills towards built-up areas. The advantages of getting away from light in that way are pretty limited.

Mr. Green: I am grateful to my hon. Friend for bringing common sense to the issue.

The hon. Member for Pendle (Mr. Prentice) should not dismiss the point about burglars. He knows as well as anyone that rural crime is an increasingly serious issue. It would be perverse of the House knowingly to pass a measure that would make it easier for burglars in the countryside.

Secondly, there are safety risks to walkers. I tread delicately into the area of the Burns report, as I do not want to entice Government Members on to the subject, but those who have read the report will be aware that Burns points out that were hunting to be banned, killing foxes at night by lamping and shooting them would become a much more important method of pest control. It is a disturbing prospect that that could take place while inexperienced night-time walkers were walking over open land. *[Interruption.]* Hon. Members on the Government Benches find that funny, which is bizarre. If they think it funny that people going about their legitimate business—business that they are encouraging by their own action—might lead to someone being shot, they have not understood the seriousness of the situation.

There may well be a specific need for access in certain places in certain circumstances. That can always be negotiated with a landowner. Most landowners are responsible and allow voluntary access. The amendment deals with circumstances where the balance of advantage clearly lies against unrestricted access on all open land at night.

There are other countries with similar legislation. The hon. Member for Falmouth and Camborne (Ms Atherton) spoke about bird watching. In Denmark, the restrictions are stricter than those that we propose, but we believe that the Danes are too restrictive.

I point out to the Minister and his hon. Friends that the amendment is supported by the Association of Chief Police Officers, who take seriously the point about crime, as I hope the Minister does. The amendment also has the support of those most responsible for looking after the welfare of animals, the National Gamekeepers Organisation. Ground-nesting birds are more likely to be disturbed by night-time access. With the best intentions, people are much more likely to disturb the birds in the dark, when they cannot see where they are.

Mr. Gordon Prentice: Will the hon. Gentleman give way?

Mr. Green: If the hon. Gentleman will allow me, I shall make progress. He has had several goes.

Amendments Nos. 105 and 83 deal with the control of dogs. Livestock and the wildlife of moors must be protected from unmanaged access, particularly with dogs. Farmers, moorland owners, the Game Conservancy Trust, English Nature, the Royal Society for the Protection of Birds and others have all said that there is an extreme risk from dogs, unless they are kept properly under control. Amendment No. 105 extends for a further month, until the end of July, the period during which dogs must be on leads. I shall not go into the discursive discussion that took place in Committee about which species will be helped by the amendment, but I know that the Minister is aware that there are some species, some of them rare, that will be breeding during that period. Dogs off leads could be extremely dangerous and damaging to them.

5.30 pm

Amendment No. 83 deals with controls on rights of way crossing access land. It, too, is a practical measure.

The three areas covered by the amendments are controversial, but extremely important. If the Government cannot offer any concessions on any of them, they will be producing a Bill that will be unnecessarily damaging to wildlife and to other important aspects of life in the countryside.

Mr. Bennett: I have a great deal of sympathy with the amendments in terms of dogs. If people want to take dogs on to access land, they should have them on a lead all the time.

The proposed night restrictions are ridiculous. The hon. Member for Ashford (Mr. Green) said that other countries in Europe had such restrictions. As I understand it, Denmark is the only one. The British Mountaineering Council says that, in the past, the Czech Republic had these restrictions when it was communist. It appears that that regime had something in common with the Opposition Front Bench.

Many people go out on to access land at night, and cause no problems. When people were trying to get access to areas such as Kinder in the 1930s, they either went on a mass trespass or went on a moonlight walk. That was done repeatedly. It is pleasant to go out at night—particularly in moonlight—and walk over access land. Problems will not be caused by doing so. The Opposition, however, will be causing many problems if they say to walkers that they can be on such land for an hour before a certain time and an hour afterwards. In mountain areas, there must be a margin of safety. In effect, we would be saying, "You must be off at least an hour before the time limit in case something crops up that is difficult."

One of the most important features of mountain safety is to teach people to map read safely in difficult conditions. People can be up in a fog during the daytime, but one of the ways of teaching people to map read in difficult circumstances is to let them go up a mountain at night with a compass to try to work out the way that they should go across it.

Damage would also be done to many long-distance walks that people try to complete, perhaps crazily, in 24 hours or within another certain time limit. One of the best ones—

Mr. Green: These are things that happen now. They happen on suitable land where landowners give voluntary access. The very fact that they are happening now means that they cannot be prayed in aid in argument for land that is not now used for them.

Mr. Bennett: A nice example is to try to walk, within the area of Snowdon, all the 3,000-footers. For most of the year, that cannot be done within normal daylight hours. If someone is very fit, he might get round at this time of year. However, for most of the year, it is necessary to start or finish in the dark.

Snowdon rocks are quite difficult to walk in the dark, but it is easy to finish the walk on the Carneddau in the dark. None of the tops of the Carneddau has public rights of way. Historically, however, there is access to those areas. Such access has been by virtue of the good will of the landowners. If that works there, people should be able to go for long walks in places such as Bowland and other areas to which we would like to have access.

Mr. Simon Thomas: Speaking as someone who learned to read a map and a compass at night on the mountains above Aberdare, no doubt on private land, may I point out that the fact that access to the Carneddau already exists undermines the hon. Gentleman's point? The 3,000-footers in Wales can already be climbed under current legislation and arrangements. Why should there be night-time access to private land, much of it comprising remote hill farms?

Mr. Bennett: That right exists de facto on the Carneddau, so why should it not exist on the Arans in Wales and in Bowland?

Mr. Levitt: My hon. Friend speaks with due reverence of Kinder in my constituency, but is it not the case that a night-time walk, avoiding land that is currently not open access land, but which would become so under the Act, could be more dangerous than such a walk under the Act when open access will apply to a greater area?

Mr. Bennett: Yes, I accept that point, but I am keen to follow the Whip's instructions and keep my remarks as brief as possible. I simply say that criminal sanctions would be wrong—both from the Whips and in the legislation. We do not want too much litigation in this area; we want co-operation and consent. The Government have got it right, and I hope that they will make it clear

[Mr. Bennett]

now that there will be no concessions on limiting night-time access and that no criminal sanctions will be applied on these issues.

Mr. David Heath: The hon. Member for Ashford (Mr. Green) said that Amendment No. 27 was more draconian than the Conservatives' approach. We have come to expect a certain wishy-washy attitude to the Bill from the Conservatives. In fact, the hon. Gentleman is wrong because, although the amendment suggests a higher penalty, it is on a narrow ground. I reject the view that there should be criminalisation of all those who find themselves at fault on the generality of the restrictions in the legislation because they could easily do so unintentionally or through ignorance. I want people to stick to the rules of the game, but I suspect that some will find themselves out of kilter with those rules and I do not want them to be turned into criminals as a result.

However, a penalty is required in the narrow area of a conservation closure to protect our most valuable conservation land, which will be clearly labelled and signposted. We need some sort of sanction in law to ensure that people take that seriously. They must realise that there is a total impediment to destroying what may be a precious habitat and that they do not have unimpeded rights of access. I hope that there will never be circumstances in which someone falls foul of such a sanction, but we need such a penalty to make a clear distinction between the most precious habitats that are protected in that way and the generality of land where such a penalty would be inappropriate. One can argue about whether the penalty should be at level 1, 2 or 3—I have no difficulty with that—but I simply say that it is something that the Government should consider.

I entirely agree with the view on dogs expressed by the hon. Member for Ashford. Current arrangements are weak and I expect them to be strengthened, if not today then at some future stage in our consideration.

We had a long discussion in Committee on night-time access. I do not propose to repeat that, not least because there is enormous scope for people to postulate various hypotheses. I do not necessarily accept that there should be a right of access at night. However, I hope that there will be access at night by agreement. Mountaineers and others have made a good case by rightly pointing out that there is a safety aspect to their activity. They may often find that they have to stay in a place overnight to be safe. I am confused by the Government's attitude. The absolute ban on camping overnight is a barrier to mountain safety. That should be reconsidered.

Mr. Grieve: On Second Reading, I thought that it was extraordinarily odd that the Bill would effectively criminalise such activity, which has been carried out with minimal disturbance for generations. The measure will create problems for those who go walking and climbing.

Mr. Heath: The hon. Gentleman is not entirely right to say that the Bill criminalises the activity; it discourages it. Nothing in the Bill prevents any activity about which there is agreement under existing legislation. That is crucial. However, mountaineers who gain access to mountains through the Bill will find that, unless they have premeditated an overnight stay, they will not be able to camp. That is a difficulty.

The main problem with a right of access at night is that it removes the ability to challenge a person who is on private access land at night without good reason. I do not refer to legitimate walkers and ramblers. The measure would mean that those who were there for nefarious purposes had a built-in, cast-iron excuse for loitering outside a property at night in the middle of nowhere. The Association of Chief Police Officers perceives that as a problem.

I want to comment on the general penalty of the removal of access rights in the 24-hour period. The current position is nonsense. In Committee, I challenged the idea of the same ownership. How on earth are walkers supposed to know exactly what land belongs to whom without access to a land register? The penalty is unenforceable in its current form. For that reason, and because the penalty is very slight, it is meaningless. We could either improve its ability to be enforced or make it a realistic sanction so that people at least thought twice before disregarding the rules under the schedule. The amendment is not perfect, but if it stresses to the Government that the matter should be reconsidered, I shall support the hon. Member for Ashford in the Lobby and advise my hon. Friends accordingly.

Mr. Hilary Benn (Leeds, Central): I want to comment briefly on amendment No. 104. First, I shall deal with the point about potential criminality. The hon. Member for Ashford (Mr. Green) has a point in a sense, but the danger is no greater than the potential for criminality when someone walks along the pavement outside somebody's house. There is a risk, but we must ask whether it is sufficient to outweigh the rights that the Bill seeks to enshrine in law. I believe that it is not.

I say to the hon. Member for Somerton and Frome (Mr. Heath) that the Bill would not prevent someone from challenging another person. If a farmer comes across someone in the middle of the night who appears to be up to no good, he can challenge that person although he can then claim that he is there to look at the stars or the birds. The Bill does not remove the right of someone who is worried to ask, "What on earth are you up to?"

I want to speak briefly against amendment No. 104. First, it has no logic. Existing rights of way, such as footpaths, are not subject to a dawn-to-dusk restriction. I do not, therefore, understand why such a restriction should apply to the new right. Secondly, as has been said, the amendment could be dangerous in certain circumstances. People might think, "We must hurry to get off the piece of land that we are on before we engage in unlawful activity", when it would clearly not be safe to do so.

Finally, the amendment seems to misunderstand the nature of the right that this part of the Bill provides, for which people have campaigned long and hard for many years. The opportunity simply to listen to the stillness, to hear the night, and—as my hon. Friend the Member for Pendle (Mr. Prentice) said—to gaze at the stars is priceless. I do not see why the amendment should deny those who want to go out at night the right to enjoy those pleasures.

5.45 pm

Mr. Lepper: I want to say something about criminality. When the Government consulted on access, the organisations that currently manage large sections of

open country said that they did not believe that new byelaws or, indeed, new criminal sanctions would be necessary if access were extended. The Association of National Parks Authorities, the National Trust and the Peak District National Park Authority all said exactly that in their responses. Indeed, when more crime than one would wish takes place, it tends to take place on agricultural land near car parks and buildings—land that would not be included in the access provisions.

When malicious damage is perpetrated, not just byelaws, but other parts of the criminal law already exist to deal with it. We have the Criminal Justice Acts and the Crime and Disorder Act 1998—and, indeed, the Bill supplements protection already conferred by the Wildlife and Countryside Act 1981. Part III contains new sanctions applying to deliberate damage to wildlife and its habitats. Amendment No. 103 is not necessary, and is not thought to be necessary by those responsible for managing the kind of land that the Bill specifies.

Finally, there is a question of access at night. I will not read out all the poem sent to me by my constituent Mr. David Bangs, but I will quote from it. He writes:

> The stars still shine in country skies. The light that has travelled for millions of years reaches our eyes where house lights, street lights, entertainment lights, son et lumiere lights, security lights, car lights, industrial lights drown it . . . Country stars, the scudding moon, and silk black night belong to us all!

Mr. Soames: I apologise for not being here at the beginning of this short debate.

I want to make just one point to the Minister. When we had a courteous and, I think, well-informed discussion in Committee about dogs, I made an observation that is reflected in the amendment. I realise that the right hon. Gentleman and his hon. Friends have had to consider many other matters, but I want to reinforce one point.

During a breeding season for ground-nesting birds, especially game birds, like this year's—which has been astonishing wet on high ground—the extra month is critical to the well-being of birds and the successful rearing of chicks by hens. During that period, it is essential for the birds not to be disturbed. I ask the right hon. Gentleman to consider with even more force what I consider to be the responsible and unanswerable case put by my hon. Friends and me in Committee.

Mr. Meacher: Before I deal with the non-Government amendments, I want to discuss amendments nos. 200 to 205, which seek to give effect to my undertaking in Committee to provide that the commission of any offence on access land should constitute a breach of a restriction under schedule 2. That would render the offender a trespasser and, therefore, liable to be removed from the land.

It is right that landowners should be able to ask those in breach of the criminal law to leave their land, whether or not it is access land. If a landowner suspects that a criminal offence may have been committed, he may well wish to report the matter to the police. I hope that the amendments will reassure landowners that the new right of access in no way obliges them to tolerate criminal activity on their land. We have always emphasised that those who exercise the new right should be responsible, and the amendments are intended to promote that message.

Government amendments Nos. 201 and 206 were tabled in direct response to amendments tabled in Committee, under which the Opposition wanted to add metal detecting to the list of restricted activities in schedule 2. Those found using or carrying metal detectors without permission will become trespassers and might be asked to leave the land. I hope that hon. Members will think those amendments sensible and welcome them.

Government amendment No. 208 will ensure that directions made under paragraph 6 of schedule 2 that end the application of any schedule 1 restriction to an area may be made in anticipation of its becoming access land. Government amendment No. 209 will allow the relevant authority to vary a direction under that paragraph with the owner's consent. I agreed to consider similar amendments that the Opposition tabled in Committee, and Government amendment No. 209 is consistent with that undertaking and with the power in clause 25(1) to vary a direction given under chapter II. Therefore, I hope that hon. Members will appreciate the sense of those amendments, which, again, show the Government's sincerity in saying that we would sympathetically and carefully consider proposals made in Committee.

I shall now deal with non-Government amendments. Under amendment No. 7, anyone who breached restrictions on access under schedule 2 would be excluded from all access land for 72 hours. The Bill specifies that those in breach of restrictions should be excluded from the relevant land, or from other access land in the same ownership, for the remainder of that day. It is not realistic to assume that landowners will know whether a walker has breached restrictions in the previous 72 hours on someone else's land; nor would it always be appropriate to impose such a sanction on a walker whose breach of restriction might be extremely minor. Therefore, there is no reason why the ban on returning to access land should extend beyond the rest of the day or to access land in different ownership. Of course, criminal sanctions will continue to be available where offences are committed.

As with the other proposals to criminalise trespass on access land, we do not agree that those who, possibly inadvertently, breach restrictions under clause 24 and who may not cause any harm or damage as a result, should be subject to a potentially substantial fine, as proposed under amendment No. 27. The hon. Member for Beaconsfield (Mr. Grieve) referred to the fact that trespass itself has never been a criminal offence in this country, except in very limited circumstances. Parliament has declined to turn trespass into an offence unless some harm or potential for harm can be shown.

Criminalising trespass on land that is closed for conservation reasons would create a wholly unjustifiable inconsistency with important conservation areas that are not access land. To make that a criminal offence would, in our view, be disproportionate. I am not convinced that stepping off a path to take a photo or to admire a view should be made a criminal offence. Where identifiable harm or damage occurs, it will be subject to a criminal penalty. If a certain activity causes a problem, the local authority can make it subject to a byelaw.

Under amendment No. 103, it is proposed that those in breach of a restriction—trespassers—should be subject to a fine of £200. The Government remain pretty unconvinced that those who breach the restrictions on access land should be subject to a penalty that is greater

[Mr. Meacher]

than if they had trespassed in someone's front garden. Those amendments would make walkers who, perhaps inadvertently, break one of the more minor restrictions, such as bivouacking on a remote fell or swimming in a stream, into criminals. That would be ludicrous, as the hon. Member for Beaconsfield rightly said, and I can see that he can barely contain himself about it.

We do not consider that it is necessary to impose a broad, wide-ranging penalty over all access land to penalise what may often be minor breaches of the restrictions. If an activity is not a criminal offence already, there is no reason why it should be simply because it occurs on access land.

I turn now to amendment No. 104 on access at night, which has been the main subject of discussion. As on so many matters, we had a useful and extensive debate in Committee about the merits of allowing the new right of access to apply at night. As the Under-Secretary of State, my hon. Friend the Member for Sunderland, South (Mr. Mullin), said, the argument is finely balanced, and I accept that. We have considered carefully the case for restricting access at night. In doing so, we have kept in mind the need to address the genuine concerns of those who own and manage land affected. We have also borne in mind the principle that restrictions should be applied only when strictly necessary.

Although most people who will benefit from the new right will wish to exercise access during the day, we should not automatically ban access at night. There are various reasons why some people may wish to have access to open countryside at night, and my hon. Friends referred to them extensively. People may simply want enjoy a sunset or sunrise, or to get up to enjoy the nocturnal or early-morning wildlife. More serious walkers may need to be on land very early in the morning, or after dark, if they are undertaking a long hike and wish to reach relatively remote areas. People may also need to shelter overnight, especially if they are caught out by the weather. In addition, some people will wish to challenge their navigational skills through night hikes. That is not unknown and, indeed, night navigation exercises are an important part of mountain leadership training.

I recognise that there are genuinely held concerns, which have been well expressed in the debate, about the impact of night-time access on security and people's safety, but they should not be exaggerated. We are talking about uncultivated land, usually well away from where people live, and we have specifically excluded buildings and their curtilage. The small minority of people who are intent on crime are unlikely to be deterred by the fact they do not have a right to be on the land at night. I understand the point made by the hon. Member for Somerton and Frome (Mr. Heath), but I shall perhaps deal with it in a moment.

Poaching is already a criminal offence, and we have made it clear in the extensive list of restrictions in schedule 2 that those engaged in such activities, or who carry equipment used for such purposes, will lose their right of access automatically. Moreover, as the National Trust recognises, legitimate and responsible access at night may well help to deter poachers, as there could be more eyes and ears about. That is an important point.

Perhaps most compelling of the arguments against a blanket ban on night-time access is the experience of those who already allow it. The Forestry Commission and the National Trust are prominent examples. They own and manage extensive landholdings in the countryside and have a policy of promoting public access, but night-time access has given rise to few problems and has not required blanket restrictions. Where problems arise, they are more likely to occur at so-called honeypot sites and car parks than in more remote areas.

Mr. Gray *rose—*

Mr. Meacher: I shall give way just once because I can feel that the House wants to conclude.

6 pm

Mr. Gray: If all that is true, why are public parks nearly always closed from sunset to sun-up?

Mr. Meacher: Public parks are usually in urban areas, which is a different matter. We are discussing uncultivated and remote areas that may be miles from people's houses.

If, in a particular area—

Mr. Gray *rose—*

Mr. Meacher: No, I shall not give way again.

If there is a legitimate reason to restrict night-time access, that can be dealt with through, for example, local restrictions on access or even byelaws. The Bill provides the flexibility to deal with genuine problems that may arise locally without the need for a blanket ban. Such an approach is easier to police than a blanket ban on all access land. I am not aware of calls to introduce night-time curfews in our towns and cities, where the risk of crime is significantly greater. For all those reasons, I am not inclined to accept restrictions on night access.

I shall quickly deal with amendments Nos. 83 and 105, on the question of dogs. Amendment No. 105 would extend the period during which dogs should be required to be kept on leads on access land to cover the period from 1 March to 31 July each year. As the hon. Member for Mid-Sussex (Mr. Soames) said—he was courteous as always—we had an animated but significant discussion of that in Committee. That restricted period is intended to protect livestock and wildlife from disturbance by dogs during, principally, the lambing season and the breeding season for ground-nesting birds. As the Under-Secretary, my hon. Friend the Member for Sunderland, South, explained in Committee, if, in the light of experience, the restricted period needs reviewing, the Bill allows that by giving the Secretary of State—and, in Wales, the National Assembly—the power to amend through regulation.

In addition, the Bill contains provisions for restrictions for conservation and land management to allow tougher controls on dogs where particular circumstances require that, including outright bans. However, we appreciate that there is very real concern about disturbance by dogs, both to wildlife and livestock. We are keen to ensure that the restricted period specified in the Bill is the right one. We are further considering that issue and remain open to the prospect of amending the length of the period at a later stage in our consideration.

Although I am sympathetic to reasonable amendments that would improve the Bill, for all those reasons I do not think that the Opposition have made their case in respect of a 72-hour exclusion or excessive fines, which are disproportionate, or night-time access, though I accept that we need to look further at the restriction on dogs. I hope that, on that basis, they will withdraw their amendments.

Mr. Green: I thank the Minister for the Government amendments on metal detecting and the other matters that arose out of amendments that we tabled in Committee. We are always grateful to see small improvements being made to the Bill.

We have discussed three major issues. I must tell the Minister that the stark fact is that the penalties are still unfair. He spent his time constructing absurdities, referring to people being criminalised for relatively trivial behaviour, but the Bill will criminalise people who put up the wrong type of notice. There should be fairness on both sides. On night-time access, he shot himself in the foot over public parks. If it is right to close public parks in urban areas, which may be near houses, for reasons of personal safety and crime prevention, it seems bizarre that it is not right to have restrictions on night access to parts of rural areas that happen to be near houses. There is an exact parallel between the two, but he fails to recognise that.

I am grateful for what the Minister said on dogs, although it was what he said in Committee: he is aware that there is a big problem, but he will return to it at some later stage. He has had a long time to think since the Bill was in Committee and I can assume only that the strength of our arguments is troubling him. I hope that, eventually, he will come round to our point of view and extend the restricted period. In that regard, I am grateful for the support from the hon. Members for Somerton and Frome (Mr. Heath) and for Denton and Reddish (Mr. Bennett) for the amendment.

The Minister's explanation of why the Government propose to take such action in those important areas is inadequate and I commend our amendments to the House.

Question put, That the amendment be made:—

The House divided: Ayes 156, Noes 285.

Division No. 228] **[6.5 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Baker, Norman
Baldry, Tony
Ballard, Jackie
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Collins, Tim
Cotter, Brian
Cran, James
Davey, Edward *(Kingston)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maples, John
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Norman, Archie
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Smyth, Rev Martin *(Belfast S)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Thompson, William
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Geoffrey Clifton-Brown and
Mr. Peter Atkinson.

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*

Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Caplin, Ivor
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Kaufman, Rt Hon Gerald
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lock, David
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Maxton, John
Meacher, Rt Hon Michael
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Ptaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Raynsford, Nick
Reid, Rt Hon Dr John *(Hamilton N)*
Rogers, Allan
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stoate, Dr Howard
Straw, Rt Hon Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Tony McNulty and
Mr. Don Touhig.

Question accordingly negatived.

Schedule 2

RESTRICTIONS TO BE OBSERVED BY PERSONS EXERCISING RIGHT OF ACCESS

Mr. Andrew Miller (Ellesmere Port and Neston): I beg to move amendment No. 133, in page 41, line 9, leave out "or sailboard", and insert—

'other than a manually propelled vessel'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 134, in page 41, line 9, at end insert—

'(and for this purpose "vessel" includes a sailboard)'.

Amendment No. 132, in clause 40, page 23, line 20, after "3", insert—

'or (*Power to extend to waterways*)'.

New clause 17—*Power to extend to waterways*—

'.—(1) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend the definition of "open country" in section 1(2) so as to include a reference to waterways or to waterways of any description.

(2) An order under this section may modify the provisions of this Part in their application to waterways (whether or not within the definition of "open country" apart from the order).'.

Mr. Miller: This is the canoeists' amendment. While tabling it, I realised that there was a possibility that I may have to admit to having trespassed on many occasions. I thank my hon. Friend the Member for Harrow, West (Mr. Thomas) for bringing that to my attention.

In the next few minutes, I hope to convince the House that the law as currently drafted is an absurdity and in need of change. For my legal advice I am relying on the fifth edition of J. G. Riddall's "Introduction to Land Law", which appeared in 1993. Under the heading "Land Covered by Water" Riddall states:

In the case of land covered by water, for example a river, the bed of the river belongs to the fee simple owner of the land through which the river passes.

The landowner therefore owns the river bed, but not the water. Riddall goes on to say:

The riparian owner has the exclusive right of navigation on water which overlies his land.

That is an absurdity, which I shall illustrate later by reference to other countries. Riddall continues:

The public will, however, acquire rights of navigation if . . . either the riparian owner dedicate the water as a public highway, or . . . if statutes confer such rights on the public.

Tidal waters, however, are covered in a different way.

In an interesting article in the *Canoeist* in May, the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Sunderland, South (Mr. Mullin), explained in some detail why waterways will not be covered by the Bill. I accept that point and I know that my right hon. Friend the Minister for the Environment will make it when he responds. My hon. Friend the Under-Secretary relies entirely on the possibility of developing voluntary agreements. I agree with that method in principle, but, as I shall show in a moment, it has not been very successful, despite many efforts by the British Canoe Union. However, my hon. Friend goes on to say:

We realize that this is only a start and there is more to do to ensure voluntary measures work. But I want to assure you—

the reader—

that we are determined to do all we can to ensure that the goal of greater access becomes a reality.

I welcome that statement, and I put on record the thanks of the British Canoe Union for the time that my hon. Friend and his officials have given to the subject.

I shall set out the facts about access in England and Wales. There are some 13,000 miles of waterways, of which 376* rivers have voluntary access agreements. Canoeists can legitimately use other waterways such as rivers with common law or statutory rights of access; for example, substantial parts of the Severn and the Wye. That category includes some 1,100 miles of waterways. Canoeists can also use canals with licence, which make up another 1,400 miles. Some 10,000 miles are private or have disputed access. That position is not satisfactory.

I deal now with my local river, or perhaps, being a bi-riparian Member, I should say one of my local rivers. The weir on the Dee at Chester has access at certain times of the day, but in researching my remarks I found that, extraordinarily, I may well have unknowingly and regularly broken the law about 15 years ago. I used to go upstream from the weir, where, it transpires, there are no voluntary arrangements. Of course, I may have been within the law because of the tolerance of the local riparian owner.

The riparian owner on one side of a river might be playing ball, but what about the owner on the other side? There may be a mythical line down the centre of the river, with rights of access given by one landowner but not another. Who will enforce such a law? That is a crazy position in which to put people who are engaging in a perfectly harmless pursuit.

I point out to my right hon. Friend the Minister that the situation has existed for a long time. Landowners do not make many attempts to prosecute and a good number generally tolerate use of the waterways, which is welcome. However, the legal position in this country is absurd. To draw attention to that point, I shall briefly describe the position in other countries, which I shall deal with not according to priority but simply in alphabetical order.

Argentina has free sportive navigation on rivers, lakes and other waters. In Australia, canoeists are free to use all waterways. In Canada, there are, for the most part, no restrictions on canoes, although authorisation of the Minister may be required for a limited number of specific lakes, reservoirs and other waters. The citizens of China, which is not known for its tolerance, face no restriction on sailing in inland waters in canoes.

The position in France is interesting: there is a right of passage on all waterways classified as "state domain", comprising those formerly used commercially by boats or for floating or rafting logs. Other rivers are private, but the Administration, by virtue of a 1964 law, have a role to protect the generality of usage and have introduced common-sense rules so that owners, anglers and navigators can live together. My list continues, but in view of the time pressure on the House, I shall not complete it, except to point out that in the United States public use has been widely established.

Hon. Members who do not support the rights of canoeists cannot back up their argument by demonstrating that canoeists have damaged the environment or landowners' interests in any of the countries that I have mentioned.

Mr. Bercow: I am listening to the hon. Gentleman's disquisition with interest, and not least to his view on riparian rights. A few moments ago, he observed that a number of waterways admitted very little access, a position that he described as "not satisfactory". Will he

[Mr. Bercow]

confirm that, on the whole, those that do not admit access are the smaller waterways, and is he arguing that any size criterion should be applicable?

Mr. Miller: It is not only the smaller waterways that pose a problem of access. Of course, size needs to be taken into account. Alongside my cottage in Cheshire runs a tiny brook on which one would have a job to float a canoe, and clearly I am arguing for access not to little streams but to navigable waterways. The 376 waterways that have voluntary agreements include reasonably sized rivers such as the Allen, the Axe, the Dart, the Conwy, the Exe, the Nadder, the Ouse and the Trent.

Mr. Douglas Hogg (Sleaford and North Hykeham): I, too, am listening carefully to the hon. Gentleman. Why does he make a distinction between, on the one hand, punts or canoes, which he contemplates being able to use waterways, and, on the other hand, sailing boats? What principle is he relying on in making that distinction?

Mr. Miller: I put forward no principle other than the fact that a small vessel paddled by one or two occupants does no discernible damage, is safely controlled and draws a small amount of water.

I end my remarks with the important point that any arrangements, whether voluntary or statutory—I have set out my position on that in the amendments—must be made without any disturbance to the reasonable rights of anglers.

Canoeing is a great sport, and I urge hon. Members of all ages who have not tried it to do so. I ask the House to adopt the principles set out in the amendments. I hope that my right hon. Friend the Minister will accept the amendments because they will give him the power to act if his voluntary approach does not work.

Mr. David Heath: When the hon. Member for Salisbury (Mr. Key) spoke to the amendment in his name, I suggested that I might be being extremely stupid because I did not understand it. I now realise that I was being extremely stupid, and I want to put that on record. His amendment was entirely in order, and I apologise to him.

I have considerable sympathy with the hon. Member for Ellesmere Port and Neston (Mr. Miller). There is a lack of access to waterways for canoeists and other users. However, I disagree that canoeists should have a right of access under the Bill. The difficulty lies in the point that the hon. Gentleman made at the end his speech and has to do with reconciling canoeists' interests with those of other users.

6.30 pm

I have some experience of that. The hon. Member for Ellesmere Port and Neston said that he was a bi-riparian Member. I think that I must be a poly-riparian Member. Sometimes, a large part of my constituency is covered in water, which is a problem. Is not the answer to use the new processes of consultation that will come into being as a result of the Bill, particularly the local access forums?

I note that the guidance to the forums gives as one of their intentions the development of recreation and access strategies that cater for a wide range of people. I hope that that includes the rights of people other than those who wish to have access by foot to open access country. I hope that the Government will have that sort of development of strategy in mind in setting up the bodies, which are so ill defined in the Bill at present.

Mr. Gareth R. Thomas (Harrow, West): I support the remarks of my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) and welcome the expression of sympathy from the hon. Member for Somerton and Frome (Mr. Heath).

It is clear that the success of the Bill thus far has thrown into stark relief the problem of access to water. It is certainly true, as my hon. Friend outlined, that our laws on the rights of navigation for unpowered craft on water are wholly out of step with international laws.

Bearing in mind the concerns that the hon. Member for Somerton and Frome made clear about the rights of users and other people who have a stake in waterways, may I throw in the example of France, where there is a right of passage on all waterways classified as being state domain? On other rivers that are private, thanks to a law of 1964 the French Government have a role to protect the generality of usage. They have introduced common sense rules, so that all who have a stake in waterways know where they stand and have proper access to waterways as they need it—they include anglers, whose rights are properly protected, as my hon. Friend said.

For many canoeists, the challenges lie on the rapidly moving water of upland rivers. That is where the exciting rapids and interesting drops are. Other canoeists prefer smaller lowland rivers, which are unsuitable for powered craft and perhaps appropriate for those who want to try the sport of canoeing, and for younger canoeists.

There are nearly 10,800 miles of such waters. As my hon. Friend made clear, canoeists have access to just 376 of those miles, which is equivalent to just 2.8 per cent. Given that the access agreements that do exist do not generally apply for 365 days a year, canoeists currently have access to less than 1 per cent. of the areas in the definition. Greater access to Britain's upland or smaller lowland water would avoid overuse of waters where there is currently access, and enable canoeists to use waterways that are much nearer to where they live.

Until now, Governments have argued that access to water, or delivering greater access to water, should be achieved through the voluntary approach. In 1983, the Sports Council drafted a statement of intent to try to promote the development of access agreements between landowners, canoeists and the British Canoe Union's representative body in particular. That statement of intent was not even signed because not all the organisations involved agreed to ratify it.

More recently, the British Canoe Union has drawn up a list of 20 target rivers, which it has discussed with the Country Landowners Association. The CLA deserves credit for its efforts to secure voluntary agreements on those 20 target rivers, but absolutely no progress has been made on delivering better access.

On Second Reading, my right hon. Friend the Minister for the Environment highlighted the failure of the voluntary approach to deliver better access to land. The problems are even greater in terms of access to water. Because of the unclear legal situation, where there are

or have been rights for canoeists or voluntary access for canoeists, many of those access arrangements are coming under pressure.

I know that it is a probing amendment, but I hope that Ministers will look at the problem of access to water and offer hope to canoeists of much greater opportunities to canoe in Britain.

Mr. Hogg: I am pretty cautious about the measure. I wish to make just three brief observations.

First, I find it difficult to see what distinction there is between manually propelled vessels and others. Manually propelled vessels include punts, canoes and eights. I do not see what the distinction is between, for example, those and a sailing boat, a pedalo or a small motor boat. If it is in terms of the damage caused, I suppose that an eight causes as much damage as a small motor boat, not to mention the pedalo, which is foot propelled. We are seeing an example of a special interest group having its cause advanced without anyone paying much attention to the principle that underlies it.

Secondly, I have a strong preference for moving forward by way of consultation and voluntary agreements, rather than statute law. I am against the measure for that reason alone.

Thirdly, I am glad that hon. Members are so sensitive about the rights of anglers. So am I, but I am not sure what the difference of principle is between the rights of anglers and those of fox hunters. I strongly suggest that if Members are going to defend the rights of anglers, they will do well to defend the rights of fox hunters, too.

Mr. Meacher: The principle underlying the amendments—better access to waterways—is one that I wholeheartedly support. However, I am not convinced that it warrants a place in this Bill.

We thought hard about what access provisions to include in the Bill. Our first priority was to meet the clear demand for more access for walkers. We took advice from the Countryside Agency and from the Countryside Council for Wales on what other areas to include. Both recommended a more vigorous use of existing mechanisms, such as voluntary agreements, to extend access to land adjoining canals and waterways. We expect much to be achieved by a similar approach to access to water, although I hear what my hon. Friend the Member for Harrow, West (Mr. Thomas) says: it is one thing to reach an agreement, but it is another to get it delivered.

We have tabled amendments to the Bill, which we will come to later, which will retain on the statute book part V of the National Parks and Access to the Countryside Act 1949, which will allow for access agreements and orders to continue to be made on waterways and the waterside. Such agreements can make specific provision for access for users of canoes.

We recognise, however, that obtaining voluntary access to waterways can be far from straightforward. That is why, in March, the Under-Secretary of State for the Environment, Transport and the Regions, my hon. Friend the Member for Sunderland, South (Mr. Mullin), met the British Canoe Union to listen to its concerns. As a result of that discussion, at the end of last month officials in my Department held a meeting with a range of interest groups, including boaters, anglers and landowners.

We are considering the conclusions of that meeting, but the general feeling of all present was that there were not enough hard facts on the availability of waterways, the scope for new access and the scale and nature of unmet demand. That points to the need for detailed, independent research into access to water. As I say, we are looking at that carefully and will make an announcement shortly.

In the meantime, we have already started promoting voluntary access in a number of areas. The Environment Agency has published a guide to developing voluntary agreements. The booklet, which was produced in conjunction with the angling and canoeing liaison group, provides information for all parties who are seeking to achieve new access for canoeists.

In addition, we have recently issued an updated code of practice on conservation, access and recreation for the Environment Agency and for water and sewerage companies. The code gives practical guidance to those bodies on their access and recreation duties, including the availability of water for recreational pursuits such as canoeing.

I realise that that is only a start. There is much more to do to ensure that voluntary measures work. However, I want to assure my hon. Friend the Member for Ellesmere Port and Neston (Mr. Miller) that we are determined to do all that we can to ensure that the goal of greater voluntary access to waterways does become a reality.

I hope that, on that basis, my hon. Friend will feel free to withdraw amendment No. 133.

Mr. Miller: I tell the hon. Member for Somerton and Frome (Mr. Heath) that I accept—as, I am sure, do all canoeists—that rights go with responsibilities.

My hon. Friend the Member for Harrow, West (Mr. Thomas) has considerable experience in the matter, and I hope that my right hon. Friend the Minister will take on board the points that he made.

I challenge the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) to try to row his eights up the type of rivers to which my hon. Friend referred. In relation to the top of the Dee, the right hon. and learned Gentleman's comment was a bit of a joke.

I welcome my right hon. Friend the Minister's extremely positive statement. The British Canoe Union is doing a lot of research and is very carefully monitoring the voluntary agreement. I commend to him the arrangements that seem to work in Northern Ireland, where—according to the Canoe Association of Northern Ireland—canoeists have no problems with access to waterways. Only one river in Northern Ireland, the River Bush, is not used by canoeists, and that is a research river for salmon breeding. The Canoe Association has agreed not to use the river except for a short time in the winter. The agreement seems to work and is perhaps the type of approach that his officials might like to examine.

I most sincerely thank my right hon. Friend for his very positive approach, and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 200, in page 41, line 10, at end insert—

'(cc) commits any criminal offence,'.

[Mr. Miller]

No. 201, in page 41, line 19, at end insert—

'(hh) uses or has with him any metal detector,'.

No. 202, in page 41, line 20, leave out paragraph (i).

No. 203, in page 41, line 22, leave out paragraph (k).

No. 204, in page 41, line 27, leave out paragraph (m).

No. 205, in page 41, line 32, leave out paragraphs (p) and (q).

No. 206, in page 41, line 48, at beginning insert—

'(1) In paragraph 1(hh), "metal detector" means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2)'.

No. 207, in page 42, leave out lines 11 to 14.

No. 208, in page 42, line 22, leave out "access".

No. 209, in page 42, line 26, at end insert—

'(aa) the variation of any direction given under this paragraph by a subsequent direction so given,'.— *[Mr. Meacher.]*

Mr. Meacher: I beg to move amendment No. 210, in page 42, leave out lines 32 to 35 and insert—

'has the meaning given by section 20.'.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this it will be convenient to discuss Government amendments Nos. 150, 151, 154 to 164, 168 to 172 and 184.

Mr. Meacher: The amendments collectively give effect to the designation of the forestry commissioners as the relevant authority for any woodland that has been dedicated to public access in clause 16. We expect that the arrangements will encourage woodland and forestry owners voluntarily to enter into dedications, in the knowledge that, if they require directions under chapter II of the Bill, they will be dealing with an organisation that is familiar with the particular needs of woodland management and that is also responsible for licences and grants for woodland management.

For the sake of clarity, I should very briefly explain that amendments Nos. 210, 150 and 151 insert new provisions in chapter II and schedule 2 to amend the definition of "relevant authority". Amendments Nos. 154 and 155 enable the Countryside Council for Wales to give advice to the commissioners on the restriction or exclusion of access for the purposes of nature conservation under clause 24.

Amendments Nos. 156 to 164 provide for an appeal on, or reference from, a decision of the commissioners, under chapter II, to be heard by my right hon. Friend the Minister of Agriculture, Fisheries and Food.

Amendments Nos. 168 to 172 allow for the countryside bodies to give guidance to the commissioners on the exercise of their functions under chapter II. Finally, amendment No. 184 gives the commissioners the same powers of entry to land in the exercise of their functions, under chapter II, as are available to other relevant authorities.

The Forestry Commission will be examining the possibility of dedicating the national forest estate under the powers in clause 16. The commissioners would then be responsible for determining the restrictions and exclusions on the commission's own estate. I realise that that would entail the creation of a system of Chinese walls—as I think they are called—to ensure that there is a clear separation of duties as between Forest Enterprise, which is responsible for forest management, and the commission staff responsible for determining whether closures should be approved. That would mirror the approaches widely accepted for handling other consents.

6.45 pm

Mr. David Heath: Will the right hon. Gentleman just say whether the Forestry Commission has any duty whatever to promote recreational access or whether it will be given any such duty?

Mr. Meacher: It does. I am not sure whether the hon. Gentleman is putting emphasis on the word "promote", as opposed to "allow". There is certainly very substantial access to the Forestry Commission estate, and it is certainly my understanding that the Forestry Commission does promote access.

The amendments will enhance the attractiveness of the Bill's dedication element. That is certainly their intention. The Forestry Commission has long had responsibility for managing woodland in the public sector and for regulating the management of woodland in the private sector. The commission is well respected in that role, and the amendments merely represent a logical extension of the commission's responsibilities. I commend the amendments to the House.

Amendment agreed to.

Clause 5

PUBLICATION OF DRAFT MAPS

Mr. Bennett: I beg to move amendment No. 2, in page 3, line 37, at beginning insert—

'by the end of the period of 32 months beginning with the day on which this Act is passed,'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 3, in page 3, line 38, leave out "the prescribed period" and insert—

'a period of six months beginning with the day on which the map is issued in draft form'.

Amendment No. 4, in page 4, line 3, at end insert—

'(2) Whether the map is confirmed with or without modifications, the map in provisional form shall be issued by the appropriate countryside body no later than six months after the expiry of the period during which representations may be received in respect of the map in draft form under subsection (1)(b)'.

Amendment No. 61, in clause 6, page 4, line 8, at end insert—

'(1A) Any person may appeal—

(a) in the case of land in England, to the Secretary of State; or

(b) in the case of land in Wales, to the National Assembly for Wales;

against the failure to show that land on a map in provisional form as registered common land or as open country.'.

Amendment No. 82, in page 4, line 13, leave out from "brought" to end of line 15 and insert—

'on the ground or grounds that—

( ) the land does not consist of mountain, moor, heath or down, or

( ) the inclusion of the land would serve no useful purpose, or'.

Amendment No. 62, in page 4, line 19, at end insert—

'(3A) An appeal relating to the failure to show any land as registered common land may be brought only on the ground that it is registered common land.'.

Amendment No. 63, in page 4, line 19, at end insert—

'(3B) An appeal relating to the failure to show any land as open country may be brought only on the ground that—

(a) the land does consist wholly or predominantly of mountain, moor, heath or down, and

(b) to the extent that the appropriate countryside body have exercised their discretion under section 4(5)(b) to treat land which is open country as forming part of an area which is not open country, the body ought not to have done so.'.

Government amendment No. 29.

Amendment No. 64, in clause 7, page 4, line 29, leave out from "hearing" to end of line 31.

Government amendment No. 139.

Amendment No. 30, in clause 10, page 6, line 26, leave out "ten" and insert "five".

Amendment No. 58, in clause 11, page 7, line 1, leave out—

'the period within which and'.

Mr. Bennett: This group of amendments deals with the matter of when it will all happen—which is the crucial issue for the Ramblers Association, the British Mountaineering Council and many other people. When the House was passing the National Parks and Access to the Countryside Act 1949, great promises were made that all rights of way would be included on definitive maps within about five years of the legislation's passage, but 30 years later, that process had still not been completed. It was also promised that there would be many voluntary access agreements, but it took more than 10 years before any such agreements were established in the Peak district. Many national parks have never made any such agreements.

We are therefore greatly concerned at the fact that, at the beginning of the chapter on the right of access, absolutely no time limit has been provided. Amendments Nos. 2, 3 and 4 seek to include a time-limit mechanism in the Bill.

In Committee and in meetings, Ministers have said, "Don't worry, the Countryside Agency has the matter in hand. It is a dynamic organisation, and it will push through mapping with vigour." Although I am not totally convinced that the agency is a dynamic organisation, I shall not say more about that now, as the Environment, Transport and Regional Affairs Committee is about to take evidence from its representatives—who may be able to convince us that it is a dynamic organisation.

The Minister will undoubtedly tell us in his reply that the agency really is a dynamic organisation; that we have nothing to fear; and that access maps will be drawn up and issued very quickly. I therefore ask him to tell us the timetable for issuing the maps, and what powers he has to push the process along. I understand that he claims that he can give the Countryside Agency a direction to get on with the work. I am a bit sceptical about that, as I believe that the Ramblers Association has a legal opinion which says that the Bill does not give him that type of power.

The first three amendments in this group are simply asking the Government for a timetable; how that timetable will be enforced; and how soon I shall be able to tell my constituents and Ramblers Association members not simply that there is an Act of Parliament but that it provides them with the ability to go to those places for which maps have been published so that they can enjoy their right of access.

Our amendments Nos. 61, 82, 62, 63, 64 and 58 really deal with a matter of natural justice. The process should entail the Countryside Agency consulting on the question of which areas should be access land and then drawing up maps. People who object because their land is on the map have a right of appeal. I find it absolutely crazy that the public should not have the right of appeal when a piece of land to which they had been looking forward to gaining access is not included.

I plead with the Government to look sympathetically at the amendments. A balance can be struck—between a right of appeal for a landowner who does not want his land to be included on the map and a right of appeal for individuals or groups who may have campaigned for many years for access to a particular piece of land only to find that it has not been included.

Mr. Paice: I shall speak to amendment No. 82, which stands in my name and those of my hon. Friends and which goes back to issues that we discussed in Committee. The Government undertook to consider the points that were made in a debate about the straightforward issue of the classification of land as mountain, moor, heath or down. In some ways, the debate could replicate the one we had a while ago about the definition of "predominantly". In this case, however, someone has to judge whether land is predominantly mountain, moor, heath or down and whether there should be the opportunity to appeal against such designation.

The amendment seeks to provide the opportunity for appeal against a designation on the grounds first, that the land does not consist of mountain, moor, heath or down and, secondly, that its inclusion would serve no useful purpose.

I was interested to see that the document from the Countryside Agency, already referred to this afternoon, states quite clearly that

identifying the different types of open country is not a precise science and somebody has to take a view.

To be fair, it then suggests that the Countryside Agency should take that view—and of course at first it will do so. My contention is that there should be some opportunity for appeal if a landowner feels that his or her land has been improperly categorised as mountain, moor, heath or down.

The second part of the amendment deals with circumstances in which it would serve no useful purpose for land to be designated as open land and included in the mapping. I can think of a number of examples, one of which is when a fairly small piece of land is involved. I shall not refer to any precise areas, but it could be a

[Mr. Paice]

small piece of land surrounded by non-access land. It might be argued that little would be achieved by mapping such land as open country.

Another example returns to the point that we were discussing earlier—in connection with land which is likely to be eligible for designation as open country only temporarily. We discussed earlier the issue of set-aside land. Another category is land that is shortly to be afforested. There is quite a lot of land on which the owners—the Forestry Commission or others—are planning to plant and have all the necessary permission, but which at the time of mapping may not have been planted. It would serve no useful purpose for such land to be designated only to be planted with trees at a later date and thereby officially excluded.

I hope that the Minister will look favourably on the amendment. I am interested to see that it is quite close to amendment No.63, to which the hon. Member for Denton and Reddish (Mr. Bennett) has just spoken. The hon. Gentleman is also suggesting appeals on the grounds that land does not consist wholly or predominantly of mountain, moor, heath or down, so there is obviously a degree of cross-party interest. I hope that the Minister will look favourably on that amendment too.

Mr. David Heath: I wish to speak to the two amendments standing in my name. Amendment No. 29 started off in my name and that of my hon. Friend the Member for Carshalton and Wallington (Mr. Brake) and has since acquired the imprimatur of the Deputy Prime Minister, no less. No clearer illustration exists of the right hon. Gentleman's wish to encompass the big tent and co-operate with other parties. Of course, the amendment had cross-party support in Committee. I think that it was the hon. Member for Clwyd, West (Mr. Thomas) who first asked why these matters should be dealt with in secret. I am glad that the Minister agreed that what was involved was simply the knee-jerk reaction of civil servants, which is that all hearings should be secret. I am pleased that we are moving away from that climate of secrecy.

Amendment No. 30 deals with an issue that we covered in Committee, so I shall not dwell on it at length. It concerns the timing of the first review. It is very important that the mapping procedure be right. First time round there will inevitably be anomalies, challenges and things that are not quite right, but it would be quite wrong for that position to be maintained for 10 years. It would be far better were there a shorter period preceding the first review. Then we could go on to the 10-year cycle, which is perfectly reasonable, with no lack of clarity or indecision besetting landowners or those who want access to land.

When we discussed the issue in Committee, the view was that there was a benefit to stability and that in any case there was nothing to stop the first review being carried out within the 10-year period. My view is that it would be an advantage to specify that the first review should be within five years.

Let me briefly touch on the amendments moved by the hon. Member for Denton and Reddish (Mr. Bennett). There is a need for the Government to make it absolutely clear that a strict timetable is necessary for the work to get under way. Whether that is on the face of the Bill or whether it is in clear guidance from Ministers to countryside bodies is immaterial; it is important that there are signposts throughout the process so that we are absolutely sure that, once the Bill becomes law, there is no inordinate delay in clarifying the situation. That is in everybody's interest.

My only concern, which I expressed in Committee, is whether there are sufficient resources to do the job effectively. Many parts of the country have experienced long delays in implementing the rights of way legislation. Very often that is due to a lack of resources. In this instance, we are dealing with national bodies rather than local government, but the same constraints apply. I hope that the Minister will make it clear this evening that there is a clear timetable for implementation and that there are sufficient resources to do the job effectively.

Mr. Levitt: I support amendment No. 2 in the name of my hon. Friend the Member for Denton and Reddish (Mr. Bennett). I should like to start with a declaration of non-interest, in that my constituency contains more than half the open access land in the Peak district, which contains more than half the open access land in England. In that sense, one might think that there were not many opportunities to extend open access in that area, but that is not the case. A considerable number of areas are identical in topography and geography to those which have open access and I hope that open access will be extended to those areas.

It is important that landowners in my constituency and elsewhere know very well that the responsible right to roam is coming. They need to know what time scale to work to. It is only right that a campaign that has continued for nigh on 70 years should have some idea, now the goalposts are in sight, of how many yards are left to go. If we accept the amendment we shall miss the opportunity of having everything in place by the 70th anniversary of the 1932 Kinder trespass, which took place in my constituency, but if my hon. Friend the Minister can give a categorical assurance that, by the time of the 75th anniversary, all the Bill's aims will have been achieved, I shall be very happy to hear it.

7 pm

Mr. Hogg: I want to make some observations on amendments Nos. 2, 3, 4 and 61. I am in favour of the Bill containing a prescribed timetable. The arguments for insisting that a timetable be set out and met are real. I hope that the Minister will agree.

It is a good thing to do away with the concept of a time scale that depends on regulation, and hence on Ministers. I hope that amendment No. 3, which sets out the time period of six months, is accepted.

However, I oppose amendment No. 61. It is not right for the House to give a wider right of appeal to the country at large, for the very good reason that to do so would be to expose farmers and landowners to much greater expense than the circumstances warrant.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): Amendments Nos. 2, 3 4 and 58 would impose a timetable on the countryside bodies in undertaking their duties to draw up maps of open countryside and registered common land under chapter I of the Bill.

In contemplating these amendments, I had some sympathy with the motives of my hon. Friend the Member for Denton and Reddish (Mr. Bennett). I usually do, on a wide range of issues. He and I—and, I am sure, most hon. Members—want the countryside bodies to make good progress in drawing up maps of open countryside.

I assure my hon. Friend that the Countryside Agency will be dynamic. When it gives evidence to the Select Committee on the Environment, Transport and Regional Affairs, of which my hon. Friend is Chairman, I hope that it will succeed in convincing him that it is dynamic.

Several hon. Members asked about a timetable. The Bill allows for a fast track for access to common land and to land above 600 m. We anticipate that that could come into effect within about two years—well in time for the 75th anniversary of the Kinder trespass mentioned by my hon. Friend the Member for High Peak (Mr. Levitt). That fast-track access will apply to an estimated 2,000 square miles, which is no small matter.

However, we recognise that, in the main, the introduction of the right of access must await the publication of conclusive maps by the countryside bodies. I know that the Countryside Agency is ready to embark on this challenge, and that it will make good progress to the best of its ability. I am sure that the National Assembly for Wales and the Countryside Council for Wales will want to make equally rapid progress, but I do not think it right to impose an arbitrary timetable on the countryside bodies' responsible for drawing up maps when some uncertainties remain about the weight of the task ahead of them.

Amendment No. 3 would cause the period for consultation on draft maps of open country and registered common land to be fixed in legislation at six months. The Bill as it stands provides for regulations under clause 11(2)(f) to determine how long the period for representations on draft maps should be.

I understand that my hon. Friend the Member for Denton and Reddish is concerned to ensure that progress in mapping open country is not delayed by unnecessarily lengthy consultation. However, we also want to ensure that there is a full process of consultation between all parties, and that there is flexibility in the regulations that allows us to specify the precise term of consultation.

Mr. Hogg: Is the Minister able to tell the House the time frame that he is contemplating in the regulations?

Mr. Mullin: I am told that the regulations should be available within a couple of months of the Bill's receiving Royal Assent.

Mr. Bennett: What are they going to say?

Mr. Mullin: The right hon. and learned Gentleman asks about the time frame in the regulations. I said a moment ago that there will be a flexibility in the regulations that will allow us to specify the length of the time frame. That is the point of flexibility.

Mr. Hogg: Will you tell the House what the time frame—

Mr. Deputy Speaker: Order. The Minister is still on his feet. The right hon. and learned Gentleman cannot conduct himself like that. It just cannot be done.

Mr. Mullin: The answer is that I cannot provide that information. The regulations will provide for flexibility. We do not think that prescribing a period of six months will meet all the eventualities that are likely to arise.

Mr. Bennett: I can accept that my hon. Friend the Minister wants flexibility, but are we talking about a period of between six and 12 months? He must have some idea. I know that the temptation for the people who draft legislation is to leave what they have not sorted out to regulations. However, can my hon. Friend share with the House the time span that he is considering putting into the regulations?

Mr. Mullin: I cannot share that information with the House at this precise moment, but that is not to say that I believe that the period for receiving representations will need to last as long as six months. We will, however, need to consider that matter carefully with the countryside bodies and others as part of the detailed process of preparing for the maps. That consideration has not yet taken place so I cannot tell my hon. Friend off the top my head exactly what we have in mind.

I should add that the Secretary of State and the National Assembly for Wales already have powers to direct the countryside bodies, under section 3(1) of the National Parks and Access to the Countryside Act 1949, that would allow them to require the Countryside Agency or the Countryside Council for Wales to take steps to prepare the maps if they thought that there some foot-dragging was going on. My hon. Friend the Member for Denton and Reddish said that the ramblers had a legal opinion suggesting that the Secretary of State does not have powers to direct, but the Government believe that he does.

I share the concern of my hon. Friend the Member for Denton and Reddish to secure the rapid implementation of the right of access, and I give him my assurance that we shall work closely with the Countryside Agency to ensure that that happens. However, I cannot accept that the amendments that he tabled would assist us in reaching our mutual objective, and I must ask him therefore to withdraw them.

Amendment No. 82 would alter the grounds of appeal to remove the reference to the land being predominantly mountain, moor, heath or down, and to add a ground that the inclusion of the land would serve no useful purpose. We have already debated the reason for the inclusion of the word "predominantly", and the grounds of appeal reflect that.

I do not agree that there needs to be a ground that the inclusion of the land would serve no useful purpose, regardless of its size. The countryside bodies have been given discretion not to include land if it is too small to be of useful purpose. We recognise that there will be land that fits that category, but we think that it is best left to discretion.

Amendments Nos 61, 62 and 63 would provide a right of appeal to members of the public. We have provided a right of appeal for those with an interest in the land

[Mr. Mullin]

because, to be candid, that meets what we are obliged to do under the European convention on human rights. Opening up that right of appeal to the general public is not a requirement of the convention. Members of the general public cannot be said to be affected to the same degree as those with a direct financial or other interest in the land—a point made by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg).

A general right of appeal could also result in an unmanageable number of appeals. That would have the undesirable result of significantly delaying the length of time that it would take to produce conclusive maps, and therefore for the right to commence.

Given that other amendments tabled by my hon. Friend the Member for Denton and Reddish were about getting rid of delays, it does not seem wise to introduce an amendment that is likely to extend delays, possibly by a significant amount. We believe that consultation is the best way to involve members of the public in the mapping process. I hope that my hon. Friend will withdraw the amendment.

Clause 10 provides for the countryside bodies to review the maps of open country and registered common land 10 years after the publication of the initial conclusive maps. Amendment No. 30, tabled by the hon. Member for Somerton and Frome (Mr. Heath), would require the review to take place just five years after the initial mapping exercise.

We are determined that the initial mapping of open country will be a thorough and open process. As I made clear in Committee, there will be substantial opportunities for the public and landowners to contribute towards the drawing up of the maps of open country. Landowners will have the right of appeal against the showing of land on provisional maps. I am not convinced that we should cause the countryside bodies to embark on a fresh review of the maps just five years after completing the initial exercise. The maps are intended to give rise to a period of stability and confidence for both users and landowners. Users should not be faced with the uncertainty that maps of open country will become out of date and subject to further review just a few years after their publication.

I must also stress that the period between reviews mentioned in clause 10 is a maximum, not a minimum, threshold. It is entirely possible that the countryside bodies would wish to embark on an early review if, for example, they discovered significant errors on a map, or were aware of a significant change of land use in a locality. That flexibility of response is best vested in the countryside bodies themselves.

In addition, it is open to the Secretary of State to vary the frequency between reviews by making regulations to that effect under clause 10(3). I hope that the hon. Member for Somerton and Frome will be reassured on that point.

The hon. Gentleman suggested that he originally drafted the proposals in amendment No. 29, and that they were nationalised. *[Interruption.]* Yes, without compensation, but he will have the satisfaction of knowing that his words are taken seriously. The amendment removes the provision for appeals to be heard in private. I am happy to tell the House that we are content for the offending provision to be deleted from the Bill.

Amendment No. 139 provides that when a document has been certified as a copy of a conclusive map by the appropriate countryside body, it may be accepted as evidence in court unless the contrary is proven. The amendment reflects the commitment given in Committee to my hon. Friend the Member for Pendle (Mr. Prentice) to consider a similar provision. We think that it could be of assistance in dealing with prosecution cases, such as those relating to the erection of misleading notices under clause 14, or obstruction of means of access under clause 37. It will put beyond doubt the status of maps submitted to court. I hope that right hon. and hon. Members will agree that such a provision will be useful.

Mr. Bennett: I am a little disappointed in the Minister's response. I accept his rebuke that if we want to allow more appeals to take place, we should have tabled an amendment introducing a time limit so that the process is not delayed. That would have been one way of dealing with the issue. It would have been far better to have the appeals. However, if, as the Minister says, the process will be carried out through consultation, I hope that, in the guidance that he gives the Countryside Agency, he will make it clear that, in the case of a hotly contested area, the agency should err on the side of including it at that stage and allowing the landowner to appeal against its inclusion, rather than erring on the side of omission, which would mean that there would be no appeal procedure. I can see the temptation for the Countryside Agency to leave out an area because there will be no appeal, but I hope that the regulations will make it clear that if there is any doubt about an area it should be put in—after which time there can be an appeal against its inclusion—rather than being left out.

I am disappointed about the timing aspect. We should have had a clear steer from the Minister. He wants two years to complete the map of upland areas, which are easy to define. I should have thought he could have said that, in a further two years, the whole process could be completed. My hon. Friend the Member for High Peak (Mr. Levitt) made the point that the landowners want certainty. It is important in promoting tourism to be able to say to people, "The maps are there; in this area, you have so many acres or hectares or access land, so come to this very attractive part of the countryside." Part of the package must be to tell the landowners that there are benefits in having access land in their area. The sooner we get the maps, the sooner we can demonstrate to landowners that the provisions are in their interests as well as those of walkers and people who want access.

Having expressed my disappointment at the fact that my proposal that there should be a clear timetable has not been accepted, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 7

APPEAL PROCEDURE

Amendment made: No. 29, in page 4, line 29, leave out from "hearing" to end of line 31 and insert ", or".—*[Mr. Kevin Hughes.]*

Clause 9

MAPS IN CONCLUSIVE FORM

Amendment made: No. 139, in page 6, line 16, at end insert—

'( ) A document purporting to be certified on behalf of the appropriate countryside body to be a copy of or of any part of a map in conclusive form issued by that body for the purposes of this Part shall be receivable in evidence and shall be deemed, unless the contrary is shown, to be such a copy.'.—*[Mr. Kevin Hughes.]*

Clause 10

REVIEW OF MAPS

Amendment made: No. 140, in page 6, line 17, leave out "has" and insert "have".—*[Mr. Mullin.]*

Clause 12

EFFECT OF RIGHT OF ACCESS ON RIGHTS AND LIABILITIES OF OWNERS

Mr. Mullin: I beg to move amendment No. 141, in page 7, line 36, at end insert—

'( ) The use of any land by the inhabitants of any locality for the purposes of open-air recreation in the exercise of the right conferred by section 2(1) is to be disregarded in determining whether the land has become a town or village green.'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 8, in clause 13, page 8, line 7, leave out "natural".

Government amendments Nos. 142 to 144, 189 and 211.

Government new clause 23—*Effect of Part I on powers to stop up or divert highways.*

Government amendments Nos. 220 to 224.

7.15 pm

Mr. Mullin: Amendment No. 141 was inspired by an Opposition amendment tabled in Committee to clarify the position on village greens. Under existing legislation, it is possible to register land as a village green where it has been used by local inhabitants for lawful sports and pastimes as of right for not less than 20 years.

The amendment makes it clear that the new right of access is not intended to result in prescriptive rights being acquired over access land. It ensures that the use of any land by virtue of the right of access under the Bill will not be able to support a claim for the registration of a village or town green under the Commons Registration Act 1965. The amendment makes similar provision in this respect for village greens as clause 12(3) of the Bill now makes for public rights of way.

Mr. Bennett: On amendment No. 141, has the Minister seen the briefing from the Countryside Agency, which suggests that the Government have made a mess of the amendment? Is he doing anything to meet its concerns on this point?

Mr. Mullin: I have not seen the briefing from the Countryside Agency on the subject, but if I get any further information, I shall come back to my hon. Friend.

Amendment No. 142 follows up a point raised in Committee. My right hon. Friend explained that in response to amendments tabled by the hon. Members for Somerton and Frome (Mr. Heath) and for Meirionnydd Nant Conwy (Mr. Llwyd), the Government would consider whether further clarification was needed regarding the liability position in relation to trees and plants. The amendment makes it clear that occupiers will bear no liability towards those exercising the right of access in relation to any plant, shrub or tree.

The need for amendments Nos. 143 and 144 was drawn to our attention by Opposition Members—we are nothing if not a listening Government. The amendments will exclude from the new right of access land to which there is already a public right of access under section 19 of the Ancient Monuments and Archaeological Areas Act 1979—that is, monuments in the ownership or guardianship of the Secretary of State, English Heritage, or local authorities. This is in accordance with our policy of excluding from the ambit of Part I land to which the public has an existing statutory right of access.

Amendments Nos. 189, 211, and 220 to 224 will allow for the retention on the statute book of Part V of the National Parks and Access to the Countryside Act 1949. As many hon. Members will know, the 1949 Act was a landmark in the history of countryside access. As amended by the Countryside Act 1968, it provided for access agreements and access orders to be made over mountain, moor, heath, down, river and canalside, foreshore and woodland—a far more extensive interpretation of "open country" than is contained in the Bill before us. However, the 1949 Act failed to open up extensive areas of open country to the public. About 50,000 hectares of agreement land have been negotiated under the Act in the past fifty years, almost entirely over moorland. On the eve of a statutory right of access to mountain, moor, heath, down and registered common land, the 1949 Act still offers some merits that we wish to retain. That is the purpose of the amendments.

Finally, Government new clause 23 proposes to limit the effect of the new right of access created by part I on statutory powers to stop up or divert a highway or any highway. In a nutshell, the new clause proposes to stop the right of access being used as an excuse to stop up existing rights of way. I commend the amendments to the House.

Mr. Green: I rise to speak principally to amendment No. 8, but it would be churlish not to acknowledge our gratitude to the Government for accepting what the Minister described as the inspiration of some of our amendments—and, I hope, speeches to them—in Committee.

Like the hon. Member for Denton and Reddish (Mr. Bennett), I have an advantage over the Minister, in that I have seen the Countryside Agency's objection to the amendment. The agency makes the point that while it supports the aims of the amendment, as worded, the amendment

could make it impossible to register access land as a green in future even where it has a long pattern of qualifying use by local inhabitants. Caselaw requires evidence of 20 years' qualifying local use right up to the date of application to register land as a green. The amendment as worded could prevent an application in, say, three years' time to register an established green from succeeding. A saving is required to avoid this unintended effect.

[Mr. Green]

Perhaps the Minister will wish to return to this matter.

I fear that Government amendment No. 142 may give rise to difficulties, rising possibly to absurdities. It says that

> any plant, shrub or tree, of whatever origin, is to be regarded as a natural feature of the landscape.

I do not aspire to the levels of expertise of others in the House about the natural world, but an amendment solemnly declaring plants, shrubs and trees to be natural features appears, on the surface, otiose. If not, I suspect that the practical effects may present difficulties.

One has a lurid vision of one of the few irresponsible landowners setting out closely planted rows of cactuses round the edge of one of the small parcels of access land that the Minister is keen on, thus making it impossible to gain entry. Since these plants would be natural features, they would be fine under the terms of the Bill. I know what the Government are seeking to achieve through the amendment, but I am sure that they will not achieve it. If they do, there will be some unintended bad consequences as well. I suspect that those in another place may wish to return to the issue.

Amendment No. 8 is a small amendment, in that it proposes to leave out the word "natural". This is an extremely important issue for the landowners and farmers who will be most affected by the clause. The amendment seeks to remove the uncertainty arising from use of the word "natural" in clause 13, referring to owners' liability. As the Bill stands, owners' liability is excluded only in relation to the so-called natural features of the landscape. The Government have sought to deal with this by giving a wide definition of natural features, to include any plant, shrub or tree.

I am afraid that that does not go far enough and does not solve the problem of the possible unintended consequences of this restriction on owners' liability. I am aware that the Government appreciate the problem of the liability of owners of access land and that they have made efforts to tackle the legitimate concerns of occupiers' liability.

The Minister will be aware that there have been some problems; his right hon. Friend the Minister for the Environment wrongly quoted a letter from the Country Landowners Association and the British Mountaineering Council about the issue. The basic concerns of landowners, that the Bill should remove liability from all features of the landscape, cannot be coped with by the Bill unless the Government accept our amendment or something similar.

As the Bill stands, a walker could climb over a fragile stone wall to access land. He could damage the wall—paying no compensation—injure himself and then sue the owner for personal damages. That is patently an absurdity and an unfairness. Even the fear of that will have practical consequences. Insurance companies will see this eventuality as a possibility; that is what insurance companies are for. They try to anticipate the unexpected, quantify it and put a price on it. Owners will have to pay increased premiums, as well as paying for repairs to walls. Every wall will have to be subject to a risk assessment.

The situation is inequitable and goes against the grain of English law on liability. It may well weaken the Government's case on the compliance of the Bill with the Human Rights Act 1998. It is not just walls; there are other farming necessities, such as fences or ditches. As it stands, the Bill will give great pause to any farmer who wishes to use barbed wire fences on the sort of open land that will become access land. I cannot believe that that is the Government's intention.

If a ditch has to go because a farmer decides that he is not prepared to pay the extra insurance premium, presumably, after the ditch—which was there for drainage purposes—goes, a swamp will be created. I wonder whether the swamp that replaces the ditch if drainage is made worse will be regarded as a natural feature.

Mr. Hogg: My hon. Friend makes an important point. Surely landowners might decide to eliminate all man-made features—for example, bridges—on the grounds that they would not be liable if a person struggled across a stream, but would be liable if they went across a bridge which proved to be defective. The same would apply to stiles. The sensible farmer might remove what is currently provided for the benefit of those using the land.

Mr. Green: My right hon. and learned Friend is characteristically right. In Committee, we had discussions along these lines. The effect of the Bill is to induce perverse and damaging behaviour on the part of farmers and landowners. The Minister might find that the Bill was considerably improved by acceptance of the amendments.

If the Minister does not wish to take my word for it, I recommend that he read the advice of the Royal Institution of Chartered Surveyors, which says:

> If the public are given a new statutory "right of access" . . . they must accept that the countryside contains hazards and they might cause themselves injury.

That is fair enough.

> People who damage themselves while trespassing are less likely to try and sue the estate than people who have a right of access. Suing is increasingly a problem because of the rise of the no-win no-fee solicitors who advertise their services widely.

The Minister is in danger of creating a mare's nest; the combination of other factors with this inadequate part of the Bill could lead to an increase in insurance premiums which would badly affect hard-pressed farmers and lead to an increase in frivolous litigation. If the Minister and the Government admit—as they clearly do in the amendments they propose—that natural features should be defined so widely as to try to encompass everything on which walkers could injure themselves, why do they not go the whole hog and omit the word "natural"? Occupiers' liability would thus be removed if walkers damaged themselves on features of the landscape.

7.30 pm

Mr. David Heath: I thank the Under-Secretary of State for accepting the principle underlying the point I made in Committee on plants and trees. There was obviously a problem; a certain liability had not been considered. I am most grateful to the hon. Gentleman for doing as he said and introducing an amendment.

I remain concerned about the word "natural". I share many of the anxieties expressed by the hon. Member for Ashford (Mr. Green)—although not when he says that, in order to avoid liability for the effects of plants and trees, landowners will create stockades of cactuses around their estates.

Mr. Green: I was making that point in relation to small parcels of land. Of course, people would not erect such

constructions around estates, but they might do so around those small pieces of land that the Government do not want excluded from the Bill.

Mr. Heath: I am grateful to the hon. Gentleman for that helpful explanation. However, the fact that there was no liability in respect of accidental harm to a person using the land would not remove responsibility for maintaining access if the land was designated access land; there would still be an obstruction. However, I am not sure whether the hon. Gentleman was making a serious point.

The key problem relates to natural features of the landscape. Everyone who has read the Bill dispassionately has latched on to that term and wondered what it would mean in law. We discussed the difficulties in Committee. We referred to man-made, but historic, features; for example, former mineral workings. Does a pit from which building stone or lead is being extracted form a natural feature, or does it not? Are we not simply creating work for lawyers?

I am indebted to the hon. Member for Clwyd, West (Mr. Thomas), who was most helpful to us in Committee. He referred to the degree of liability that would apply under the measure as drafted. The hon. Gentleman is learned in the law and, in his view, the duty of care that would apply to a person using land for access would be that specified under the Occupiers' Liability Act 1984. He gave that definition as

such care as is reasonable in all the circumstances of the case to see that he—

the trespasser—

does not suffer injury on the premises.

We went on to discuss whether a greater duty of care would be implied under the measure, because it dealt not with trespassers but with people who had a right of access to land. Did that imply that a slightly higher duty of care would exist?

We did not receive a wholly satisfactory answer from the Minister for the Environment. He said that

such liability would be at a very low level—the duty of common humanity—as set out in the case of Herrington *v.* British Railways Board.—[*Official Report, Standing Committee B*, 18 April 2000; c. 391-98.]

Is that a correct interpretation of the level of care required? What are the implications for a landowner? If the amendment is not accepted, how will a landowner ensure that he or she is properly undertaking that duty of care to a person walking on his or her land in respect of hazards that are not natural?

There would be some difficulty in complying with that duty. If the feature was something that could be repaired—for example, the bridge to which the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) referred—the best solution would be to remove it altogether. However, if something was not repairable—a hazard in its own right—presumably landowners would have a duty to provide warning signs, unless, of course, they were likely to find themselves in breach of clause 14 by erecting a notice that deterred people from access to the land.

There is a significant problem that has not yet been addressed. The word "natural" is unhelpful in this context; it merely provides the grounds for legal challenge. Ministers must reconsider the matter before it reaches another place, where people with far more knowledge of the law than I will dissect our considerations and come to a view that will, I suspect, not be helpful to the Government.

Mr. Simon Thomas: I too want to make a few remarks on amendment No. 8. I welcome the opportunity to discuss that important provision, because it tests the Government's thinking on the matter.

The farming communities in which we live are all man-made. The features of the landscape that we see every day are man-made—that is one of the joys of our countryside. It has an intimate link with the population that has lived there for many thousands of years.

There is an example on my doorstep. I live near an iron age Celtic fort. It is much walked and may well come under the provisions of the Bill—depending on the exact definition of cultivated land—because there is grassland around it. On top of the fort, there is a 19th-century structure. I am told that it is supposed to be one of Wellington's cannons—to commemorate the battle of Waterloo.

Sometimes students from the university try to climb up or abseil down that cannon. According to the definition in the Bill, the cannon would be a man-made structure. What liability would apply to its private landowner? If a person on that land was injured, how would the landowner be liable? Would it be for the fort, the dykes, the ditches, the cannon, or the access to the land—the fences, the stiles and steep grazing land?

More thought should be given to that aspect of the measure. There is a real fear that farmers will be liable for actions over which they have no control. When farmers have access land, they cannot control where individuals go on it. They might erect signs, but they cannot mark every danger on their land. If they put up a general sign, they might fall foul of other provisions, as the hon. Member for Somerton and Frome (Mr. Heath) pointed out.

There are other hazardous items on farmland—especially in upland areas—such as small reservoirs or abandoned farm buildings. Electric fences are sometimes used to move stock from one piece of grazing land to another. How would those be brought within the ambit of the Bill? Amendment No. 8 offers a considerable improvement by removing the word "natural". Unless the Government can produce a clearer definition of "natural", we shall have some difficulties.

Public liability insurance is another consideration. That may put an extra burden on farmers and landowners. I do not know how many farmers are able to keep up their insurance payments in these hard times; such payments may be the first to go. However, under the provisions of the Bill, there is no doubt that there will be an increase in public liability insurance payments. I hope that farmers will not face too large an increase in those payments. So that they do not, I hope that the Minister will give a more detailed explanation of the liability provisions in relation to man-made and natural features on a landowner's land.

Mr. Bennett: I shall be brief. I do not support the Opposition's amendment, which would remove the word "natural", but I think that the Government should give a little more thought to the issue. It is not a question of exempting the landowner totally from responsibility, but the Government should consider the possible application of health and safety legislation to this issue.

[Mr. Bennett]

It is reasonable that landowners should take the precautions that are necessary to make their land safe for the people who work on it. Anything that makes that land unsafe for the people who work on it should be considered the liability of the landowner, but anything that occurs as a result of the activities of someone walking across the land should be a matter for which the walker should consider having insurance. One of the messages that the Bill should send out is that walkers should consider insurance cover for what they may do to others and for the accidents that may occur for which no reasonable landowner could be held responsible.

The Government should not accept the amendment, but they should give the matter a little further thought. The extent to which landowners should be liable should be based on the provisions in the health and safety legislation which say that the landowner should ensure that his estate is safe for the people who normally work on it.

Mr. Hogg: Rather to my surprise, I find myself agreeing with much of what the hon. Member for Denton and Reddish (Mr. Bennett) has just said. Walkers are primarily responsible for their own welfare and it is wrong to impose on landowners or farmers too high a standard of care. I speak from experience. For the past 30 or 35 years, my chief pastime has been mountain walking and easy mountaineering. Most of my climbing has been done in the Alps rather than in the United Kingdom, but similar principles apply.

My hon. Friend the Member for Ashford (Mr. Green) suggested that we should remove the word "natural" from the clause 13. One must face the fact that many features of hills, mountains and the uplands are in a grey area when it comes to defining them as natural or not. For example, are the slabs of rock used to cross a stream or to bridge a gulf a natural feature? The material is natural, but it has been put in place by humans. Cairns on a mountain—or steinmen as they are variously called—mark the track, but they are made of natural material. They are piled up in heaps and they can, and do, fall on the people sitting below them. Are those features natural or not? Such points need to be clarified if the Bill is to have a sensible and not a deleterious effect.

7.45 pm

My hon. Friend the Member for Ashford also suggested that the concept of a farmer's or landowner's liability is likely to have perverse consequences, and he is right. On mountains in the Alps and in the United Kingdom, safety can be improved by human introductions such as fixed ropes. People sometimes prefer to use steps or ladders as they go down steep scree slopes. In the Peak district, slabs of rock often go across boggy land so as to protect it. Bridges are used to cross streams and stiles are used to cross stone walls. If landowners have liability for those man-made facilities—which are provided as aids for those who visit the land—but not for the natural land, they will remove the aids. Why should they put up a fixed rope or bridge, or place slabs across boggy land, if they are liable for any defect in them? If they do absolutely nothing, they will not be liable. That is a perverse result and I hope that the Government do not intend it.

Mountains in the United Kingdom are working and farming areas. They are used for sheep farming and sheep very often need to be wired in. Inevitably, coils of wire are found buried in the heather; that is quite usual. In fact, barbed wire is frequently found buried in the heather. The idea that farmers can sweep an area clean of materials that have been there for many years—perhaps decades—to ensure that everyone is as safe as if the place were a bowling green is absurd. They cannot do that. I therefore fear that many landowners will face substantial claims from people who do not watch where they put their feet and who then litigate; or that many modest farmers, particularly in the uplands, will have to take out substantial insurance cover.

I am against the proposal, but we have to deal with it as it is. People like me visit the hills and they are basically responsible for their own safety and welfare. They should not look to anyone else to look after them save in a crisis, when they will be jolly pleased to receive assistance. However, when they approach a track or a bridge, they should exercise a bit of care and a certain amount of good sense. The Government's proposal is the nanny state writ large.

Mr. Jim Dobbin (Heywood and Middleton): I wish to speak to amendment No. 141 and about village greens.

In June 1999, in an historic decision in the Lords, it was declared on behalf of Sunningwell parish council that a piece of land called the Glebe was deemed to be a village green and that legislation could apply to newly registered greens. That meant that if a local community had used a piece of land for sports and pastimes for not less than 20 years, the land would have a legitimate claim for village green status. That would protect the land from development.

I have such a village green in my constituency in the village of Castleton. I shall be guided by you, Mr. Deputy Speaker, but I spoke to the Principal Clerk this morning about what I want to say. The land, which is called Cowm Top, is the subject of a High Court appeal by a developer. He is appealing against Rochdale metropolitan borough council and a constituent, Cindy Huxley, who is the secretary of Castleton residents association.

The land has been designated as a village green by the local authority and is being registered as such. The Castleton residents association is 1,100 strong and has rightly pursued this case. It has right on its side, because an independent panel has deemed the land to be a village green. The fact that the developer has refused to accept the council's decision has resulted in Cindy Huxley, who represents the residents association, being identified as personally responsible for any court costs. That would mean financial disaster for her personally, so the association finds itself unable to contest the appeal. It is a case of a large developer using its financial power to try to smash a group of local residents who were pursuing what they deemed to be a correctly taken decision. I hope that my hon. Friend the Minister will take account of the difficulties faced by local residents groups and other voluntary groups in the process.

Government amendment No. 141 should offer local communities some protection from big developers. My concern is that it may not do so. It would not offer my constituent, Cindy Huxley, any protection in her situation. I seek some assurance from my hon. Friend. For me, it is an issue of great public interest.

Mr. Desmond Swayne (New Forest, West): It strikes me that there is something entirely inequitable in the

situation of a landowner who previously enjoyed the land that he owned without encumbrances, and who now finds a duty placed on him to make that land available to the general public. One would ordinarily expect the landowner to receive compensation for the change in the status of the property that he enjoys, but on the contrary, he is penalised by having to take out expensive insurance in order to accommodate the change in the availability of his land.

I suspect that the problems to which my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) drew attention—the question of what constitutes a natural or a man-made feature—will be tested to the extreme in the courts, to the great profit of his own profession.

Given that the public will now enjoy a new right of access to the property, they should have an obligation to insure themselves against any liabilities that may occur as a result of their exercise of that new right. That would be much the best way forward. The landlord should be prosecuted only if he lays traps for the walkers and others who occupy his land, for which the existing common law would be sufficient remedy.

Mr. Green: I am grateful for the support for the principles behind amendment No. 8 from the hon. Member for Somerton and Frome (Mr. Heath) and others, including the hon. Member for Ceredigion (Mr. Thomas). I intend to press the amendment to a Division.

Mr. Mullin: Before I deal with amendment No. 8, I shall respond to my hon. Friend the Member for Denton and Reddish (Mr. Bennett) about the Countryside Agency's briefing on amendment No. 141. He will not be surprised to hear that after mature reflection, we do not consider amendment No. 141 to be poorly drafted. We accept that it could prevent a village green from being claimed, if less than 20 years' use could be shown before the right of access came into force; but once the right was in force, there would be a public right of access in any case.

My hon. Friend the Member for Heywood and Middleton (Mr. Dobbin) also touched on amendment No. 141. The Bill does not affect the law on village greens generally. It simply stops the right of access giving rise to new greens. Therefore, I am not sure that it helps the case that he raised. My hon. Friend will forgive me if I do not go into the details of the case, although he has put on the record an important issue.

On amendment No. 8, there is a slight air of unreality about the debate. It was remarked several times in Committee, not least by me, that one must pinch oneself from time to time to recall that there already exists access to millions of acres of land, without any of the dire consequences that some Opposition Members foresee. I shall return to that point.

The liability that occupiers will owe to those exercising the new right of access has attracted considerable interest and debate both inside and outside Parliament. It is also an issue on which there is some convergence of views.

Let me reiterate the Government's position, which endorses the position in law that those walking in open countryside should bear primary responsibility for their own safety. There is no disagreement among us on that. People must accept that walking in open countryside carries risks, albeit usually relatively low ones. Mountains, crags and fast-flowing water are some of the more obvious examples of natural hazards that people need to respect and for which they should take sensible precautions. The Bill removes all liability of occupiers in relation to such features of the land. That is right, and I know that that provision has been widely welcomed.

I accept that some people want the Government to go further to remove all liability in relation to all features, whether natural or man-made. The Government have listened carefully to arguments put forward by the Country Landowners Association and by the Opposition for reducing occupiers' liability still further, but we were not and we still are not persuaded that occupiers should be absolved of all responsibility for man-made features of the landscape.

We heard reference—by the hon. Member for Ceredigion (Mr. Thomas), I think, but I apologise if it was another hon. Member—to barbed wire concealed in the ground. People who leave rolls of barbed wire in a concealed position should be responsible for the consequences. I make no apology for that.

Mr. Hogg: The Minister is robust about that, but does he recognise that rolls of wire may have been left in the heather for many, many years, and that there is no realistic prospect of a farmer or landowner now discovering rolls of wire that have been left in the heather for the past 10 or 15 years?

Mr. Mullin: There is no getting away from the fact that someone who leaves barbed wire in a concealed position must take responsibility for the consequences. That example was given by the right hon. and learned Gentleman, and as he said, I respond to it robustly. That is my view.

Do we want to eliminate all liability for things that are dangerous, particularly if hidden from view where people, including children, are known to walk? I do not believe so.

Mr. Grieve: Will the Minister give way?

Mr. Swayne: Will the Minister give way?

Mr. Mullin: If hon. Gentlemen relax for a moment, there will be an opportunity for them to get in.

I consider that it is right to retain some liability—albeit at a minimal level—so as not to encourage landowners to disregard the safety of those on their land.

Mr. Grieve: I am grateful to the Minister. Can he reassure me that the liability will remain the same as it was previously, and that it is the liability that a landowner would have towards a trespasser on his land? As long as that is the position, I for one would be wholly content. If the liability is being changed because there is to be a right of public access, the argument of my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) is entirely valid.

Mr. Mullin: I can give the hon. Gentleman the assurance that he seeks. He has put his finger on the fact that the measure does not change the position, and I am grateful to him for pointing that out.

[Mr. Mullin]

The courts have found that occupiers owe a "duty of common humanity" even towards those uninvited on their land. That is reflected in the Occupiers' Liability Act 1984. No prizes for guessing who was in government then.

We must remember that the duty of common humanity is set at a very low level. Let us take the National Trust as an example. The trust has extensive experience of managing nearly 1,000 square miles of open countryside and millions of visitors annually, and it has had only a handful of claims in any year.

The figures suggest that in 1997-98, the trust had about 50 million visitors, from which only 10 claims arose. We are not moving into uncharted waters. There is already access to millions of acres. We are not attempting to change the liability that applies. It is mistaken of hon. Members to conjure up dire problems that are likely to arise. They do not arise on the millions of acres to which there is already access, and there is no reason to suppose that they will arise on the land that will later be opened up to access. There is no evidence—

8 pm

Mr. Green: The logic of the hon. Gentleman's argument must apply to natural features as well as man-made features. If it is true about man-made features, it should be true also about natural features. Why are the Government moving all their amendments on natural features? The Minister cannot have it both ways, which he is seeking to do in deploying his argument.

Mr. Mullin: I am not seeking to have the argument both ways. We are not seeking to change the level of liability. We have no evidence that those who currently occupy open country subject to statutory rights of access are required to pay higher insurance premiums than others who occupy such land from which the public are excluded.

The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) talked about the encouragement of perverse behaviour by landowners. In my view, most landowners are reasonable and responsible people. However, I accept that one or two are perverse. The name of Mr. Nicholas van Hoogstraten comes to mind. We should not allow ourselves to be swayed because there are a few extremely difficult customers, and we shall not be. Overall, I think that once the provisions are bedded in, most landowners will be pleasantly surprised to discover that they do not face any serious problems.

The Government's decision to remove all occupiers' liability in relation to natural features will place occupiers of access land in a more favourable legal position than other landowners. Given that and the minimal duty of common humanity in relation to man-made features, I believe that we have struck the right balance between the interests of occupiers and the need to provide reasonable protection for the public. I believe that making a distinction between natural and man-made features is the right place to draw the line, and I therefore ask that the amendment—

Mr. Bennett: May I take my hon. Friend back to town and village greens? I suggest that he should have further mature reflection. He is saying that there will not be possibilities for registering more town and village greens in future, and that that does not matter because people will have access under the Bill, when enacted, as they would have had access under registration. The one advantage of registration is that it stops development. By leaving the amendment as it is, my hon. Friend is making it impossible to register new greens, and it will be possible for land to disappear for development. I think that my hon. Friend should reconsider the matter.

Mr. Mullin: On most issues, I take my hon. Friend seriously, including the general issue that is before us. I give him the undertaking that he seeks, and I shall reconsider the matter. I shall write to him after further reflection has taken place. I can make no commitment. I have concluded my remarks and I ask that the amendment be withdrawn.

Mr. Deputy Speaker: For the benefit of the—

Mr. Mullin: I may have misled you, Mr. Deputy Speaker. *[Interruption.]* No, I think that I was right the first time.

Mr. Deputy Speaker: Order. Amendment No. 8 will be taken after amendment No. 141 has been put to the House, which is a Government amendment. I am dealing now with amendment No. 141.

Mr. Green: The Minister has withdrawn it.

Mr. Deputy Speaker: I think that the Minister asked the Opposition to withdraw amendment No. 8. *[Interruption.]* Order. The Opposition expressed a desire to vote on it. The Question now is that amendment No. 141 be made.

Amendment agreed to.

Amendment proposed: No. 8, in page 8, line 7, leave out "natural".—*[Mr. Green.]*

Question put, That the amendment be made:—

The House divided: Ayes 149, Noes 282.

Division No. 229] **[8.5 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Baker, Norman
Baldry, Tony
Ballard, Jackie
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Brady, Graham
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Davey, Edward *(Kingston)*
Davis, Rt Hon David *(Haltemprice)*
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard

Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Heath, David *(Somerton & Frome)*
Heathcoat–Amory, Rt Hon David
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Key, Robert
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maples, John
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Simpson, Keith *(Mid–Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Stephen Day and
Mr. Peter Atkinson.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Banks, Tony
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Burden, Richard
Butler, Mrs Christine
Byers, Rt Hon Stephen
Caborn, Rt Hon Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corston, Jean
Cousins, Jim
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis–Thomas, Mrs Claire
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Galloway, George
Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kelly, Ms Ruth
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
King, Ms Oona *(Bethnal Green)*
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McIsaac, Shona
McNulty, Tony
MacShane, Denis
McWalter, Tony
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Michael, Rt Hon Alun
Michie, Bill *(Shef'ld Heeley)*

Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Reid, Rt Hon Dr John *(Hamilton N)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Rt Hon Andrew *(Oxford E)*
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stoate, Dr Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Wood, Mike
Woodward, Shaun
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mrs. Anne McGuire and
Mr. Robert Ainsworth.

Question accordingly negatived.

Clause 13

OCCUPIERS' LIABILITY

Amendment made: No. 142, in page 8, line 8, at end insert—

'(6B) For the purposes of subsection (6A) above, any plant, shrub or tree, of whatever origin, is to be regarded as a natural feature of the landscape.'".—*[Mr. Kevin Hughes.]*

Clause 15

RIGHTS OF ACCESS UNDER OTHER ENACTMENTS

Amendments made: No. 143, in page 8, line 32, leave out "or".

No. 144, in page 8, line 35, at end insert—

'or

(d) the public have access to it under subsection (1) of section 19 of the Ancient Monuments and Archaeological Areas Act 1979 (public access to monuments under public control) or would have access to it under that subsection but for any provision of subsections (2) to (9) of that section.'.—*[Mr. Kevin Hughes.]*

Clause 16

DEDICATION OF LAND AS ACCESS LAND

Mr. Paice: I beg to move amendment No. 110, in page 9, line 1, leave out "90" and insert "21".

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 84, in page 9, line 3, after "land", insert—

'for a period of not less than 20 years or in perpetuity'.

No. 111, in page 9, line 4, after "Part", insert—

'for a period of not less than 21 years or in perpetuity'.

Mr. Paice: The amendments seek to press the Government to encourage landowners voluntarily to dedicate their land as access land. We debated that in Committee when we tabled an amendment for a shorter period of 10 years, when the Minister said:

Landowners can take a number of routes if they wish to dedicate their land in the short term, but clause 16—

which is the relevant clause—

is not one of them, as it is intended to deal with the long term.—[*Official Report, Standing Committee B*, 18 April 2000; c. 412.]

That I accept, but we then come to the definition of long term.

To the best of my knowledge, there is no facility for anyone to dedicate land for a period of 20 years or more, and if we want to encourage voluntary dedication, we need to consider that period. Obviously, if someone is prepared to dedicate land for 90 years, which is the effective period in the Bill, that is to be welcomed, and we obviously hope that that will happen. But our experience in Britain is that the more one regulates the less opportunity one creates. Many landowners who might be interested in dedicating access for 20 years, which is a long time in any individual's life and in terms of the management of any property, would not consider dedicating it for a minimum period of 90 years, or even on a permanent basis. If he did that, he would be imposing those dedication rights on his heirs and successors, who may have different priorities for the property.

The amendments reduce the period of ownership to 21 years and propose a dedication period of not less than 20 years. They are a good balance between the short-term opportunities—the Minister will doubtless repeat them; we accept their existence—and the very long-term opportunities, for which the Bill provides. I doubt whether those long-term opportunities will lead to much voluntary access. As I said in Committee, if we consider the past 90 years, we can think of all manner of historic events that have occurred globally and in agriculture and land use. The world has moved on dramatically. Who can

foresee the events of the next 90 years? I suggest that few people would be prepared to commit their land for that length of time.

There is no better example than the 1975 legislation that the previous Labour Government passed to protect three generations of inheritance of tenancies of agricultural land. As anyone in the land industry knows, farmers consequently stopped letting their land because they were not prepared to do that for the period that three generations could cover—possibly 90 years. When the Conservative Government removed that right and reduced protection for tenants, the farmland that was leased increased significantly. The 1975 example is clearly analogous to clause 16.

The Minister was right to suggest that there were other ways in which to encourage farmers to lease their land in the short term. However, the long-term period for which the Bill provides is excessive. We need a sensible balance between regulating or protecting the right of access, albeit voluntarily granted, and creating opportunities for people to do that. The amendments would provide a great opportunity for landowners to dedicate their land.

Mr. David Kidney (Stafford): Does my hon. Friend the Minister remember that, in Committee, I mentioned two possible obstacles to dedication? Dedication is a good idea, which may lead to expansion of the areas of land over which the new right of access can be exercised. The two possible statutory objections relate to local authorities and similar public bodies, and to trustees of the land.

If a dedication is perceived as a disposal of land, local authorities are under a statutory duty to obtain the best price for the disposal. That would prevent them from giving away the land as a dedication. I suggested that the Bill might include a provision that would ensure that a dedication did not count as a disposal for other statutory purposes. If trustees dedicate the land rather than selling it and realising its full value, their action may be perceived as a breach of trust, unless the Bill provides that a dedication is a charitable purpose.

My hon. Friend the Minister kindly said that he would consider those two issues. We are on Report, yet no amendment has been tabled to deal with those matters. I should be grateful to know whether my hon. Friend believes that they are not worthy of attention, or whether he is still considering them.

Mr. Mullin: Clause 16 provides an opportunity for landowners voluntarily to dedicate land to the statutory right on a permanent basis. Once the dedication has been made, the land will be treated in the same way as open country and registered common land. The dedication will also bind successors in title.

The amendments propose dedications that are not in perpetuity, but for a minimum of 20 years. That is not the purpose of the clause. The short answer to the points that the hon. Member for South-East Cambridgeshire (Mr. Paice) made is that there are already many other routes by which landowners may provide access to land, and receive grants or incentives for doing that, such as the countryside stewardship scheme, which is managed by the Ministry of Agriculture, Fisheries and Food, and the woodland grant scheme, which is operated by the Forestry Commission.

If landowners wish to allow access to their land on a less permanent basis than that offered by clause 16, such opportunities are available to them. Indeed, landowners may, if they wish, throw open their land to the public with no formality. The Bill is about providing permanence and security of access.

If a freeholder dedicates land, it should be in perpetuity. If a leaseholder dedicates land, it should be for a minimum of 90 years. The Bill provides for that. I therefore ask the hon. Member for South-East Cambridgeshire to withdraw the amendment.

We are still considering the two points that my hon. Friend the Member for Stafford (Mr. Kidney) made. The Bill has some way to go, and we shall come back to my hon. Friend.

Mr. Bennett: What about those people who got relief on taxation—I believe on death duties—by promising access? Will the clause resolve that?

Mr. Mullin: I do not believe that that is the clause's intention. However, if someone tells me that I am wrong, I shall let my hon. Friend know.

Mr. Paice: That was one of the least convincing replies to a debate that the Minister has given in Committee or on Report. Perhaps he will improve on that, and provide an even less convincing reply later.

I made it clear that I accept the existence of the short-term measures, such as the countryside stewardship scheme and the woodland grants scheme, but they are only for short periods. We were trying to establish right of access for a longer period, which is not as long as perpetuity or 90 years. If I challenged the Minister, he would not be able to give an example of a scheme that allowed dedication for as long as 20 years. The schemes to which he referred last from five to 10 years, not 20 years, for which we would provide.

The amendments were tabled in the spirit of the Bill and were intended to encourage voluntary access. I am sorry that the Minister cannot accept them. However, as he said, there is some way to go. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 17

BYELAWS

Mr. Bennett: I beg to move amendment No. 65, in page 10, line 23, at end insert—

'(6A) The relevant confirming authority shall publish guidance to access authorities as to the matters which may be included in such byelaws and the purpose thereof with the intention that byelaws in the areas of each access authority shall be consistent with the byelaws in any other access authority.'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 112, in clause 18, page 10, line 30, at end insert—

'(1A) The access authority shall review under this section the adequacy of warden arrangements in respect of any access land in their area.

(1B) A review under this section must be undertaken—

(a) in the case of the first review, not more than one year after that land became access land, and

(b) in the case of subsequent reviews, not more than five years after the previous review.'.

[Mr. Deputy Speaker]

Amendment No. 85, in clause 19, page 11, line 6, leave out "may" and insert—

'shall, where appropriate or expedient, at the request of the owner or occupier of any access land, or of land adjoining access land, or otherwise,'.

Government amendments Nos. 148, 149 and 212.

Mr. Bennett: The amendments have been tabled to ascertain what will happen to the byelaws. Walkers can consider schedule 2 and work out their duties and responsibilities on access. They must then examine the byelaws. We should not have a large variety of byelaws throughout the country so that walkers are subject to one restriction in one area and a different restriction in another area. Most people who enjoy access will not examine byelaws carefully.

The Peak district national park used to be good at putting up notices stating that it was a national park. All the byelaws were printed on the back of the notices in small print, which was difficult to read. As far as I can see, no one ever read them.

By and large, we want byelaws to be consistent throughout the country, with differences applying only in exceptional circumstances. The amendment is very similar to an amendment tabled in Committee—I think the Government said that they would have another look at it—aimed at finding out exactly what would be in the byelaws, and whether we would be better off with a set of model byelaws presented by the Government. That might have the particular benefit of ensuring that, if people wanted to do the same thing in two areas, they did it in the same way.

8.30 pm

Mr. Grieve: The issue raised by the hon. Member for Denton and Reddish (Mr. Bennett) is certainly interesting. As I said earlier in an intervention, the whole question of the relationship between the byelaws and schedule 2 strikes me as important.

I should say at the outset that I do not favour legislation on rights of access. I believe I said on Second Reading that I did not consider such legislation necessary or desirable. Given that rights of access are to be provided, however, I do not think they should be used to fetter or restrict existing rights. In particular, I do not think that trespassers should be turned into criminals without very good reason. I think that the Minister agreed with that earlier.

There will clearly be a difficulty. The byelaws envisage the possibility that local authorities, national parks authorities or whatever other authorities may be involved will start to impose regulations that, on occasion, will turn mischiefs that might previously have been described as no more than trespasses into criminal offences. What happens to a trespasser who decides to sleep in a bivvy bag on access land? I must confess that I have done that many times in the past when the land in question has not been access land, and, technically, I have probably been trespassing. Nevertheless, I believe that my activity caused no problems to anyone, and that my presence was not noticed 10 minutes after I departed in the early hours to go off and climb some new mountain.

The hon. Gentleman's point is very pertinent, but I am not entirely persuaded that uniformity is the answer. I am always anxious when powers are delegated from the House to others for the purpose of creating criminal offences. There may, for instance, be unintended consequences, because the arrangements have not been thought through properly.

I shall be interested to hear from the Minister how it is envisaged to implement the proposals. Will guidelines be issued for the purpose of matters in schedule 2, in regard to which it would be appropriate to make byelaws, and for the purpose of those in regard to which that would not be appropriate? It is clear that byelaws might be suitable in some areas covered by the schedule, although some are probably covered by the existing criminal law. I am thinking of offences of interfering with plants or trees, for instance. In other respects, however, it is difficult to see what byelaws there should be. I hope that the Minister will be able to enlighten those of us who did not have the opportunity of participating in Committee about what is envisaged for such cases, and to reassure both the hon. Member for Denton and Reddish and me.

As I say, the hon. Gentleman may be right: perhaps we need uniformity. I am not persuaded of that—I see this as a open issue. What really concerns me is that the amendment is not used as a ratchet for interfering, busybody bureaucracy where none is required.

Mr. Green: Amendments Nos. 112 and 85 deal with two separate issues—the provision of wardens and the provision of notices indicating boundaries and so forth on access land.

A consistent theme of our attempts to improve the Bill has been the need for successful management of access, in the interests of walkers particularly but also in those of owners and occupiers of land and, of course, those of the wider environment. It seems to us that the experience of parts of the country containing large amounts of access land—hon. Members on both sides of the House have referred to it—suggests that an effective warden system provides one of the keys to successful land management. Amendment No. 112 aims to ensure that if such a system does not arise organically—as it were—a scheme is in place to push the access authorities into establishing it in the first few years of the availability of the access land in question.

I am sure that many hon. Members have seen the briefing from the National Farmers Union. The NFU supports the amendment, because of its—in my view—legitimate fear that there may not be enough wardens to manage the new right of access. My hon. Friend the Member for Beaconsfield (Mr. Grieve) said that he did not wish to set up unnecessary bureaucracies. Amendment No. 112 avoids that by simply suggesting that

The access authority shall review . . . the adequacy of warden arrangements in respect of . . . access land in their area . . . not more than one year after that land became access land,

and at five-yearly intervals thereafter.

That is clearly no great imposition on anyone. It would cause no great increase in spending, or diversion of resources. It strikes us as a fairly small-scale practical measure to ensure that the warden arrangements operated at a suitable level. Apart from anything else, there will be differences in different areas: the same level of warden arrangements will not be necessary in every area where access has been granted.

If we are to enact realistic legislation benefiting all who wish to use land for leisure purposes or who own land, a decent and sensible warden system is vital. It will be particularly important during the early stages of the introduction of access land, if the Government succeed in their aim of extending the delights of walking in the countryside to a wider proportion of the population than have enjoyed them so far. Many relatively inexperienced walkers will then appear in the countryside. Clearly, it will continue to be critical as new generations use access land. To some extent, especially on safety matters, owners will need decent advice on how to manage access locally. I hope that the Government will welcome our low-key, low-cost but important proposal, which would ensure that wardens were provided for such areas.

Amendment No. 85 deals with the need for access authorities to erect and maintain notices indicating the boundaries of access land and excepted land under clause 19. That clause is permissive; it states that authorities may erect such notices. We want to harden the provision by replacing the word "may" with the word "shall" and introducing some caveats. I shall quote the words of the Minister for the Environment back at him. He complained that the similar amendment that we moved in Committee would have replaced the word "may" with the word "shall", but did

not state, "shall, where appropriate or expedient" . . .—[*Official Report, Standing Committee B*, 2 May 2000; c. 444.]

I am happy to report that, just as he and his hon. Friends claim to be a listening Government, we are a listening Opposition and have included the phrase

"shall, where appropriate or expedient"

in amendment No. 85. We understand that the access authorities must have the power to take their own sensible decisions and that an obligation that would be the same always and everywhere throughout the country must not be imposed on them.

Having taken the Minister's advice, we tabled amendment No. 85 because we believe that, as well as wardens, decent notices are key to the practical success of the widespread increase in access land. There was consensus when we discussed that matter in Committee in that both sides accepted that a lot of information must be transmitted to those embarking on a walk in open country. It is perhaps surprising but we all agreed about that, which is why we tabled amendment No. 85.

An access authority might decide that providing decent notices is not at the top of its list of priorities in any year for 101 reasons, the most obvious of which is the availability of the necessary resources. Many access authorities will not have enough money to do so. It would be easy to cut such a budget because if the money has never been there, people are less likely to notice if it never arrives.

The Government have said throughout that they expect no extra financial imposition to be placed on landowners under the Bill, so clearly the erection of such signs and notices will fall to the access authority. As in amendment No. 112, that relatively small change that we propose would ensure that access authorities give walkers and owners what they think they require—a decent service that allows the new regime to be introduced as smoothly as possible. Therefore, the new regime of access to the countryside would be much more likely to be a long-term success. In that spirit of helpfulness and to ensure that the Bill is introduced more successfully than would otherwise be the case, I commend amendments Nos. 112 and 85 to the House.

Mr. David Heath: Again, I thank Ministers for Government amendment No. 149, which deals with a proposal that I pressed the Government hard to adopt in Committee because I feared that the matter would not be covered. I am grateful to them for listening and tabling amendment No. 149.

Having said that, one reason that I wanted adequate signage was that my fear throughout has been that people will be ignorant of what they are expected to do under the Bill, not through any intent but simply because new arrangements will be in place. They will have read reports in the newspapers about their supposed new right, but, as we know, it is heavily qualified in the Bill. I do not want people to be treated as trespassers simply because they do not know the local information. That ties in with the amendment tabled by the hon. Member for Denton and Reddish (Mr. Bennett) on the degree of conformity of byelaws.

8.45 pm

I would be the last person in the world to argue that there should be absolute conformity—that is not sensible; the purpose of byelaws is to ensure adequate provision for local circumstances—but, having said that, unnecessary variation in the form of those byelaws is equally unhelpful. If the same difficulty is encountered in more than one place, it makes sense to have the same provision. That is why guidance from the Government is so important and why it is so important to have in the appropriate places signs that people can read. Even if 99 per cent. of people ignored a sign stating local byelaws, at least it would be there for them to read—they could not claim total ignorance. There is a lot to commend the hon. Gentleman's amendment and I shall be interested in what the Minister has to say.

I am glad that the hon. Member for Ashford (Mr. Green) addressed the issue of wardens, which could be difficult. If access to open countryside is to work effectively, it has to be accompanied by the infrastructure that will make it work. Wardens are part of that infrastructure. It has been proven time and again in our national parks and in some areas of outstanding natural beauty that an effective wardening system is of great assistance to people who want to take advantage of access to the countryside and to the landowners and other users of the land.

Concern has been expressed on many occasions that wardening will, sadly, be a low priority for many local authorities—perhaps not because of any intent on their part, but simply because of competing budgetary pressures. Unless the situation is monitored, at best we are likely to achieve patchy provision, and probably none at all in large parts of the country. That would be detrimental to the Bill's purposes and the Government's intention. We must send a clear signal to local access authorities that they should properly consider the adequacy of the wardening and other services that they

[Mr. David Heath]

will provide, such as supplying information and policing the Bill's operation. The amendments raise important issues and I look forward to the Minister's reply.

Mr. Simon Thomas: I shall speak briefly to amendment No. 112. I am grateful to Opposition Front Benchers for tabling it as that has allowed remarks on the warden service to be made on the Floor of the House.

I concur with the remarks of the hon. Member for Somerton and Frome (Mr. Heath) because the warden service in local government is under extreme pressure; it certainly is in my constituency. We have an excellent warden service for the Ceredigion heritage coast, which looks after the footpaths and links up with private landowners and the National Trust to put together a good countryside service for the constituency and the county. However, the wardens are already complaining to me about the lack of statutory funding.

The Minister will know that when statutory funding is absent from legislation, discretionary local government funding is not a good defence when budget time comes along. There are already pressures on the service, which are highlighted in the summer months by the number of people who visit Ceredigion and other areas that will be opened up by the Bill. The warden service will be key to the Bill's success as wardens will provide safety advice, look after fire problems that might arise and perhaps advise landowners on man-made obstructions such as barbed wire. I am sure that a warden will tell a landowner of such an obstacle when he or she finds one, and that will encourage safe access for everyone.

The public have expectations. When "may" appears in a Bill, they take it to mean "shall". Therefore, they will expect the local authority or the access authority to provide proper funding for wardens. However, that will be extremely difficult to achieve within current funding strictures, certainly in Wales. I hope that the Government will examine how funding for a warden service may be achieved and will look at the ideas behind amendment No. 112 on the need to review the service on a regular basis so that landowners and those who wish to access land get a good-quality service from access authorities, local authorities and their warden services.

Mr. Mullin: Amendment No. 65 would require the Secretary of State and the National Assembly for Wales to publish guidance about model byelaws with the aim of achieving consistency between the byelaws made by different authorities, which seems to be an entirely admirable objective. As I have already said, we are introducing a new duty on the countryside bodies to make recommendations to access authorities on the use of their powers to make byelaws under clause 17. As my Department already advises local authorities on byelaws under existing countryside legislation, no statutory powers are needed to do that. We appreciate the good intent behind the amendment, but it is not necessary.

The hon. Member for Beaconsfield (Mr. Grieve) asked when some of those byelaws would be used. We do not want to see byelaws everywhere and I suspect that the hon. Gentleman does not either. Far from it—byelaws are appropriate only in special circumstances in which a particular problem needs to be addressed with criminal sanctions. There is a safeguard, as byelaws made by access authorities must be confirmed by the Secretary of State.

On amendment No. 112 and the issue of wardens, we have provided that, in relation to access land, access authorities and district councils may appoint the number of wardens which, to them, appears to be necessary. That provision gives authorities flexibility in making appointments. As I have said before, we do not consider that wardens will be needed on all access land. Only in the so-called honeypot areas will the number of walkers possibly justify the provision of wardens. In those areas, wardens have already been appointed under other powers and we expect that access will operate quite satisfactorily on much, if not most, land without the need for wardens.

Access authorities will no doubt wish periodically to review their arrangements for wardens. That will be prudent only in assessing whether they are appointing enough wardens for the appropriate purposes and to cover the necessary areas. However, we do not agree that they should be under a statutory duty to do so, as that would be unnecessarily burdensome and would impose yet more regulation on local authorities. The Government believe in reducing regulation, not increasing it. We would encourage authorities wishing to consult others, such as local access forums, on whether the wardening arrangements are adequate. That is precisely the sort of issue which the forums should consider, and we would expect their views on it to be taken seriously by the relevant authorities.

Mr. Bennett: Is there any extra money?

Mr. Mullin: We certainly intend to provide the money that will be necessary to carry out the Bill's statutory requirements. We believe that access authorities will, in conjunction with advice from others such as the forums, provide reasonable and sufficient wardening. A duty to review would therefore be unnecessarily bureaucratic.

Likewise, amendment No. 85 would introduce unnecessary bureaucracy. It seeks to give access authorities a duty to erect and maintain notices indicating the boundaries of access land or giving information about restrictions at the request of the landowner. Clause 19 already gives authorities the power to use their discretion in deciding where notices might usefully be displayed. That provision has been designed to allow access authorities to take a sensible and balanced view of the provision of notices. The Bill also allows access authorities to contribute towards the cost of signs erected by landowners if they think fit.

If we accepted such an amendment, the duty imposed on authorities would, in any event, be difficult to enforce as it would still be dependent on the view taken by the authority. However, more fundamentally, we should not impose a new duty on access authorities. We do not want to encourage the erection of official notices in inappropriate places, including more remote and less-well-used areas. I therefore ask my hon. Friend the Member for Denton and Reddish (Mr. Bennett) to withdraw his amendment, and I hope that amendments Nos. 112 and 85 will not be pressed.

In Committee we undertook further to consider byelaw-making powers and notices, and Government amendments Nos. 212, 148 and 149 address those issues. Amendment No. 212 amends section 2(6) of the Countryside Act 1968 so that the duties of the countryside bodies, which already include giving advice to authorities

about their byelaw-making powers under the National Parks and Access to the Countryside Act 1949 and the 1968 Act, extend equally to advising authorities about the use of the byelaw-making powers in clause 17.

The amendment is essentially a logical extension of the countryside bodies' duties so that they take account of the new legislation, but we shall look to them to provide sensible guidance about the special circumstances in which byelaws might be appropriate in some places. We shall also expect them to work closely with my Department to ensure that access authorities receive consistent advice about the content of byelaws.

Amendments Nos. 148 and 149 will allow access authorities to erect signs to inform the public of anything that may assist their access to the land or to inform them about the management of access. That might include suggested paths and means of access, and although the public would not be required to use them, the information would help walkers to find the most enjoyable and practical route across land that, by its nature, is often wild and difficult to navigate.

I am grateful to the hon. Member for Somerton and Frome (Mr. Heath), who tabled a similar amendment in Committee. I said in response to that amendment that we were keen to take the appropriate steps to promote positive management of access and to give confidence to those exercising the new right. Clearly, none of us wants our countryside to become littered with unnecessary signs, but the careful and targeted use of signs by access authorities will help walkers, particularly those who are less confident about walking in open countryside.

Mr. Bennett: In view of the Minister's undertaking, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 18

WARDENS

Amendments made: No. 145, in page 10, line 29, after "authority" insert "making the appointment".

No. 146, in page 10, line 38, after "authority" insert "appointing them".

No. 147, in page 11, line 3, leave out first "which" and insert "who".—*[Mr. Meacher.]*

Clause 19

NOTICES INDICATING BOUNDARIES, ETC

Amendments made: No. 148, in page 11, line 10, leave out "and".

No. 149, in page 11, line 12, at end insert—

'and

(iii) any other matters relating to access land or to access by virtue of section 2(1) which the access authority consider appropriate.'.—*[Mr. Meacher.]*

Clause 20

INTERPRETATION OF CHAPTER II

Amendments made: No. 150, in page 11, line 41, at beginning insert—

'(5) Subject to subsection (6), in this Chapter'.

No. 151, in page 12, line 2, at end insert—

'(6) Where—

(a) it appears to the Forestry Commissioners that any land which is dedicated for the purposes of this Part under section 16 consists wholly or predominantly of woodland, and

(b) the Forestry Commissioners give to the body who are apart from this subsection the relevant authority for the purposes of this Chapter in relation to the land a notice stating that the Forestry Commissioners are to be the relevant authority for those purposes as from a date specified in the notice,

the Forestry Commissioners shall as from that date become the relevant authority in relation to that land for those purposes, but subject to subsection (7).

(7) Where it appears to the Forestry Commissioners that any land in relation to which they are by virtue of subsection (6) the relevant authority for the purposes of this Chapter has ceased to consist wholly or predominantly of woodland, the Forestry Commissioners may, by giving notice to the body who would apart from subsection (6) be the relevant authority, revoke the notice under subsection (6) as from a date specified in the notice under this subsection.'.—*[Mr. Meacher.]*

Clause 21

EXCLUSION OR RESTRICTION AT DISCRETION OF OWNER AND OTHERS

Mr. Paice: I beg to move amendment No. 11, in page 12, line 6, at end insert—

'(1A) Under this section an entitled person may exclude or restrict access by virtue of section 2(1) to any land for no more than 40 days in any calendar year.'.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Amendment No. 10, in page 12, line 7, leave out subsection (2).

Amendment No. 12, in page 12, line 14, leave out subsection (4).

Amendment No. 31, in page 12, line 15, at end add

'(which may not include more than four Saturdays and four Sundays)'.

Amendment No. 13, in page 12, line 18, leave out from "land" to second "the" in line 19.

Amendment No. 14, in page 12, line 20, leave out "may".

Amendment No. 15, in page 12, line 22, leave out "twenty-eight" and insert "40".

Amendment No. 16, in page 12 line 23, leave out "not" and insert "only".

Amendment No. 17, in page 12, line 24, at end insert—

'days from Monday to Saturday but excluding—'.

Amendment No. 18, in page 12, line 25, leave out paragraph (a).

Amendment No. 98, in clause 22, page 13, line 13, at end insert—

'( ) In this section "land management" and "management of the land" means—

(a) any activity associated with agriculture or forestry;

(b) any activity to improve or maintain habitat for wildlife and biodiversity;

(c) any activity to maintain, improve or use sporting opportunities on the land;

(d) pest control; or

(e) any other activity undertaken by or on behalf of the owner in furtherance of earning an income from the land.'.

Government amendments Nos. 152, 153, 166, 167, 186 and 188.

Mr. Paice: This is a large group, and the amendments in my name and those of my colleagues address closely related issues that go to the heart of the Bill. Amendment No. 11 seeks to change from 28 to 40 the number of days on which landowners or others with an interest can close off land without having to give reasons or make an application. Amendments Nos. 16 to 18 are designed to deal with weekends and bank holidays, and I shall return to those issues. Amendment No. 98 seeks to create a definition for the term "land management", following discussions in Committee.

9 pm

I remind the Minister of the Government's policy towards land use, and agriculture in particular. The action plan for farming was published by no less a body than No. 10 Downing street, following the so-called agricultural summit on 30 March. Let me quote:

> We all want agriculture to be prosperous, forward-looking and sustainable. It must be competitive, and flexible enough to respond quickly and effectively to market changes and consumer needs. The entrepreneurial family farm will continue to thrive—but it will often be supported by adding value to farm products or income from non-farming activity. In many more areas farmers will look to turn a positive approach to the environment to their own economic advantage.

The Minister may be pleased to know that that entirely concurs with our stance on the matter, but what is important is that it demonstrates that even the Government understand that landowners and farmers must now look beyond traditional agriculture to generate an income and use the environment to their agricultural advantage.

Let us look at the types of activities that may take place on open country, virtually all of which is being farmed or used for one purpose or another. There are many. Perhaps the commonest agricultural activity is sheep farming. Lambing takes place on a hill or on lower land, but it may be on land that is classified as open country. The period involved can be six weeks or so, which is 42 days a year. There is the requirement to gather sheep for dipping, testing, shearing and various other things. Gathering sheep can be a day-long activity on a hill. Often, farmers band together to help each other. They can be at it several days on the trot, gathering each other's flocks in. It can take several days of the year.

The last thing that anyone wants when attempting to gather stock is someone appearing over the brow of a hill just when they think they have the stock—the sheep—all together and going in the right direction; the animals will promptly turn tail and flee the other way. It is not a matter of there being any danger to anyone. Problems and difficulties may arise for the person who is seeking to earn a living from the land.

The intention of the amendments is to extend the 28 days to 40. As well as conventional farming, there is, as we discussed in Committee, use of the land for shooting of all sorts of game birds and deer, for deer stalking and deer culling. There is a whole range of activities that cannot be done within 28 days.

Mr. Simon Thomas: I sense that the hon. Gentleman is moving away from sheep farming. Before he leaves the subject of sheep completely, will he reflect on the needs of markets; on the way in which farmers have been encouraged to diversify and to sell their produce differently; and on the way in which the lambing season has changed from a very short period in the early spring to one that is spread out over several weeks? The 28 days does not suit the modern way in which lambing is done in hill farms.

Mr. Paice: The hon. Gentleman is entirely right. As his colleague, the right hon. Member for Caernarfon (Mr. Wigley), knows, I had some knowledge of that area—I still do, I hasten to say. It is where I first met the right hon. Gentleman a long while ago. I am aware of how sheep farming has changed over the years; I was a sheep farmer myself, albeit on different terrain. The situation with regard to lambing periods is as the hon. Gentleman has said. The amendment will be crucial if farmers are to respond, as the Government say they should, to changing customer needs and market requirements.

Mr. Bennett: On that point, can the hon. Gentleman explain why someone should be restricted from access during a lambing period? In what way does the individual walker—as opposed to someone with a dog—interfere, or make it difficult for lambing to take place?

Mr. Paice: Obviously an individual walker does not make it difficult for lambing to occur. As the hon. Gentleman knows, lambing is a natural event that cannot be stopped once it has started—no one has found a way of stopping it yet. However, if people disturb sheep at lambing time, it can cause serious problems of mis-mothering, where ewes leave lambs which have just been dropped and which may still be covered in placenta waiting for their mothers to lick them clean. Ewes can be very easily frightened away and may not return in time to assist their lambs before they suffocate in their cowl.

Any sheep farmer could tell the hon. Gentleman of a raft of problems that could be caused by unnecessary disturbance at lambing time, and those problems can occur regardless of whether ewes are lambing on an open hill or in a shed. Shepherding skills are crucial at that time, when the last thing farmers need is someone creating a disturbance.

We also have to consider land management issues, and I shall address them in detail in a moment. My point for the moment is that various land management activities occur in open country and are not compatible with open access. I contend that those events require much longer than 28 days, which is why we propose providing for 40 days.

In Committee, the Minister told us that he believed that 28 days was sufficient because of a subsequent clause on land management, which would cover a vast range of activities. Accordingly, we have tabled amendment No. 98, to which I shall return in a moment. The point, however, is that we have to ensure that the Bill is clear.

In Committee, the Minister said:

> Nothing that we propose to do to limit the days when landowners can automatically close their land will affect their right to apply to the countryside bodies or national park authorities for further closures on any day of the year, where they have legitimate reasons for doing so, for example for land management.

He used land management as an example, but clause 22 deals only with land management.

The Minister went on to say:

> It is not the case that the Bill would prevent shooting on Saturdays.—[*Official Report, Standing Committee B*, 2 May 2000; c. 476.]

The statement implies—and the Minister went on to clarify that it means—that clause 22 includes shooting as part of land management. Although it is perhaps understandable to say that land management includes sheep farming, I, and other Committee members, were surprised to hear the Minister say that it included shooting.

The major problem in preventing people from closing off land at weekends is that it removes from those who have an interest in the land a major opportunity to use it for personal, social or, more important, commercial purposes. I come back to the quotation from the action plan for farming that I gave at the beginning of my speech. If landowners are to increase their non-farming income, they will have to find ways of generating an income.

Hills, for example, can be used for paragliding, hang-gliding and similar activities. Although those activities may be dangerous, landowners can charge people to use their land not only to participate in those activities, but to be spectators of them. The Bill, however, would prevent landowners from closing off that land at weekends, which is the prime time for such activities. The Government are therefore preventing landowners from gaining that income.

In Committee, the Minister told us on countless occasions that he did not believe that the Bill increased the costs to landowners. The Bill may not add directly to landowners' costs, but the effect will be the same if it dramatically reduces their chance of earning an income from the land. That is why the amendments are crucial.

I turn to the issue of closing land on Saturdays and Sundays. Amendment No. 16 would create the opportunity of closing on either Saturday or Sunday, although not necessarily both. Amendments Nos. 17 and 18 are designed to allow Saturdays not to be closed. So the Minister has a choice—in Committee we used the term "a menu of choice". It is important that landowners should be allowed to use their land at weekends if that is the most appropriate time for shooting, hang-gliding or parascending—or, indeed, for the lambing to which I referred earlier.

As was said in Committee and does not need repeating in the House, sheep do not know when it is Saturday, Sunday or a bank holiday and they will not stop lambing. The Bill should not prevent landowners who have a justifiable reason for closing their land from doing so on a Saturday or a Sunday—particularly on Saturday, which is a key day for people to pay for leisure activities that are part of the diversification of land use that the Government wish to encourage.

Mr. Gray: Is there not a curious perversity here, in that the best days for a syndicated shoot on some lands are Saturdays and bank holidays? Those are the days to get people out of London and the cities on to the moors to do a bit of syndicated shooting, which is where the big money is. That big money keeps the moors going. The curious perversity is that under the Bill those are the very days on which people cannot close off their land.

Mr. Paice: It is not simply a matter of shooting, although my hon. Friend is entirely right that people will pay a premium for an opportunity to shoot on Saturdays that they will not pay during the week, when there is slightly less demand. The features of the landscape that generate the best shooting—particularly grouse shooting—are the very features that walkers want to see. A good crop of heather with plenty of heather cover across the moor and a clean environment with a healthy wildlife stock is good for grouse, but it is also exactly what people want to see. They do not want to walk through bracken-covered hills with old rank heather that has long passed its most useful date and is no longer of any value to wildlife. That means that heather has to be burned on a regular cycle to cause it to regenerate. That is a critical part of heather moor management—but is burning heather on a large scale commensurate with free access? I suggest that it is not.

The 28-day limit and matters relating to closure at weekends and bank holidays bring us to the issue of land management. Amendment No. 98 seeks to create a definition of land management and builds on what the Minister said in Committee. I have already quoted his remarks which appeared to mean that shooting was included under the heading of land management. When we sought to define land management in Committee, the Under-Secretary of State for the Environment, Transport and the Regions said at column 480:

> The proposed definition is, in some respects, rather narrow . . . the amendment might cast doubts on the possibility of closures for, for example, motor racing, war games, training racehorses or waste processing activities—[*Official Report, Standing Committee B*, 2 May 2000; c. 480.]

Those words imply that the Government fully understand that there is a need to allow landowners to seek to generate an income from that sort of activity, and that having the land open at that time poses a risk to the public.

9.15 pm

We have concentrated on the question of sheep farming, as it represents by far the biggest land use. However, many farmers also keep cattle on their hills, and that poses serious public safety issues. I said in Committee that some breeds of hill cattle can be exceedingly fierce at calving time. They will defend their calves viciously from anyone then, and it is no exaggeration to say that tragedies could happen if people appeared suddenly close to a cow with a calf.

In amendment No. 98, we have tried to define what we mean by land management. This time, I hope that our definition cannot be described as too narrow, but it is not intended to provide opportunities for unscrupulous landowners to close off their land—a matter that worried the Minister in Committee. Under clause 22, landowners can only apply to the Countryside Agency for approval to close off their land. A spurious application would be treated with disdain and rejected, but the amendment's definitions of land management—which take into account the comments made by Ministers in Committee—would provide the basis for serious applications.

[Mr. Paice]

I turn now to the criteria that we have used. I think that all hon. Members would agree that agriculture and forestry count as land management, but we argue that the maintenance and improvement of the wildlife habitat also count as land management. I have spoken about grouse, but the same criteria apply to countless forms of open-country wildlife, such as ground-nesting birds, or waders, or other species.

The amendment speaks of

any activity to maintain, improve or use sporting opportunities on the land.

That links with pest control. Most Labour Members clearly want to ban fox hunting. If they succeed, the Burns report makes it clear that the only alternative way to control foxes will be by lamping. Shooting foxes at night would be highly dangerous to anyone in the vicinity.

Mr. Gray: At present, most lamping is undertaken with a shotgun. An interesting element of the Burns report which has not yet been highlighted is that it points out that a ban on hunting would mean that lamping would be carried out with high-velocity rifles. Does my hon. Friend agree that using such a weapon to shoot foxes in the pitch dark would be extremely dangerous?

Mr. Paice: I do not know anyone who goes lamping with a shotgun. I use a rifle, as does everyone else I know. However, one uses any gun only where it is safe to do so. Burns states that the use of high-powered rifles would not be acceptable in many parts of the country—especially if open access means that those with the guns do not know where other people may be. A fox may be visible in the spotlight 100 yards away, but the shooter may not be able to see a person walking only a few yards away. That is clearly a serious public safety issue.

Mr. Swayne: Does my hon. Friend imagine that hunt saboteurs will put up their feet once this measure goes through? The reality is that they will be present to disrupt those proceedings.

Mr. Paice: That may well be the case. I genuinely do not want to digress into a debate about hunting or what may take its place. However, pest control is an important part of overall land management, particularly with regard to the agricultural and sporting use of the land.

Finally, amendment No. 98 would provide the opportunity for landowners for close the land, or seek to close it, in furtherance of generating the income that, as I have described, is in line with Government policy.

I feel sure that some right hon. and hon. Members, perhaps even the Minister, will suggest that we are simply trying to look after landlords and reduce the opportunities for people to use the countryside. That is not the case. We have looked at the debates in Committee and heeded what the Minister said. Indeed, some of our earlier proposals were for a much longer period than 40 days. We believe, however, that 40 days is a reasonable compromise—a reasonable balance, as the Minister said in relation to his choice of 28 days. We believe that the amount of time in which people will want to shoot grouse, gather sheep, burn heather or shoot foxes on their land cannot be contained within a 28-day period or restricted to Mondays to Fridays excluding bank holidays. Occasional weekend days also need to be included.

If the Minister's response to the issues of weekends and the 28-day period is that our proposals are not necessary because clause 22 provides the opportunity for landowners to apply to close off their land at any stage or for any period, it is critical that the definition of land management, to which clause 22 specifically refers, is broad enough to ensure that it covers all the eventualities that I have described. I hope that the Government will accept that the amendments have been tabled in a genuine and constructive vein, in an attempt to improve the Bill and its ability to meet the needs of land managers, without seriously damaging the opportunity for people to use the right that they will acquire under the Bill.

Mr. Bennett: The hon. Member for South-East Cambridgeshire (Mr. Paice) seems to be making a great deal of unnecessary fuss about this. I find it amazing that he believes that access should be restricted during the lambing season. I spent many of my early years on a Welsh hill farm and I never saw a Welsh hill farmer who felt that at lambing time he had to put sheep into a particular field that did not have a footpath running through it, as opposed to putting them into one with a footpath.

Mr. Paice: There is a wealth of difference between a footpath and open access. The hon. Gentleman seems to fail to understand this point, which the Government kept repeating in Committee. When there is a footpath across land, access is manageable and farmers can, if they wish, keep their sheep away. Indeed, the sheep will probably keep themselves away. If there is open access there is no control, and no management of where people may come from or walk to, or of what disturbance they may create.

Mr. Bennett: I just do not think that the hon. Gentleman lives in the real world. I have looked at lambing on footpaths, and very often the lamb is actually dropped on the footpath. The people walking across the footpath use their common sense—they walk round, they divert from the footpath. That is exactly what will happen if there is access. I think that the hon. Gentleman is making a great deal of unnecessary fuss about lambing. My plea is for there to be as few restrictions as possible to make the system work. I am sure that he accepts that farmers will not want to spend a great deal of time putting up notices telling people that access is restricted.

People who go walking pick out routes which make a circle—to get back to their cars—or between two public transport points. They will set out with the intention of making that walk. If they suddenly find, for what they perceive to be no good reason, that there is a restriction on their access, they will not be pleased. I will not dilate on how they will respond.

The problem is that the more we restrict the routes that people can take, the less willing people will be to make the legislation work. They must be convinced that there is good reason for restricting access. I would suggest that with an increase from 28 to 40 days, the temptation for landowners to make land unavailable to walkers for the maximum rather than the minimum time will be considerable.

It is important that we impress upon people in the countryside that walkers are responsible people who will not want to cause problems. They will want to move out of the way if sheep are being collected off the hillside. They will want to take into account whether lambing is occurring in the areas that they are going into. They will have enough common sense to keep well away if there are cattle on the hillsides dropping calves.

We must develop the Bill in a spirit of co-operation and not by saying that there will be longer restrictions so that people suddenly find that, having set out to walk a particular circular route, they have to walk a considerable extra distance to avoid going on to a piece of land where there is a restriction.

I plead with the Opposition not to press this matter, which would bring the Bill into disrepute, as land access would be prevented for all sorts of trivial reasons rather than for the very small number of serious reasons when access needs to be restricted.

Mr. David Heath: The great problem with discussing this important group of amendments is the risk of going into hyperbole, with one side saying that all walkers are likely to cause difficulties for farmers or landowners while the other takes the view that all landowners will be seeking to thwart the legislation by whatever means they can. That is not true of the great majority of landowners, farmers, walkers and ramblers.

The difficulty is the practical application of the Bill. The hon. Member for Denton and Reddish (Mr. Bennett) is, to a large extent, right, but his argument would be for no closures at all. He argues that there is no difference, in effect, between a 28-day closure and a 40-day closure to the individual who finds that land is closed. There is no logical reason for the hon. Gentleman to argue for one or the other if his view is that which he has expressed—other than a wish to restrict closures as far as possible. That is a perfectly reasonable position to take.

There are farming and other practices that farmers, owners and others feel would be better without disturbance. The classic case is lambing, and I agree with the hon. Member for South-East Cambridgeshire (Mr. Paice) about the need to protect lambing as far as possible on these upland areas. I cannot understand the argument that lambing can somehow take place on a Monday-to-Friday basis; it does not make sense.

The Government have taken that view because they do not want closures every weekend as a result of the discretionary closures that landowners can impose. The Government do not want the 28 days, 40 days or whatever to lead to a succession of weekends of being closed to all-comers. I understand that. It would be an abuse of discretionary closure and would be contrary to the purposes of the Bill.

9.30 pm

Mr. Paice: The hon. Gentleman is right. No one would want the land to be closed off for 28 or 40 Saturdays or Sundays. However, does he agree that no one is likely to do that, because people would not want to carry out the activities I mentioned only on Saturdays? They might do so on some Saturdays, but it is extremely unlikely that they would use Saturdays to the exclusion of all the other days of the week.

Mr. Heath: The hon. Gentleman is right; it is extremely unlikely indeed—unless someone was deliberately trying to circumvent the provisions. That is why my hon. Friend the Member for Carshalton and Wallington (Mr. Brake) and I tabled amendment No. 31. That would allow closure on four Saturdays and four Sundays in the year, but would ensure that not all the days were weekends. It would allow normal farming practices to take place.

In Committee, the Minister for the Environment made two arguments. He dealt with partial closure and made the important point that it is open to landowners to define for themselves the parts of their land that should be closed and on which days. That would make the process easier for farmers, but does it make it easier for the walker? It would make life immeasurably more difficult for the walker than if a longer period of complete closure was specified. If walkers find that a different piece of land, defined by the landowner, is closed each time they want to walk—perhaps on consecutive days—does that not lay the system open to all the abuses that worry the Minister?

If I were a landowner who wanted to be difficult, I should close ribbons of land across my estate for consecutive 28-day periods. That would thus give complete closure to access; it is a worrying lacuna in the proposals. A complete closure for a longer period would be better both for the farmer and for the landowner.

The other argument put by the Minister related to clause 22—closure for land management—to which the hon. Member for South-East Cambridgeshire also referred. There are two problems with that provision. The first is that it requires anticipation of the event. The restriction is not immediate; it must be applied for—we do not yet know by what mechanism or what delays might occur. However, it would certainly not be much help if lambing went on longer than the farmer anticipated. If a field was still in use on a Friday night, the farmer could not rush down to his friendly local access authority to ask for a clause 22 closure.

The second problem relates to the point that the hon. Member for South-East Cambridgeshire touched on: the definition of land management. Under clause 22, what does that comprise? At present, it is clear that the definition would have to be stretched beyond what is reasonable in order to encompass some of the activities that a landowner or farmer might properly want to undertake on their land.

In Committee, the hon. Member for South Derbyshire (Mr. Todd) asked how a rock concert could be organised so that it took place on a Saturday or a Sunday. Motor sport meetings were mentioned. They too would involve closure—usually at weekends. How would they be dealt with? Such events are not land management as defined under clause 22. They cannot take place within discretionary closure periods because of the weekend exemptions. That is a real difficulty.

This aspect of the Bill will cause problems. The Government have not thought it through; they have not related their good intentions to agricultural practice or to the practical effects on people trying to work the land. They should reconsider the matter.

My final point is about Government amendment No. 152. Again, it is a matter that I raised in Committee and, again, the Government have responded positively by tabling an amendment. The insertion of the words

[Mr. Heath]

"a specified person" will improve the Bill. I commend the Government for listening to the few words that I said in Committee on this point.

Mr. Dafydd Wigley (Caernarfon): I am glad to have the opportunity to take part in the debate. I am not sure whether I should declare an interest, but my local newspaper described me as a landowner because I have six modest acres of land adjacent to my house. It will not be affected by the Bill, so perhaps a declaration of interest is not necessary.

The hon. Member for South-East Cambridgeshire (Mr. Paice) mentioned the forays that he had undertaken to my part of the world. I represent a rural constituency where many of the issues that we are debating are important. There are 93 villages in my constituency and I know that he has diligently rambled around them. Perhaps he has even hunted for votes in them. I am sorry that he was not more successful, but I am sure that he enjoyed the experience of visiting my constituency.

The farming fraternity, particularly upland farmers and the sheep farmers in Snowdonia, are concerned about many aspects of the Bill and the issues raised by the amendments. I stress their concerns in supporting the amendment even though I warmly welcome many aspects of the Bill. They will be worth having on the statute book. That is why it is important to strike the right balance.

The amendment raises the question of whether we have achieved the right balance. My hon. Friend the Member for Meirionnydd Nant Conwy (Mr. Llwyd) is on parliamentary duties, and he is sorry that he cannot be here tonight. However, I have read the debate in which he took part in Committee. When the Minister for the Environment responded, he said that he accepted that the period of 28 days was a matter of judgment.

Lambing causes a problem for the Government's proposal. The hon. Member for Denton and Reddish (Mr. Bennett) spoke about people who stick to the footpaths, and if there were linear access, that problem might be much less serious. Although such access was debated in Committee, we are not returning to the point now.

I love walking in the hills and I can identify with the people who do that. I am concerned not about 99 per cent. of ramblers, but about the 1 per cent. of them who can create mayhem. I receive representations from hill farmers and sheep farmers about the nuisance that they have suffered and we have to take their concerns on board if we are to reach a settlement that will stick.

The period of 28 days is too short. A period of 40 days is a modest extension, and it is nothing like the suggestion of 90 days that was made in Committee. To build in flexibility, it might have been an idea to stipulate the number of days by order. With experience, the period could have been varied without the need for primary legislation. That might have allowed us in the National Assembly in Cardiff to vary the period in line with circumstances in Wales.

Lambing now takes place over an extended period because of the marketing patterns that have developed to respond to the difficult times faced by hill farmers. I press the Minister to follow the logic of his comments when he condemned the suggestion of 90 or 180 days that was made in Committee. He said that we should debate a more modest period, and 40 days is precisely that. The Government could accept that proposal.

My hon. Friend the Member for Meirionnydd Nant Conwy made another important point in Committee. He talked about the effect that the clause could have on highlands and on certain birds that nest and produce their young in such areas. He referred to birds such as the curlew, the stone curlew, the golden plover and others which would be vulnerable for more than the period of 28 days if no protection were provided. That aspect of the problem is another argument in favour of extending the period to 40 days, as suggested in the amendment.

Even at this late stage, I hope that the Government will take on board the modest nature of the amendment and will respond positively to it. I am glad to support it.

Mr. Christopher Gill (Ludlow): I endorse all that my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) said from the Front Bench, and stress that as a practical farmer myself, I believe that he has genuinely tried to improve the Bill in a constructive way. My hon. Friend's comments, like those that I shall make, were based on practical experience. I have some knowledge of the ways of sheep, and I know how extraordinarily frustrating they can be.

I can confirm that my hon. Friend's reply to the intervention by the hon. Member for Denton and Reddish (Mr. Bennett) was right. In his own remarks, the hon. Gentleman told the House that he had been brought up on a farm. That is untypical. It makes the hon. Gentleman, my hon. Friend and me untypical of the majority of people who go walking in the countryside. The majority of walkers were not privileged to have been brought up on a farm and are, therefore, not nearly as conversant with the ways of animals and how they will react under certain circumstances—not least how they will react when disturbed by human beings who happen to walk through their territory.

My hon. Friend instanced the problems of mustering on a hillside, when just one person appearing in the wrong place will have the effect of scattering the flock over a wide area, causing the shepherd enormous loss of time, great frustration and additional hard work under extremely trying circumstances.

Mr. Gray: I am grateful to my hon. Friend for giving way. In response to the comments of the hon. Member for Crewe and Nantwich a moment ago—*[Interruption.]* I beg the hon. Gentleman's pardon—the hon. Member for Denton and Reddish (Mr. Bennett). There is a curious explanation for my error, but I shall not go into that. I apologise to the hon. Gentleman.

The definitive briefing on the matter must be from the National Farmers Union, which states:

> It is absolutely imperative that ewes and lambs are not disturbed during the period of lambing.

Mr. Gill: The House must take notice of the NFU and people with practical experience. I respect the hon. Member for Denton and Reddish as a man with a great deal of experience of walking in the countryside, but he is not typical. He has had the experience of having been brought up on a farm, which gives him an understanding of the ways of animals that the majority of walkers do not have.

As the right hon. Member for Caernarfon (Mr. Wigley) said, whereas 99 per cent. of walkers will behave very well indeed, and will have some consideration for the countryside and the animals there, from time to time there will be someone who is capable of causing mayhem.

Generally speaking, landowners and farmers are tolerant people who will welcome and encourage recreational walkers, but it is the 1 per cent. of walkers who step out of line who not only spoil the experience for other walkers, but make the farmer's or landowner's job so difficult.

Mr. Edward Garnier (Harborough): It is my experience in Leicestershire that expectant sheep, expectant cattle and expectant birds cannot count or tell the days of the week. I wondered whether the animals in my hon. Friend's part of the country, or in any other part, were cleverer than the sheep and other animals in my part of the country. Is my hon. Friend convinced that the number of days that the Government intend to prescribe will have any bearing on the way in which animals behave as they come near to delivering their young?

Mr. Gill: I am tempted to tell my hon. and learned Friend about the local agricultural journalist in our area, whose gag is to tell the readers not to put the tup into the sheep at night, so that the farmer does not have to be up at nights lambing.

The short answer to my hon. and learned Friend's question is no, of course the animals do not know what day of the week it is or whether it is the weekend.

The exclusion of weekends from the possibility of the farmer being able to close off his land is entirely impracticable. I do not understand why anyone should consider that, during lambing, the exclusion of the weekend is acceptable. In any event, the amendment proposing that the 28-day period should be extended to 40 seems eminently sensible. Even though it is possible these days, with the development of modern techniques, to condense the lambing period, it is still unreasonable to expect farmers in the hills to compress their lambing within the 40 days that is now being proposed.

9.45 pm

My hon. Friend the Member for South-East Cambridgeshire was right to point out the perversity of the provisions in circumstances where farmers and landowners need to generate additional income. They have been exhorted by the Government to do just that by diversifying and finding other ways of producing an income so that they are not entirely dependent on agriculture, which we know is going through a difficult time. An unreasonable restriction is being imposed, and the period should be extended.

The hon. Member for Somerton and Frome (Mr. Heath) talked about the problems of definition. That is inevitable. Once a decision is taken to legislate in any area, there will be problems of definition. Problems are occasioned by the difficulty of protecting everybody's interests following the decision to legislate in a particularly difficult area. However, that decision having been made, we must ensure that as far as possible—this is the purpose of the amendments—the Bill's provisions strike a fair balance between the interests of all the parties, and that is not easily done. It is certainly not easily achieved if hon. Members who take part in the debate fail to appreciate—or do not want to do so—the practical difficulties that are faced by those who depend on the land for their living.

With these brief remarks, I hope that the Government will accept the amendment and increase the number of days from 28 to 40, and accept also the amendment dealing with the definition of land.

Dr. David Clark (South Shields): I urge my right hon. Friend the Minister not to accept the advice that he has received from the Opposition Benches, which is unfounded and does not fit the balance correctly. I am bemused by some of the comments of Opposition Members.

I speak as someone who was brought up in the Cumbrian hills. I started my working life on the land in the Cumbrian fells. I suspect that I know as much about that part of England as anyone in the Chamber. I find the discussion about a new situation that is suddenly before us bemusing. We are talking about people having a right of access to upland, farmland and elsewhere, as if that were something new that would cause many unforeseen difficulties. That is not the case.

In Cumbria, because of the Law of Property Act 1925, the vast majority of commons, because they were under old urban districts—anyone who knows Cumbria will understand that they are very rural—have provided access on foot for everyone to exercise. In addition, the rest of the commons are virtually owned by the National Trust, and there is complete and free access. I can think of only one serious mountain top in Cumbria where there is not supposedly free access.

We are not staring into the unknown. We know what the position is and farmers know what the position is. The Cumbrian farmers have learned to live with it and they compete favourably with upland farmers elsewhere in the United Kingdom. I concede that it is a matter of balance, but the Government have got that balance about right with 28 days.

Lambing has been debated at great length tonight, but the lambing season in the upland areas is not long. Early lambing is done inside. The climate is such that there cannot be an extended lambing season in the upland areas. Of course, the provision could cause the odd difficulty—that is inevitable in life—but, with good farming practice, such problems can be accommodated.

Therefore, I ask my right hon. Friend the Minister not to change his viewpoint. For the past almost 75 years, we have seen how, in one large tract of upland area, we have managed to live with access, which is perhaps far greater than in most parts of the country, while still managing to sustain a viable farming industry.

Mr. Swayne: Recently, I attended a farm open day on a Sunday in my constituency. That open day involved charging for access to the land. It was not a commercial operation, but a public relations operation on behalf of farming. Nevertheless, the charge for access to the farm was £2.50 per adult, with children being allowed access free. There was a farmers' market and an extensive farm tour on trailers attached to tractors which took more than an hour. I would estimate that some 2,000 people took the farm tour that day.

[Mr. Swayne]

Undoubtedly, not all the land that was available that day would have been subject to the right of access, but I estimate that about half of it would have been. That was not a commercial undertaking, but given my estimate of 2,000 people attending, there appears to be a commercial demand for such an activity, particularly at weekends. Would such an activity fall within the definition of land management in amendment No.98, and is that an appropriate way to encourage farmers to augment their income in these difficult times?

I have no doubt that, if so, that is precisely the sort of activity for which the amendments should cater by providing for a period of more than 28 days and access at weekends. It would be impossible to have arranged such an undertaking, charging people for access to land and laying on the farmers' market and the tour, while that land was openly available to anyone under the right of access. It would have had to have been closed for such an undertaking to have remained a success.

Mr. Meacher: Clause 24 allows the relevant authorities to make direction to exclude or restrict public access in the interests of nature conservation of heritage preservation.

In Committee, we recognised the merit of an amendment tabled by the hon. Member for Somerton and Frome (Mr. Heath), which would allow any person to be appointed for the purpose of determining the precise period of the closure or restriction. It would allow, for example, a wildlife trust with a short lease of the land to determine the period of closure in order to protect rare plants while they are in flower. Amendments Nos. 152 and 153 give effect to our undertaking in Committee, and I therefore commend them to the House.

Clause 30 enables the Secretary of State or, in Wales, the National Assembly, to make regulations relating to the exclusion or restriction of access under chapter II. Amendment No. 166 allows for regulations to prescribe the form of a notice or application under certain provisions of chapter II.

The use of forms may assist landowners by ensuring that they are aware of all the information that is required from them when making an application or posting a notification, and will ensure that the relevant authorities receive all the information that they require in order to undertake their responsibilities.

Government amendment No. 167, with consequential amendments Nos. 186 and 188, would enable the Secretary of State or the National Assembly to make regulations restricting applications from commoners under clause 22, which deals with land management, or clause 23, which covers avoidance of risk of fire or danger to the public. It responds to an undertaking which my hon. Friend the Minister gave my hon. Friend the Member for Stafford (Mr. Kidney) in Committee.

I acknowledge the anxieties that my hon. Friend the Member for Stafford and the Countryside Agency raised about the difficulties that could arise if many people with rights of common access over an area of open country chose to seek separate directions under chapter II. Government amendment No. 167 would ensure that powers would be available to the Secretary of State and the National Assembly to regulate such applications, for example, to specify that applications should be made jointly.

I shall now deal with the Opposition amendments, especially amendment No. 11. Clause 21 gives landowners and others who have an interest in the land an absolute entitlement to exclude or restrict access as they think fit, for any reason, for up to 28 days each year. While that inevitably places constraints on when the new right of access can be exercised, it is reasonable to allow those with an interest in the land the flexibility to close land, or otherwise restrict access without needing to seek anyone's permission. I believe that hon. Members from all parties share that view. Again, it reflects our wish to apply a light touch to the statutory framework and keep burdens on landowners to a minimum.

I shall tackle the more controversial issue of the length of time. Determining the figure of 28 days has inevitably been a matter of judgment. There is nothing sacrosanct about it. We have been guided, not by the fact that the figure is used in other legislation, but, as I said earlier, by our judgment about the occasions when landowners and others might need to exclude the public. I listened carefully to the hon. Member for South-East Cambridgeshire (Mr. Paice), who made an effective and passionate speech. However, in all honesty, it is difficult to envisage many such occasions, especially those that take us beyond 28 days.

It is hard to imagine how people walking across uncultivated land, away from buildings, would generally interfere with others who were using the land. My hon. Friend the Member for Denton and Reddish (Mr. Bennett) made that point effectively. Shooting is perhaps one of the few examples. There has already been much discussion about that in Committee and elsewhere.

Our understanding is that grouse moors, even large ones, are highly unlikely to sustain shooting for 28 days. Moreover, the Bill allows closure or restriction of up to 28 days of any parcel of land. The hon. Member for Somerton and Frome (Mr. Heath) also made that point. It should not be overlooked—the hon. Gentleman did not overlook it—as it gives those managing the land far greater flexibility than if closures applied to all the landholdings. For example, those involved in grouse management will be able to close or restrict access to different parts of their land for up to 28 days, assuming that they believe that restrictions are necessary. The total number of days on which closures or restrictions are in operation on different parts of a large estate could therefore considerably exceed 28 days.

The hon. Member for Somerton and Frome presented an ingenious argument in terms of ribbons, if I can so describe it, against my proposal in Committee on the abuse of closures. I accept that the discretion to close different parcels of land could be abused, for example, by closing concentric circles on different days.

It being Ten o'clock, further consideration of the Bill stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

That, at this day's sitting, the Countryside and Rights of Way Bill may be proceeded with, though opposed, until any hour.—*[Mr. Kevin Hughes.]*

Question agreed to.

As amended in the Standing Committee, again considered.

Question again proposed, That the amendment be made.

Mr. Meacher: As I was saying, such closures would quickly fall into disrepute and would be almost impossible to enforce or signpost. I do not think that abuses are likely to be frequent, or effective in reducing access.

If we have erred at all, I think that we have erred in favouring the landowner rather than the public. The Government believe that a power to exclude or restrict access for up to 28 days in any year as of right is more than adequate, and that an increase is not justified.

As for the question of whether landowners should be allowed as of right to close their land at weekends as part of their 28-day entitlement, I accept that a very balanced judgment is involved. I listened carefully to what was said, and I think all hon. Members agree that we must balance the needs of those who manage the land with our aim to give millions of people more and better access to the open countryside. It is obvious that weekends will be popular with walkers, and I have heard the arguments suggesting that they are also necessary for farmers. The Government would therefore be wary of any proposals that could be used to frustrate the genuine intentions of the legislation.

I accept that amendments Nos. 16 to 18 do not seek to add Sundays or bank holidays to the discretionary closure arrangements. I also accept that they reflect genuine concerns about potential conflicts between access and shooting. We have thought carefully about the case for including Saturdays as part of the discretionary entitlement, but we are not persuaded of that case. If we accepted the amendments, land could be closed every Saturday throughout spring and summer. That may not be the intention, but it could happen. I am more attracted to a more modest amendment—No. 31, tabled by Liberal Democrats in Committee. Giving those entitled to discretionary closures the right to exclude or restrict access for up to four Saturdays or four Sundays is, I think, a much more reasonable proposition.

Finally, let me deal with the whole question of land management, and the various comments about our attitude to it. In fact, our attitude involves giving land management a pretty wide meaning. We do not consider it sensible to provide an exhaustive list of definitions. Such a list would certainly include agricultural and forestry activities as well as shooting—I am happy to place that on record—but defining land management in the way proposed by amendment No. 98 risks excluding activities that should fall within the scope of the Bill.

I may be asked for an example. This was hinted at by others. Amendment No. 98 would not allow for a non-profit-making activity, such as a pop festival, to take place on the land. However, I should add that we do not intend "land management" to embrace nature conservation, which is dealt with by directions made under clause 24.

Clause 21(7) already allows regulations to be made to vary the days on which access can be excluded or restricted. That means that if, in the light of experience, it becomes clear that there is a case for including some Saturdays in the discretionary entitlement, the Secretary of State will have the power to amend the days as necessary.

I hope that that reassures the hon. Member for South-East Cambridgeshire. I assure the House that we shall continue to listen carefully to views expressed about discretionary closures. I recognise that a difficult judgment has to be made, and we are still trying to get the balance right, but for the reasons that I have given, I ask the hon. Gentleman to withdraw the amendment.

Mr. Paice: I appreciate the Minister's comments on land management and want to put on record the fact that he includes shooting under that heading, but I am much less persuaded about 28-day or 40-day closures and weekends. The right hon. Member for South Shields (Dr. Clark) and the hon. Member for Denton and Reddish (Mr. Bennett) sought to pour scorn on my comments about farming and especially lambing, which were supported not only by Conservative Members, but by other Opposition Members. The right hon. Gentleman said that farmers know that there is no problem, but, as my hon. Friend the Member for North Wiltshire (Mr. Gray) said, I would far rather heed the views of the National Farmers Union, which specifically said:

> We believe that the 28 days specified in the Bill is far too short a time period. Often lambing can take place over a six-week period and it is imperative that ewes and lambs are not disturbed during this time.

I believe that the NFU's voice fairly reflects the concerns of sheep farmers throughout the country, which is why we believe that 40 days is right.

The Minister said that grouse moors are unlikely to have to sustain shooting for 28 days. He is right, but shooting is only part of managing those moors. Shooting may constitute a large part of it, but 28 days is inadequate when the other activities are included. The Minister also said that, if the partial closure method were used on a large estate, parts of the moor could be closed for more than 28 days, but I stress that not all the land that we are considering is part of large estates. Some of the land in Snowdonia, to which the right hon. Member for Caernarfon (Mr. Wigley) referred, may be owned by large estates, but it is certainly not farmed as such; it is farmed by small operations, for which partial closure would not be an option.

The Minister said that moors could be closed all spring and summer if amendment No. 31, on Saturdays and Sundays, were adopted. I have to tell him that people do not shoot in the spring and the summer. Therefore, his argument is wrong if closure for shooting purposes is right.

I want to take this opportunity to say that I am sorry that the right hon. Member for Caernarfon is retiring at the next election. I was sorry that he won 20 years ago, but I shall be sorry to see him go.

We in the Conservative party are the first to recognise that the vast majority of walkers are responsible people who will take heed of the problems that they could cause. Equally, we are the first to recognise that the odd landlord or landowner will want to use whatever opportunity he

[Mr. Paice]

has to thwart the Bill. There are rogues in every group in society—that is a fact of life. The amendment is intended to balance the rights and opportunities of landowners and land users, who will be given rights under the Bill, and I commend it to the House.

Question put, That the amendment be made:—

The House divided: Ayes 155, Noes 294.

Division No. 230] **[10.9 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Ancram, Rt Hon Michael
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Baker, Norman
Baldry, Tony
Ballard, Jackie
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Breed, Colin
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Chidgey, David
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clarke, Rt Hon Kenneth *(Rushcliffe)*
Clifton-Brown, Geoffrey
Collins, Tim
Cran, James
Davey, Edward *(Kingston)*
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Flight, Howard
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve Dominic
Gummer, Rt Hon John
Hammond, Philip
Harvey, Nick
Hawkins, Nick
Hayes, John
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Howard, Rt Hon Michael
Howarth, Gerald *(Aldershot)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Laing, Mrs Eleanor
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lilley, Rt Hon Peter
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Maginnis, Ken
Maples, John
Mates, Michael
Michie, Mrs Ray *(Argyll & Bute)*
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
Öpik, Lembit
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Redwood, Rt Hon John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spicer, Sir Michael
Stanley, Rt Hon Sir John
Steen, Anthony
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Walter, Robert
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Wigley, Rt Hon Dafydd
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Peter Atkinson and
Mr. Stephen Day.

NOES

Abbott, Ms Diane
Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Ashton, Joe
Atherton, Ms Candy
Atkins, Charlotte
Austin, John
Banks, Tony
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Best, Harold
Betts, Clive
Blackman, Liz
Blears, Ms Hazel
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Mrs Anne *(C'bridge)*
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Caplin, Ivor
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, Mrs Ann *(Keighley)*
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Curtis-Thomas, Mrs Claire
Dalyell, Tam
Darling, Rt Hon Alistair
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Dunwoody, Mrs Gwyneth
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Galloway, George

Gardiner, Barry
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Hall, Patrick *(Bedford)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Hill, Keith
Hinchliffe, David
Hodge, Ms Margaret
Hoey, Kate
Hope, Phil
Hopkins, Kelvin
Howarth, Alan *(Newport E)*
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Ingram, Rt Hon Adam
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWalter, Tony
Mahon, Mrs Alice
Mallaber, Judy
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Ms Estelle *(B'ham Yardley)*
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mudie, George
Mullin, Chris
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
O'Brien, Bill *(Normanton)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Palmer, Dr Nick
Pearson, Ian
Pickthall, Colin
Pike, Peter L
Ptaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sawford, Phil
Sedgemore, Brian
Shaw, Jonathan
Sheerman, Barry
Shipley, Ms Debra
Simpson, Alan *(Nottingham S)*
Singh, Marsha
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Squire, Ms Rachel
Starkey, Dr Phyllis
Steinberg, Gerry
Stoate, Dr Howard
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Twigg, Stephen *(Enfield)*
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Dr Tony *(Cannock)*
Wyatt, Derek

Tellers for the Noes:
Mr. Mike Hall and
Mr. David Jamieson.

Question accordingly negatived.

Clause 24

NATURE CONSERVATION AND HERITAGE PRESERVATION

Amendments made: No. 152, in page 14, line 12, leave out—

'the owner of the land or the relevant advisory body'

and insert "a specified person".

No. 153, in page 14, line 14, leave out "or it".

No. 154, in page 14, leave out line 30.

No. 155, in page 14, line 40, leave out—

'a National Park in Wales'

and insert—

'Wales in respect of which the Countryside Council for Wales are not the relevant authority'.—*[Mr. Meacher.]*

Clause 27

REFERENCE BY RELEVANT ADVISORY BODY

Amendments made: No. 156, in page 16, line 20, leave out "Secretary of State" and insert "appropriate Minister".

No. 157, in page 16, line 22, leave out "Secretary of State" and insert "appropriate Minister".

No. 158, in page 16, line 26, leave out "Secretary of State" and insert "appropriate Minister".

No. 159, in page 16, line 29, at end insert—

'but as if references to the Secretary of State were references to the appropriate Minister'.

No. 160, in page 16, line 30, after "section" insert—

'the appropriate Minister' means—

(a) in relation to land as respects which by virtue of section 20(6) the Forestry Commissioners are the relevant authority, the Minister of Agriculture, Fisheries and Food, and

(b) in relation to other land, the Secretary of State;'.—*[Mr. Meacher.]*

Clause 28

APPEAL BY PERSON INTERESTED IN LAND

Amendments made: No. 161, in page 16, line 43, leave out "Secretary of State" and insert "appropriate Minister".

No. 162, in page 17, line 2, leave out "Secretary of State" and insert "appropriate Minister".

No. 163, in page 17, line 6, leave out "Secretary of State" and insert "appropriate Minister".

No. 164, in page 17, line 9, at end insert—

'but as if references to the Secretary of State were references to the appropriate Minister.

( ) In this section "the appropriate Minister" has the same meaning as in section 27.'.—*[Mr. Meacher.]*

Clause 29

EXCLUSION OR RESTRICTION OF ACCESS IN CASE OF EMERGENCY

Amendment made: No. 165, in page 17, line 11, leave out "is" and insert "are".—*[Mr. Meacher.]*

Clause 30

REGULATIONS RELATING TO EXCLUSION OR RESTRICTION OF ACCESS

Amendments made: No. 166, in page 17, line 25, at end insert—

'(cc) prescribing the form of any notice or application referred to in paragraphs (a) to (c),'.

No. 167, in page 17, line 25, at end insert—

'(cd) restricting the cases in which a person who is interested in any land only as the holder of rights of common may make an application under section 22 or 23 in respect of the land.'.—*[Mr. Meacher.]*

Clause 31

GUIDANCE BY COUNTRYSIDE BODIES TO NATIONAL PARK AUTHORITIES

Amendments made: No. 168, in page 18, line 5, after "guidance" insert "(a)".

No. 169, in page 18, line 6, at end insert—

'and

(b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 20(6) in relation to land in England.'.

No. 170, in page 18, line 8, after "guidance" insert "(a)".

No. 171, in page 18, line 9, at end insert—

'and

(b) to the Forestry Commissioners with respect to the discharge by the Forestry Commissioners of any functions conferred on them by virtue of section 20(6) in relation to land in Wales.'.

No. 172, in page 18, line 19, after "authority" insert "or the Forestry Commissioners".—*[Mr. Meacher.]*

Clause 34

FAILURE TO COMPLY WITH AGREEMENT

Mr. Meacher: I beg to move amendment No. 173, in page 19, line 31, at end insert—

'(3A) A notice under subsection (3) must contain particulars of the right of appeal conferred by section 36.'.

Mr. Deputy Speaker: With this it will be convenient to discuss Government amendments Nos. 179, 181 and 183.

Mr. Meacher: In Committee, the Government undertook to return to the House with amendments such as these. Amendments Nos. 173 and 181 will require that an access authority should, in serving a notice of intention to erect or maintain a means of access where it has not been possible to reach an agreement with the owner or occupier, include on the notice information about the right of appeal. Similar legislation such as that covering notices under planning law includes such provision, and the amendments will bring the Bill into line with that legislation.

Amendment No. 179 aims to clarify the procedure with which access authorities should comply before serving a notice of intention to carry out works on a means of access under clause 35. We intend that, before serving such a notice, the authority should have made efforts to enter into an agreement with the owner or occupier of the land to carry out similar works. The amendment provides that the access authority may serve such a notice if it is satisfied that it is unable to conclude the agreement on reasonable terms. We had quite a significant discussion about that in Committee.

The amendment enables access authorities to prevent negotiations from dragging on indefinitely by determining that they are unable to conclude the agreement on reasonable terms. They will then be able to serve notice of intention to carry out works. The cost of such works will fall entirely on the access authority. The owner or occupier has a right of appeal against the works on grounds that the works are not necessary, that the means of access should be provided elsewhere, or that the works have already been carried out.

Chapter III includes adequate provision for appeal against any notice served, but it is important that authorities are not prevented from taking action to secure means of access to access land by becoming locked in endless fruitless negotiations to secure an agreement. Where they are satisfied that they cannot reach an agreement on reasonable terms, they should be able to move on and to serve notice where needed.

Amendment No. 183 relates to the criteria that must be met for an access authority to be able to seek a magistrates order to remove an obstruction of a means of access. Broadly speaking, the criteria are that the authority must in the past three years have served at least two notices—under clauses 34 or 35—relating to that means of access. That is qualified by the requirement that the notices should not have any appeal pending in respect of them, or have been cancelled on appeal. The amendment adds the requirement that the period of notice given for compliance with both notices must have expired.

We gave a commitment to consider an amendment along those lines in Committee. Although we think it unlikely that an access authority could obtain a

magistrates order before the notice period had expired, we agree that such an occurrence would be undesirable. That is what lies behind the amendment. I hope that the House will agree that the clause should be amended accordingly.

Mr. Green: I thank the Minister for the concessions inherent in the group of amendments. As he said, we had a long, detailed and sporadically passionate debate in Committee about whether being reasonable meant appearing reasonable to the access authority itself, or being reasonable in some wider and more objective sense. I am happy to say that the formulation that the Government have come up with is much better and fairer than that in the original draft of the Bill.

I am also glad that the Minister has taken on board the points that we made about the appeal and enforcement processes. I also welcome his confirmation that the access authority will be responsible for the works carried out, if necessary, under that particular process. The amendments significantly improve on the original draft of the Bill and we are happy to support them.

Amendment agreed to.

Amendments made: No. 174, in page 19, line 35, leave out "carries" and insert "carry".

No. 175, in page 19, line 37, leave out "it" and insert "them".

No. 176, in page 19, line 37, leave out "its" and insert "their".

No. 177, in page 19, line 41, leave out "carries" and insert "carry".

No. 178, in page 19, line 43, leave out "it" and insert "them".—*[Mr. Meacher.]*

Clause 35

PROVISION OF ACCESS BY ACCESS AUTHORITY IN ABSENCE OF AGREEMENT

Amendments made: No. 179, in page 20, line 10, leave out from "are" to end of line 11 and insert—

'satisfied that they are unable to conclude on reasonable terms an agreement under section 33 with the owner or occupier of the land for the carrying out of the works'.

No. 180, in page 20, line 14, leave out "intends" and insert "intend".

No. 181, in page 20, line 16, at end insert—

'(1A) A notice under subsection (1) must contain particulars of the right of appeal conferred by section 36.'.—*[Mr. Meacher.]*

Clause 36

APPEALS RELATING TO NOTICES

Amendment made: No. 182, in page 21, line 14, leave out "its" and insert "their".—*[Mr. Meacher.]*

Clause 37

ORDER TO REMOVE OBSTRUCTION

Amendment made: No. 183, in page 21, line 34, after "35(1)" insert—

'in respect of which the period specified in the notice has expired'.—*[Mr. Meacher.]*

Clause 38

POWERS OF ENTRY FOR PURPOSES OF PART I

Amendments made: No. 184, in page 22, line 34, at end insert—

'( ) A person who is authorised by the Forestry Commissioners to do so may enter any land—

(a) for the purpose of determining whether any power conferred on the Forestry Commissioners by Chapter II should be exercised in relation to the land, or

(b) in connection with an appeal under any provision of this Part.'

No. 185, in page 22, line 47, leave out "dwelling-house" and insert "dwelling".—*[Mr. Meacher.]*

Clause 41

INTERPRETATION OF PART I

Amendments made: No. 186, in page 23, line 37, leave out—

'(as defined by section 22 of the Commons Registration Act 1965)'.

No. 187, in page 23, line 40, at end insert—

' "livestock" means cattle, sheep, goats, swine, horses or poultry, and for the purposes of this sub-paragraph "cattle" means bulls, cows, oxen, heifers or calves, "horses" include asses and mules, and "poultry" means domestic fowls, turkeys, geese or ducks;'.

No. 188, in page 24, line 12, at end insert—

'"rights of common" has the same meaning as in the Commons Registration Act 1965;'.—*[Mr. Meacher.]*

Clause 42

REPEAL OF PREVIOUS LEGISLATION, AND AMENDMENTS RELATING TO PART I

Amendment made: No. 189, in page 24, leave out lines 29 and 30 and insert—

'(b) sections 61 to 63 of the National Parks and Access to the Countryside Act 1949 (which relate to reviews of access requirements and the preparation of maps).

(1A) No access agreement or access order under Part V of the National Parks and Access to the Countryside Act 1949 (access to open country) may be made after the commencement of this section in relation to land which is open country or registered common land for the purposes of this Part.'.—*[Mr. Meacher.]*

Schedule 4

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART I

Amendments made: No. 211, in page 45, leave out lines 1 to 6.

No. 212, in page 45, line 14, at end insert—

'*Countryside Act 1968*

. In section 2(6) of the Countryside Act 1968 (Countryside Agency and Countryside Council for Wales to make recommendations to public bodies in relation to byelaws) for "and the Act of 1949" there is substituted ", the Act of 1949 and Part I of the Countryside and Rights of Way Act 2000".'.—*[Mr. Meacher.]*

New Clause 16

COMPENSATION

'.—(1) Any person with an interest in land who shows that he has suffered a loss in consequence of the exercise of the right of access conferred by section 2(1) of this Act, shall be entitled to compensation to make good such loss.

(2) A claim for compensation under this section shall be made within such time and in such manner as may be prescribed in regulations made by the Secretary of State.

(3) In this section "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.'.—*[Mr. Garnier.]*

Brought up, and read the First time.

Mr. Garnier: I beg to move, That the clause be read a Second time.

New clause 16 should be uncontroversial, as it is in line not only with legislation sponsored by both Labour and Conservative Governments, but with the common law. If it is accepted, it will allow the Secretary of State or the Minister to state with confidence that the Bill is compatible with the European convention on human rights and the Human Rights Act 1998. The Government have placed great store on statements under section 19 of that Act. Although the Act does not come into force until 2 October 2000, it is right that we should be told now whether the Government are confident that the Bill is to be covered by a statement under either section 19(1)(a) or 19(1)(b).

10.30 pm

Perhaps the Minister will remember that when he made his statement on the publication of his consultation document and I asked him about compensation arrangements, he was so unsighted or inadequately prepared, or both, that the Speaker, on hearing his answer, allowed me to ask my question again. His second answer was no better than his first.

Why do I say that new clause 16 is in line with legislation sponsored by both Labour and Conservative Governments? Part V of the National Parks and Access to the Countryside Act 1949, which was passed under a Labour Government, and sections 25 to 28 of the Highways Act 1980, which was passed under a Conservative Government, contain provisions permitting access over land, but also provide for compensation to be payable to the extent that the land's value has depreciated by reason of public access.

The approach taken in those statutes accords with established constitutional practice and European convention on human rights guidelines, and provides clear precedents on how a fair balance is to be struck on such matters in the United Kingdom. Those considerations call into question the legal propriety of the approach taken in the Bill.

Although I have referred to those statutes, the common law also recognises the importance of compensation for individuals called upon to make sacrifices of their property in the public interest. I refer to the well-known case of Burmah Oil, which was decided, in 1965, by the Judicial Committee of the other place. That case embodies the principle in a presumption of statutory interpretation that Parliament is generally to be taken to have intended compensation to be payable.

That that was in fact the intention of Parliament in connection, for example, with the 1949 Act is confirmed by the comments of the late John Silkin, the Act's sponsoring Minister. On Second Reading, he said:

I think it is right that if an owner of land suffers loss, and can prove that he has suffered loss, as a result of allowing the public to roam over his land, he should be entitled to compensation.—[*Official Report*, 31 March 1949; Vol. 463, c. 1480.]

Those comments seem to reflect established constitutional practice.

What about landowners' rights under the European convention on human rights? First, the Government have publicly stated—in the White Paper "Rights Brought Home", and in the provisions of the Human Rights Act itself—their commitment to comply with the ECHR. Secondly, property rights are protected under the European convention. Thirdly, the right to respect for one's home and privacy is also respected in the European convention.

Fourthly, to be compatible with the ECHR, any open countryside enactment would have to strike a fair balance—which means, inter alia, that access to the open countryside must not place a disproportionate burden on landowners, and that it must not cause any unjustified discrimination.

Fifthly, the Bill—albeit through silence—makes it clear that no compensation will be payable to landowners whose land becomes subject to the new rights of access. It appears that that refusal of compensation rests on an unexplored factual premise that no financial loss would be caused. We have yet to hear the reasons for that, although it is contradicted by a detailed and authoritative study presented by Dr. Noel Russell of Manchester university.

In those circumstances, we suggest that, without new clause 16, the Bill would be open to serious challenge under the European convention. As no compensation whatsoever is proposed for the losses that will occur, it is hard to see how the Government can begin to justify the fair balance requirement for interference with property rights.

Mr. Lembit Öpik (Montgomeryshire): Given that the hon. and learned Gentleman is saying that it is a matter of natural justice that there should be compensation if the land value goes down, does he agree that, in essence, either the land value will go down, in which case there will be a strong case for compensation, or it will not, in which case the Government should not be afraid of accepting that responsibility?

Mr. Garnier: I entirely agree with the hon. Gentleman and I shall develop that point later in my speech.

Statutes currently permitting access over land provide for compensation to be payable for the amount by which the value of the land has been depreciated by reason of the public access. The approach taken in these statutes accords with established constitutional practice and ECHR requirements. They also provide clear parliamentary precedents on how a fair balance is to be struck.

The Government already have a reputation for saying one thing and doing another. They should not enhance that aspect of their reputation by leaving this Bill in its

current state. Ministers are now required to consider at an early stage whether any Bill is convention compatible and to ensure that they, their Departments and their officials are fully seized of the gravity of the obligations set out in the convention.

I have to assume that the Minister, especially after the question and answer session that he and I had when he made his statement 18 months or so ago, has already given careful consideration to possible objections to the Bill that I shall draw to his attention.

First, as he will accept, property rights are protected under the ECHR and should be protected by the Bill. ECHR rights are to be secured and enjoyed by everyone. That is clear from the text of article 1 of the convention. That it includes companies, partnerships and other legal as well as natural persons is made clear in the opening words of article 1 of protocol 1, which protects property rights. All of us as citizens have the right to protection of our property rights under the convention.

Protocol 1 to article 1 provides:

> Every natural or legal person is entitled to the peaceful enjoyment of all his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

The case law of the European Court of Human Rights establishes that article 1 of that protocol contains three rules. I quote from the court's judgment in the case of Sporrong *v.* Lonroth in 1983:

> The first rule, which is of general nature, announces the principle of peaceful enjoyment of property; it is set out in the first sentence of the first paragraph. The second rule covers deprivation of possessions and subjects it to certain conditions; it appears in the second sentence of the same paragraph. The third rule recognises that the States are entitled, amongst other things, to control the use of property in accordance with the general interest, by enforcing such laws as they deem necessary for the purpose; it is contained in the second paragraph.

Secondly, the right to respect for one's home and privacy is also protected under the ECHR. Any proposal for giving rights of access to the countryside has to be considered under article 8 of the convention which provides:

> (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The word "home", the European court has observed in the case of Neimietz *v.* Germany, deserves wide interpretation and is not confined to one's home. In the same case, the court did not consider it possible or necessary to attempt an exhaustive definition of the notion of private life; again it was not prepared to define that concept narrowly.

A right of access to land where the landowner has his home would clearly interfere with the rights to respect for the home and to privacy, an integral aspect of which is the entitlement to exclude entirely the outside world. The Government's consultation paper, published about 18 months ago, appeared to recognise the need to give protection to the relevant convention rights. Paragraph 3.16 stated:

> In general, the Government considers that people should have a right of access only to land which is not developed. This will protect people's privacy in their homes, gardens and places where they go to work, other than on agricultural and forestry land.

I welcome the Government's recognition of the need to safeguard rights protected by article 8 of the convention.

Thirdly, to be compatible with the European convention, any access provision must strike a fair balance. That means that access to the open countryside must not place a disproportionate burden on landowners and must not cause discrimination.

Depending on the precise circumstances of individual landowners, enactment of clause 2 may require scrutiny under article 8 or under any of the three protocol 1/article 1 rules to which I have referred. Whichever applies, the European Court's case law establishes that measures taken must strike a fair balance, must not place a disproportionate burden on landowners, and must not cause discrimination.

Enactment of the proposals in the Bill could lead to the different treatment of lowland and upland sheep farmers, for example, or of a commercial shoot operated on moorland subject to rights of access and one on land without rights of access. Those distinctions will have to be justified in the light of article 14, which the Minister knows only too well prohibits discrimination and reinforces the case for compensation to be paid to landowners affected by a right to roam.

The level of compensation provided is central to an assessment of whether the fair balance has been struck. The recent case of Lithgow *v.* the United Kingdom offers guidance in that regard. In that case, the court judge stated:

> Compensation terms are material to the assessment of whether a fair balance has been struck between the various interests at stake and, notably, whether a disproportionate burden has been imposed on the person deprived of his possessions.

Lithgow's case also indicates that "only in exceptional circumstances" can deprivation of possessions without compensation be justified.

The Government were explicit in proposal 29 in their consultation paper that

> owners and occupiers should not be eligible for general compensation for access to their land.

That position is implicitly maintained in the Bill. In the light of the European Court of Human Rights case law, that is a striking omission. Clause 2 will reduce the existing rights of landowners significantly and can be characterised only as a deprivation of possession. Only in exceptional circumstances can deprivation take place justifiably without compensation.

In the consultation paper, the Government tried to justify the result by claiming in paragraph 3.48 that the proposals would

> not have major financial implications

for most of those affected, because

> experience suggests that there will not usually be any significant damage to walls, fences and the land itself.

I have referred already to Dr. Russell's report, which casts doubt on that assertion. It suggests that there are likely to be significant cost implications in proposals similar to

[Mr. Garnier]

those in the Bill, and that they would have an effect on land values. Since the consultation paper was published, the Government have not advanced any counter-arguments in response to the Russell report.

Mr. Hogg: My hon. and learned Friend spoke of the diminution in land values that could flow from the right of access. Does he intend to deal with the costs incurred by landowners who are obliged to maintain bridges, buy insurance and ensure that the land is clear of obstacles, and so on? Those out-of-pocket expenses may be different in kind from a diminution in land value. Does my hon. and learned Friend think that compensation should be payable in respect of such expenditure, and is the matter covered by the new clause?

10.45 pm

Mr. Garnier: My right hon. and learned Friend is right to draw the attention of the House to that matter. Indeed, he drew attention to it during an earlier debate this evening, in a very lucid exposition. The problem that I recognise in a Bill from which new clause 16 is absent is that the burden of insurance falls disproportionately upon the landowner when he is performing a task for the public good. It seems to me—and I dare say that my right hon. and learned Friend agrees—that it is unfair, unjust and contrary to the human rights legislation for the Government to require individual landowners to take upon themselves a disproportionate burden of the cost of furnishing safety and access provision when it is for the general public that such measures are being provided.

Mr. Grieve: We discussed this issue earlier with regard to trespassers, and it is central. The Government have made it clear that the duty of the landowner towards the people coming on to the land will remain the same. Those people will have the same rights under the Occupiers' Liability Act 1984 whether they are on access land or on land on which they have no right to be. From the landowner's point of view, the difference is that he will have to make a completely different assessment about the risk of such people coming into contact with material that may injure them. They will be coming on to his land in far larger numbers, and the risk will be augmented as a result.

Mr. Garnier: My hon. Friend makes a point of equal value to that made by my right hon. and learned Friend. It seems to us a matter of fairness and justice that the burden of insurance should be evenly distributed across the taxpaying population, and not visited solely on individual landowners, be they human beings or corporations. I am grateful to my hon. Friend and my right hon. and learned Friend for their assistance in this matter.

Mr. Simon Thomas: There are landowners in my constituency, in the Ystwyth valley, who have ancient lead and silver mineworkings on their land. They will now have to have regard to the fact that large numbers of people will be traversing their land and will have to expend considerable sums of money to make those mineworkings safe for public access. Should they not have a route to compensation under the new clause?

Mr. Garnier: As I understand it—and I am sure that either the hon. Gentleman or the right hon. Member for Caernarfon (Mr. Wigley) will correct me if I am wrong—owners of mines are already required to keep their mineworkings safe. None the less, the hon. Gentleman's general point fits in well with the new clause that we propose.

May I take this opportunity to join my hon. Friend the Member for South-East Cambridgeshire (Mr. Paice) in commiserating with the House—up to a point—in that we shall no longer have the advantage of the presence of the hon. Gentleman's party leader, the right hon. Member for *Caernarfon, after the next election? The contest for his* seat will be fiercely fought, but I dare say that the right hon. Gentleman will have plenty to do in Wales after the end of his career in this place.

Mr. Bennett: Does the hon. and learned Gentleman not accept that there is an existing liability on landowners under health and safety regulations, under which they must ensure that the land that is worked on is safe for those who work on it? I cannot see that there is any change of degree in other people coming on to the land, or that any extra standards are required, other than those that exist under health and safety measures at present.

Mr. Garnier: In that question, the hon. Gentleman—I do not know whether he speaks on behalf of the whole of his party—portrays a complete misunderstanding of the nature of the balance of risk and the concept of proportionality under the European convention on human rights. The Human Rights Act 1998 was passed with his support, and he ought really to study the jurisprudence under that system of law rather more closely before making such interventions.

Of course all employers have a duty of care to look after their employees, whether they work in a factory or on the open land. However, the size of the problem will be wholly different under the new access provisions. Thousands of people will be given the right of access to other people's land under this measure.

Mr. Hogg: Millions.

Mr. Garnier: Millions, as my right hon. and learned Friend says. It does not matter what the accurate number is; the principle is clear and concerns the proportionality of this invasion of property rights. I use that term not in an old-fashioned Tory sense but in a strict legal sense.

Mr. Barry Sheerman (Huddersfield): In a pompous sense.

Mr. Garnier: It is interesting that Mr. Angry, the hon. Member for Huddersfield (Mr. Sheerman)—who is well known for opening his mouth before he engages his brain—is prepared to snigger at the rights of his constituents and possibly others while the debate on compensation progresses. I regret that the hon. Gentleman—who is now the Chairman of a Select Committee—should behave as he has this evening. *[Interruption.]* If the hon. Gentleman wishes to witter on, may I suggest that he does so either on his feet—if has the guts to get on his feet—or outside this Chamber? [HON. MEMBERS: "Oh!"] The Government are giving the public a right to roam; I suggest that the hon. Gentleman makes use of it.

The Government's consultation paper suggested that a refusal of compensation could be justified on the basis that the benefits of the proposal will outweigh its costs, but that confuses two questions. Even if the public interest justifies interference in principle, it is a different matter to say that the costs can be imposed without compensation. On the contrary, as has been seen, the European convention on human rights generally requires that, even where the public benefit outweighs any loss to individual owners, those owners should be compensated so that the loss is equitable and shared among the entire public, rather than imposed disproportionately on affected landowners. That underscores the points made by right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) and my hon. Friend the Member for Beaconsfield (Mr. Grieve).

The consultation paper contained a number of inconsistencies; are we surprised, with this Government? For example, it said that the public benefit would accrue from "increased opportunities for recreation" which will improve public health and reduce social divisions. It also anticipated that

increased walking in the open countryside

would flow from the Bill. Yet when it came to compensation, the paper indicated that the

proposals are not expected to result immediately in a sizeable increase in walking in the countryside but rather an expansion of the area over which people walk".

That is comforting.

I trust that the Government will keep an open mind on the highly important issue of compensation. The fact that they were guilty of inconsistency in their consultation paper is worrying but not fatal. I urge the Minister to consider carefully the terms of new clause 16 and, with all due diffidence, invite him to say why the Bill could not be improved by its addition.

Mr. Hogg: If my hon. and learned Friend manages to persuade the Government to accede to the principle of new clause 16, will he urge on the Minister the desirability of setting the scheme in the Bill? And if the Minister insists on proceeding by way of regulation, will my hon. and learned Friend urge on him the desirability of making the regulations subject to the affirmative resolution procedure?

Mr. Garnier: I am most grateful to my right hon. and learned Friend. One of my great concerns over the past three years—and, indeed, when we were in government—has been that Ministers have taken unto themselves powers to make legislation by regulation and secondary powers, not allowing the House properly to consider the true effect of the powers that they are giving themselves. Let me take an example from the legal affairs portfolio. Under the Access to Justice Act 1999, the Lord Chancellor gave himself 17—or it may have been 27—regulatory powers to create law without this House being able to deal with it, either in a Bill or in the more acceptable way of dealing with secondary legislation mentioned by my right hon. and learned Friend the Member for Sleaford and North Hykeham.

An Act of Parliament that conflicts with a convention—especially a convention that the Government have deliberately brought into domestic law—may please the Treasury now, but it will not please the Treasury when the legal challenges start in the courts.

A solution may be found in the National Parks and Access to the Countryside Act 1949, which allowed a five-year period for any damage to become apparent. If there is no apparent need for compensation within five years, the Treasury will not suffer. If there is, it is just and sensible for compensation to be paid; it would be in compliance with the convention—not to mention the European Union charter of fundamental rights about which we are beginning to hear more.

I trust that the Minister has listened carefully to the points that I made on behalf of the Opposition and of all people who are interested in fairness under the Bill. I hope that he will give us some cogent reasons for his view—if such it is—that the new clause should not be accepted.

Mr. Wigley: I shall be interested to hear the Minister's response on the principle that compensation should be payable in the minority of cases in which circumstances might produce a material difference in the value of property, which might not only be the value of the land. I can think of one example in which access to open land is extremely close to a farmhouse. There is no other reasonable access. Many people will have to pass close to the farmhouse to gain access to the open land, so if that makes the house less valuable on the market, the question of compensation for its owners will arise.

That may apply in only a minority of cases, but other circumstances may arise. My hon. Friend the Member for Ceredigion (Mr. Thomas) and others referred to dangers on the land. Extra expenditure might be needed to cope with such dangers. Such cases might be few, but the Human Rights Act 1998 and other legislation must surely come into play. There must be some provision in the Bill to deal with such matters. When the Minister responds, will he address those difficult cases for which there should be a mechanism in the Bill?

Mr. David Heath: My hon. Friend the Member for Montgomeryshire (Mr. Öpik) was right to point out during an intervention on the hon. and learned Member for Harborough (Mr. Garnier) that there are two options: either a significant and recognisable loss to individuals will be occasioned by the Bill, in which case it must be right that the Government have a duty to provide compensation; or there will be no loss, so no compensation will be paid and the Government will not be the losers.

I tend towards the second option. There will not be many cases in which a substantial loss occurs as a result of the measure. In some circumstances, a quantifiable loss may be established. I take seriously the fact that, in the case of hill farmers—especially tenants—we are dealing with people whose land is only marginally viable. A small difference in their circumstances could have catastrophic effects on their business. It would be wrong for Parliament arbitrarily to deprive them of their living through this measure—albeit unintentionally.

No compensation process should allow either spurious claims or claims that might be made to cause difficulty for the Government or to bring the legislation into disrepute. That would be quite wrong. However, as the hon. and learned Member for Harborough pointed out, there are mechanisms that would deal with that. For example, in Committee, I cited the provisions under the National Parks and Access to the Countryside Act 1949,

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which require that genuine loss must be shown before compensation is payable. That seems to be entirely appropriate.

11 pm

I cannot possibly compete with the hon. and learned Member's exposition concerning the effect of the Human Rights Act 1998—nor would I wish to do so. He raised serious questions which the Government must answer. They have relied so far only on the assurance that the Bill, as currently framed, accords with that Act. The Government should at least respond to the case for a compensation mechanism. I applaud the fact that we have had the opportunity to discuss such a mechanism, but, unless the Minister can assure me on the very important points that have been raised, I will support the new clause in the Lobby if it is pressed to the vote.

Miss Anne McIntosh (Vale of York): I congratulate my hon. and learned Friend the Member for Harborough (Mr. Garnier) on having moved the new clause so eloquently. I lament the fact that the Minister apparently has such a closed mind, but perhaps he will prove me wrong. His answers may show that he has an open mind on the issue of compensation. However, in response to a question from the hon. Member for Pendle (Mr. Prentice), the Minister said:

> A cost benefit study for the Government, undertaken by independent consultants, supports the view that landowners will not suffer significant losses or costs as a result of the new right of access such as would warrant the provision of compensation.—[*Official Report*, 17 March 1999; Vol. 327, c. 670W.]

I support the new clause. Let me bring to the Minister's attention the fact that, if the Bill is enacted without it, a learned counsel not unrelated to the Prime Minister would be well equipped, when she returns from maternity leave, to bring one of the first cases under the European convention on human rights when it comes into force later this year.

I go further than my hon. and learned Friend the Member for Harborough. I argue vigorously that there could be three heads of compensation. The first, which as my hon. and learned Friend so eloquently outlined, is the right to protect property under the European convention on human rights. As he also said, the second is the right to compensation for preparing the ground for access. That point has received some sympathy in the House.

The third head of compensation, however, appears in new clause 3, which was regrettably not selected for debate. I hope that the Minister will also consider the provision in the new clause that calls for rights of compensation. It states:

> Any person who, on entering or remaining on access land for the purposes of
>
> access and enjoyment of the land and who causes damage should make good
>
> that damage and compensate the landowner for any damage so caused.

I have great sympathy with the arguments for a greater balance in the distribution of risk for insurance purposes between the interested parties. I have great pleasure in supporting new clause 16.

Mr. Hogg: I support the principle behind the new clause. As I told my hon. and learned Friend the Member for Harborough (Mr. Garnier), I believe that such a scheme should be on the face of the Bill or, at the very least, should be dealt with by regulations that are subject to the affirmative resolution procedure. My preference, however, is for the provision to appear in the Bill.

We need to be clear about the fact that, as a result of the Bill, farmers and landowners will incur expenditure: that is absolutely certain and to deny it is an absurdity. The expenditure will fall under certain obvious heads. For example, it is certain that there will be increased insurance premiums to pay. The hon. Member for Denton and Reddish (Mr. Bennett) suggested that some landowners already incur insurance premiums in respect of their workers—and that, no doubt, is true. However, on the estates with which we are dealing, the number of workers can probably be counted on the fingers of two hands. We are speaking of unlimited access—millions of people will have the right of access, although it will not be exercised by millions. That will have a dramatic effect on the insurance premiums that must be paid, which will be much larger than any premiums currently paid.

Secondly, there will be greatly increased maintenance costs. As a consequence of considerably increased access, there will be much heavier usage of roads, tracks, bridges and so on, and inevitably costs will be incurred in making those good. The insurance companies will require regular inspections and the undertaking of maintenance works.

That brings me to the third head of expenditure. Leaving aside obvious making good of bridges and roads, there will be the obligation on the part of a landowner-farmer regularly to survey the land to see, for example, that there are no obvious or less obvious traps—the barbed wire and coils of wire that we mentioned when we discussed amendment No. 8. That is not a negligible burden.

Take another head, which is of a slightly different kind. There may be—I do not want to put it higher than that—economic loss flowing from the right of access. I can envisage certain obvious heads of economic loss—for example, the loss of lambs to flocks that are running on the mountainside. There may well be a diminution in lambing as a consequence of public access. There may well be a diminution in the value of shooting rights as a consequence of public access. That is real economic loss.

A different point—although in a sense it encapsulates the whole—is the plain fact that land is less valuable when other people have rights over it that they did not previously have. That is difficult to measure, but not impossible. From time to time, land valuation tribunals have had to consider the effect on land on which new easements or other rights are suddenly created. It is fundamentally wrong to deny that there will be both costs and loss.

That takes us to the difficult question of where the loss should fall. Historically, the House of Commons and, indeed, our constitutional system have not always recognised the need for compensation. There are those who know that I have been responsible for regulations that did not provide for compensation. I am thinking, for example, of the head deboning prohibitions that we imposed as part of the BSE requirements. There are many other examples, because historically the House has taken the view that when one imposes restrictions or

prohibitions, one does not compensate. That has been the historical point of view, and I have some sympathy with it, but I think that it is changing, for a number of reasons.

Mr. Garnier: I am grateful to my right hon. and learned Friend. Is not one of the reasons—perhaps the major reason—why it is changing the Human Rights Act 1998, and the need for Ministers to comply with section 19? The Government must make up their mind whether the Bill is to come under section 19(1)(a) or section 19(1)(b), and they must make it abundantly clear which route they intend to take.

Mr. Hogg: I entirely agree with my hon. and learned Friend. There are three reasons why we are changing from the historical position. The first is that Governments are regulating more in areas which are bringing about economic loss. We are therefore more sensitive to the issue than we have been historically. Secondly, there is a greater belief in defensible rights in the community as a whole which are capable of being quantified in monetary compensation than was the case 20 or 30 years ago. That is a factor which stands separate and independent from the European convention on human rights.

However, my hon. and learned Friend is right when he says that the introduction to domestic law of the European convention—particularly the articles on compensation—fundamentally alters the terms of trade. Therefore, although in the past I have justified the position that the Government should not pay compensation—

Mr. Deputy Speaker (Mr. Michael J. Martin): I should not intervene, but those head deboners were in my constituency, and the right hon. and learned Gentleman was not very helpful at the time.

Mr. Hogg: First, I made no secret about the fact that I had done what you, Mr. Deputy Speaker, said I had done. Secondly, I am recanting, and that, Mr. Deputy Speaker, you should find immensely attractive.

I have in the past justified Government not paying compensation, but I have come to the view that I was probably wrong at the time. That we must change I am certain, because of the implications of the European convention.

A variety of arguments come into play. There are the arguments that stem from the European convention, incorporated into domestic law, but there is also the argument of natural justice. In the end, we have to determine where loss falls, and, when Parliament decides to impose burdens and costs on others, the state should shoulder that burden. We need to be cautious that we put in place a system that prevents individuals from fleecing the public, but that is not beyond our ability. Admittedly, it might be to the benefit of lawyers, and that might not be entirely welcome to the House.

Mr. Grieve: My right hon. and learned Friend may agree that, in view of the nature of the challenges that would be raised against the legislation when it reached the statute book, failure to introduce the new clause would probably be an even greater recipe for money for the legal profession.

Mr. Hogg: Yes, subject to the fact that there would be only one or two challenges, then a declaration of incompatibility, and then the Government would be in the soup. The Opposition, and, I suspect, much of the rest of the House, are agreed that we need to look again at the matter with a view to considering a proper compensation scheme, which does not enable landowners to fleece the public but which ensures that proper costs and losses are reimbursed.

Mr. Grieve: The principle that has been put forward by my hon. and learned Friend the Member for Harborough (Mr. Garnier) in introducing new clause 16 is unarguable, and with the advent of the Human Rights Act and its incorporation of the European convention in our law, I am astonished that the matter has not been properly grasped by the Government.

The only explanation offered against compensation is that there is no necessity for it because the Government are confident, not of the lack of need to compensate, but of the fact that they cannot foresee any circumstances in which compensation might be required.

During the course of the evening, we have considered a number of areas where the likelihood of compensation must arise. I hope that the Minister will note that this is not simply a partisan issue. With regard to whether it was right that people on access land should be deprived of the protection of the Occupiers' Liability Acts, I share the Minister's view that they should not be, and that they should continue to have trespassers' protection. That is all very well, but who will pay for the extra costs on the landowner which must flow from such a provision? The risk will clearly be entirely different depending on whether a few dozen or many thousands come on to the land in any given year.

11.15 pm

To pick up on a comment that was made earlier, all health and safety legislation—a subject with which I am familiar—is about balancing risk. When balancing risk, one must consider the number of people who are likely to come into contact with a specific risk. If the Bill succeeds, as the Minister for the Environment wants, he hopes to open up large tracts of countryside, which have hitherto been rarely visited—except sometimes by people creeping over it at night, as they did over Kinder Scout in the 1930s, or by some hon. Members, who like to sleep in other people's woodland or moorland. Such land will be accessible to many more people. The risk will therefore increase. There is no reason for the landowner to bear that burden.

I agree that there may be diminution in the value of the land, although the Minister may be right that it will be negligible or unidentifiable. However, he referred to honeypot areas, which may develop. What will happen in the case of a honeypot that was previously a large tract of countryside, in which people could experience quiet enjoyment but could find, after the Bill is enacted, that they have to share it with many thousands of people? It is astonishingly optimistic to believe that that will not have a quantifiable financial effect which requires compensation.

I hope that the Minister will reconsider, because the fairness of the Government's approach will be assessed partly by their willingness to accept the principle of compensation. They currently give the impression of being ostriches hiding their heads in the sand. I am convinced that they will receive some unpleasant

[Mr. Grieve]

surprises. In the Minister's position, I would prefer to be able to say that the Government had faced the problem from the outset and that they would pay compensation when required, instead of giving the impression of running away from responsibility.

Mr. Meacher: In the past hour, we have listened to a rather lengthy, slightly legalistic and perhaps esoteric, but certainly one-sided, presentation of the costs and benefits of the Bill. I want to offer a more balanced presentation of the measure's impact.

New clause 16 would provide general compensation for landowners and others who have an interest in the land. The Government's position is clear: general compensation is not warranted. I went to considerable lengths in Committee to explain the reasons for that.

In drawing up the Bill, we have borne in mind the needs and interests of landowners and others who own and use the affected land. The Bill contains numerous safeguards designed to minimise the impact on landowners and managers. The right is limited to access on foot and is subject to comprehensive restrictions. Even swimming or organised games are not allowed under the new right. The affected land is uncultivated, and often in the most wild areas of the country. Walking through fields of crops, even where livestock are likely to be intensively grazed, is not permitted. Dogs must be on leads where there are livestock. Buildings and their curtilages, including gardens, will be specifically excluded, although we do not expect to find many houses in open countryside.

Mr. Garnier: The Minister's remarks are doubtless true and interesting. However, they do not answer our point. What is the difference between general compensation and any other sort of compensation that he may have in mind?

Mr. Meacher: General compensation would be compensation for the general right of access allowing people to walk over open and uncultivated country that is privately owned. As for specific compensation, referred to by the right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg), I have made it clear repeatedly that the landowner or land manager would be able to recoup the costs incurred in facilitating and maintaining access—for example, providing stiles, waymarks or car parks.

The Bill makes it clear that the right will not interfere with landowners' ability to use and develop their land as they wish. Although we do not expect walkers to pose significant problems for landowners, we have provided for landowners to have the right to close their land for up to 28 days for any reason and without permission. *[Interruption.]* I know that the hon. Member for South–East Cambridgeshire (Mr. Paice) is exceedingly familiar with the subject, but others may be less so.

If there are genuine land management reasons for a need to restrict access still further, landowners will be able to apply to the countryside bodies or to national park authorities.

Mr. Hogg: The Minister was good enough to remind us that landowners who incur specific expenditure can recoup that expenditure. Will he be kind enough to refer us to the relevant clause, so that we can establish whether it is wide enough?

Mr. Meacher: I cannot refer the House to the clause instantly, but I can quickly give the right hon. and learned Gentleman the justification in the Bill. What I have said is unquestionably the case, although I do not carry the details of 75 clauses in my head.

Mr. Garnier: Will the Minister give way?

Mr. Meacher: The hon. and learned Gentleman has already intervened. I shall allow him to do so once more, but I am trying to make a case. I listened carefully to him when he tried to make a case for three or four times as long. If he listens a little more to what I have to say, I will give way to him later if he wishes.

The Government recognise—the right hon. Member for Caernarfon (Mr. Wigley) raised this point—that in the more popular areas visitor pressure may cause wear and tear, and is most likely to have an impact on land management. It is precisely in such areas that we shall want to ensure that arrangements are made for the effective management of access. We are, for example, making provision for the creation of new means of access, and for the appointment of wardens where appropriate.

Of course there are provisions for diversion of rights of way. I think that the Bill takes into account the problem that the right hon. Gentleman said was confined to a small minority of cases—but I see that he is anxious to respond.

Mr. Wigley: My point was that the access might not go through the curtilage of a house, but might be close to it. Surely the fact that a house that has enjoyed quiet in the past suddenly becomes part of a "honeypot" area will have an effect on its value. The question of compensation must then arise.

Mr. Meacher: There is provision for diversion of rights of way, and that applies particularly to "honeypot" areas. If there are problems such as erosion of land or damage to tracks or paths, the Bill provides for closure, restrictions or diversions. I assure the right hon. Gentleman, who did not have the opportunity to sit on the Committee, that the Bill takes adequate account of such problems.

It is always useful to have officials nearby. I am informed—in answer to the point raised by the right hon. and learned Member for Sleaford and North Hykeham—that clauses 19 and 33 are relevant.

Mr. Garnier: Will the Minister give way?

Mr. Meacher: No. I am going to make my case. I am sure that the hon. and learned Gentleman can return to his point later.

The statutory countryside bodies, the national park authorities and other local authorities will all have a part to play in helping to ensure that the new right is implemented and managed in ways that are sensitive to the needs of those who own or manage the land. Through positive management and promotion, including public

funding of the means of access and the appointment of wardens where necessary, any potential adverse impacts can be effectively minimised.

Although I would expect Conservative Members to focus on the perceived costs of the new right and understand why they have done so, I hope that they also recognise the potential benefits—not only the generation of extra income, but reduced costs for some owners. For example, landowners who have tolerated public access on a de facto basis—a number have done so—will benefit from reduced occupiers' liability. Where the land is popular with walkers, the provision of wardens would be expected to help to reduce costs.

The hon. and learned Member for Harborough (Mr. Garnier), the right hon. Member for Caernarfon and the hon. Member for Somerton and Frome (Mr. Heath) raised the question of the risk of a decline in land values. Indeed, the hon. and learned Member for Harborough drew attention to the retention of powers for access orders under the National Parks and Access to the Countryside Act 1949, which provides for compensation. We are continuing with those access orders.

The point is that the 1949 Act provides for compensation in relation to specific sites or areas where landowners have refused to enter into access agreements. Access orders are therefore highly discriminatory and, as such, compensation is provided; but the Bill will apply to extensive areas of certain types of open country. Hence it does not discriminate between different owners. We therefore do not expect land values to be affected significantly.

What we propose is not without precedent. The Law of Property Act 1925 contained no provision for compensation when it introduced a right of access to the so-called urban commons, many of which are anything but urban. So far as I am aware, the absence of provision for compensation attracted little comment in the 1920s despite the creation of a much wider right of access, including for horse riders. The Act did not contain the same restrictions or provision for closures as this Bill. More recently, under the previous Government we had the example of the Dartmoor Commons Act 1985, which does not seem to have given rise to arguments about compensation.

I entirely accept that there is a balance to be struck between the public interest and private rights. We accept that there may be a minimal interference with the private property rights of some landowners, but that very limited interference has to be weighed in the balance with the right of millions of people to enjoy—without doing any harm or damage—extensive areas of open countryside. We believe that a fair balance has been struck, in accordance with our obligations under the European convention on human rights, without any requirement for compensation.

The Government's position is clear. We have gone to considerable lengths to avoid placing burdens on land managers and owners; some people may think that we have done a little too much to accommodate their concerns. I accept that the result is a right that is limited and constrained, but I believe that those who will benefit from the new right will accept those limitations. The balance is difficult to strike, but I believe that we have got it right. For all those reasons, I ask that the new clause be withdrawn.

Mr. Garnier: I shall respond briefly to the points that have been raised. I thank my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg), my hon. Friends the Members for Beaconsfield (Mr. Grieve) and for Vale of York (Miss McIntosh), and the hon. Member for Somerton and Frome (Mr. Heath) for their constructive contributions. As always, I found it interesting to listen to the Minister, but his response was not terribly helpful. Indeed, trying to engage him in an argument was rather like trying to nail jelly to the ceiling.

11.30 pm

The Minister complained that my contribution to the debate was lengthy, legalistic and esoteric, but if he is not prepared to listen to legal arguments about the construction of laws in Parliament, I really do not know where we are. I appreciate that there are some members of his party who, having won the 1997 election by a massive majority, thought that it was an appalling constitutional device that we should debate laws at all. None the less, that is what we in the Opposition are here for, and I shall keep the Government up late at night if it is in the interests of the public to have their laws sensibly considered. *[Interruption.]* The babes want to go to bed, but they will have to wait a little longer.

The difference between general compensation and other compensation is not fully appreciated by the Minister. He relied on clause 33 for his arguments, but if he read it a little more carefully rather than depending on notes flying across the Bench from his parliamentary private secretary, he would see that clause 33(1) makes it clear that the agreements are discretionary, in that the access authority may pay compensation.

The right hon. Gentleman ought also, before he came to the Chamber, to have read section 8 of the Human Rights Act 1998, which provides a statutory right to damages for victims.

Mr. Hogg: The Minister referred us to clause 33, and it was good of him to do so, but he will have noted that it gives no right to compensation in respect of diminution in value; it covers only a range of out-of-pocket expenses. As my hon. and learned Friend says, it is dependent on there being an access agreement; furthermore, the payments are discretionary. Nothing in clause 33 enables a farmer or landowner who has paid out money to require anybody to reimburse him or her.

Mr. Garnier: Under section 8 of the Human Rights Act, the court may award damages to victims of behaviour that contravenes the convention. If the Government want to waste a lot of taxpayers' money on having people such as my right hon. and learned Friend and me, and indeed the Prime Minister's wife, appear in the courts of this land, I look forward to that, but taxpayers would think that their money was better spent elsewhere.

The Minister said that there may be benefits for some landowners under the access provisions, although I was not convinced by any of his examples. I appreciate that the arithmetic is against me this evening and that many overtired Government Members want to pop along to their

[Mr. Garnier]

beds. For that reason, I shall ask permission to withdraw the new clause, but I warn that the Bill has yet to get to the other place, where it will receive proper and full scrutiny from Members of all parties and from Cross Benchers. If the Government think that, in the upper House, they can get away with the poverty of argument that they have attempted to advance this evening, they have another think—and many votes—coming. I beg to ask leave to withdraw the motion.

Motion and clause, by leave, withdrawn.

Further consideration adjourned.—*[Mr. Clelland.]*

Bill, as amended in the Standing Committee, to be further considered tomorrow.

DELEGATED LEGISLATION

Motion made, and Question put forthwith, pursuant to Standing Order No. 118(6) (Standing Committees on Delegated Legislation).

LOCAL GOVERNMENT FINANCE

That the Local Government Finance (England) Special Grant Report (No. 62) on Private Finance Initiative (HC 458), which was laid before this House on 19th May, be approved.—*[Mr. Clelland.]*

Question agreed to.

Taxation (Government Codes of Practice)

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Clelland.]*

11.34 pm

Mr. Oliver Letwin (West Dorset): The Economic Secretary and I have both had a long day in the proceedings on the Finance Bill, and you, Mr. Deputy Speaker, will share the delight when I say that I have no intention of prolonging our proceedings unnecessarily.

The reason for the debate is a sequence of events, which I first raised in a debate on the Floor of the House, about clause 102 of the Finance Bill. That clause has a particular effect. By bringing into play schedule 30 of the Bill, it seriously adversely affects companies that either do or might have their headquarters in the United Kingdom—multinational companies with a range of international subsidiaries.

Of course, the subject of my Adjournment debate is not the substance of that measure, but the process that led to the inclusion of the clause and schedule in the Bill. The Government, perhaps unguardedly, issued a splendid document when they first came to power. It is probably one among many. It purports to be a code of conduct for the Government in implementing new tax measures.

With the substance of the code itself, I have no quarrel. It is an admirable code; it says many sensible things. By far the most important thing that it does is to impose on Ministers—it was, of course, Ministers who were responsible for its production so, through it, Ministers imposed upon themselves—the admirable duty to consult when introducing new tax measures.

When we inspect the notes on clauses that accompany clause 102, we find that Ministers announced that they had conformed to the code of conduct and consulted widely on the measures being introduced. The strange thing is that, in a certain sense, that is absolutely true. The Inland Revenue did, indeed, consult widely on the measure in question. Unfortunately, however, the way in which it consulted on the measure was to ask whether it should carry out either of two actions, A or B. For the purposes of the debate, it is not material what A or B are. They have been sufficiently exposed in my remarks and in those of Ministers during Committee proceedings on the Finance Bill.

What Ministers proceeded to do in their Bill was C—an action entirely different from A or B, about which Ministers consulted. Those who were consulted were, broadly, all the large industries and the major representative bodies in Britain—the Confederation of British Industry, the Institute of Directors, the Association of Corporate Treasurers, the Chartered Institute of Taxation and so on. They were consulted about two things, neither of which were the things that Ministers went on to do. Those are, I think, undisputed facts. As a consequence, those bodies were consulted only in name.

If the code of practice means that Ministers must engage in a process called consultation, where the question they ask has no bearing on what they actually intend to do, that code is a set of words or a set of spin—if I can use that word in the context of recent events—but it is without substance. That is one option that the Economic Secretary has in replying to the debate.

The Economic Secretary may wish to say that I and others mistook the purpose of the code—its sole purpose was, in fact, to present the appearance of a set of rules without substance—and that Ministers were, therefore, thoroughly justified in consulting about things that they had no intention of doing. They did not actually do those things, despite the words of the code, because the code is not to be taken as anything more than mere appearance.

I doubt that that is the defence that the Economic Secretary will wish to use, but I admit that it would be a rational defence. We would all then know where we were. We could solemnly stand up, tear up the codes and explain to the public at large that, although there is a code, it is not a code—it does not mean anything because the propositions in it are without substance. There is another possibility, which is that the code has a meaning and substance, and that it does mean something when it says that Ministers have to consult.

As an earnest seeker after truth, I wrote to the Cabinet Secretary to ask a series of questions, particularly whether there were administrative sanctions that would give the code substance, and what the role of the accounting officer—in this case, the permanent secretary to the Treasury—would be if there had been a contravention by the Government of the Government's code. I did not add to that question—perhaps it was an oversight—"on the assumption that the code has substance and meaning". I rather took it that, as between the Cabinet Secretary and me, there would be agreement that if the code had been issued by the Government, there was a presumption that it had substance and meaning.

In the way of these things, very often it is impossible to find anything so parodic as real life, and this was one such a case. There is, as we know, the splendid programme "Yes, Minister", and there is, as we all know, the wonderful character Sir Humphrey. Many people believe that Sir Humphrey is an exaggeration of what really happens, and that "Yes, Minister" is a parody of what really occurs. However, in his response to me, the Cabinet Secretary showed that the parody lies in reality and that Sir Humphrey is merely a pale imitation of reality.

The Cabinet Secretary did not take very long to reply; he was admirably prompt. Nor was he verbose in his reply; his reply was admirably concise. Nor was he obscure in his reply; his reply was admirably clear. Nor, however, did he in the least reply in substance to my inquiry. What he told me was that the Government had decided that the Government had fulfilled their code of practice, and that, therefore, I should put my mind at rest.

This is a splendid state of affairs. Sir Humphrey does not tell us that he thinks that the Government have obeyed the code of practice—far from it. I suspect that the Cabinet Secretary—who I take it is one of the most distinguished people in the country—was very carefully advised. Almost certainly, if the code had any substance, the Government had broken it. Therefore, far be it from him to say that he thought that the Government had obeyed it.

Nor did the Cabinet Secretary tell me what an accounting officer would do, or whether there were any administrative sanctions. I take it that he did not answer those questions because, as I suspected, there are no administrative sanctions and there is no role for the accounting officer. I am sure that the Cabinet Secretary knows those things very well, and that he was, therefore, very careful not to tell me anything except the strict and literal truth—which I am sure is the strict and literal truth—that the Government consider that the Government obeyed the code of practice.

I should like at some time to have an opportunity in the House to debate a new variant of the highway code—the Letwin variant of the highway code. The difference between the highway code as it is and the Letwin variant is that, under the Letwin code, it will be not be policemen or magistrates, but Letwin who decides whether Letwin has obeyed the highway code. I offer you the prospect, Mr. Deputy Speaker, that there will be very few occasions indeed on which Letwin judges that Letwin did not obey the highway code.

If all we have in this code of taxation is Ministers judging whether Ministers have obeyed the code—and if there are no administrative sanctions, no role for the accounting officer and no method of monitoring; hence, if the code itself has substance, the substance can be contradicted in practice with impunity—we have not a code, but a farce.

The reason that I raise this issue—apart from the fact that, in this particular instance, it is of signal practical importance—is that the measures in question, on which we were not consulted within any ordinary meaning of the term, will have the effect of destroying a very large part of the British economy. However, I raise it not only for that reason of substance, but because it calls into question all the other codes that have been produced by the Government.

It is my intention, following the Minister's response to this debate, to inaugurate a series of investigations, and to seek to persuade Select Committees to inaugurate a series of investigations, into the way in which the Government have treated their own codes of practice more generally. I think that that is a fruitful line of inquiry. We have already begun to discover that the hallmark of this Government, who have done some good things, is that their explanation of their own prowess vastly exceeds their delivery.

Before the election, the present Government made enormous play of the need to revolutionise the conduct of Government—to clean up their act. When they came to power, they tried to fulfil that promise—or to appear to do so—by issuing a huge new set of rules that would govern their conduct and ensure that they acted in a proper spirit. Now, some years later, we discover either that this particular set of rules, and presumably others, are a mere facade, or that they have meaning, but are wholly unenforceable and hence a farce in practice and in relation to a matter of the gravest importance. That is the charge and I look forward to seeing how the Economic Secretary, albeit at a late hour and after arduous work earlier in the day, responds to it.

11.46 pm

The Economic Secretary to the Treasury (Miss Melanie Johnson): It gives me great pleasure to respond to the hon. Member for West Dorset (Mr. Letwin) and I assure him that, as far as I am concerned, the night is but young. Before I reply to his comments and questions, let me say that I find it curious that he is raising a subject for which he has Front-Bench responsibility, although he is obliged to introduce this debate from the Back Benches. As it would not be proper for me to do otherwise, I remark purely on the curiosity of that fact.

[Miss Melanie Johnson]

Hon. Members will recall that during the debate on clause 102 of the current Finance Bill in Committee of the whole House on 3 May the hon. Gentleman made a series of accusations against the Government. He said that the Government had consulted on two different proposals and had then introduced neither of them, but had done something quite different. He repeated those allegations here tonight.

In March 1998, the Government announced a review of the system of double taxation relief for companies. The hon. Gentleman acknowledged that this was the prelude to extensive consultation with business. In our previous debate on the subject, he called it

> one of the more extensive consultations that has been carried out in respect of any tax measure in the Bill.—[*Official Report*, 3 May 2000; Vol. 349, c. 221.]

It was gratifying to hear that and he repeated similar points this evening.

Then, as tonight, the hon. Gentleman went on to criticise the consultation process. To be more precise, he alleged that the discussion paper that the Inland Revenue published in March 1999 had invited business to say whether it preferred offshore mixing of foreign profits on the one hand, or onshore pooling of foreign profits on the other, as ways of averaging the rates of tax paid in foreign jurisdictions by the subsidiaries of UK multinationals. He went on to say that the outcome of the review showed that the Government's code of practice on consultation had been contravened, as the Government did something quite different—by not introducing onshore pooling and by tightening up the existing rules on offshore mixing.

At this point, it is necessary to see exactly what the discussion paper said, and to look at it more widely than the hon. Gentleman did on 3 May when he quoted a few passages, which he unfortunately did not understand.

Paragraph 3 of the introduction to the paper said:

> A number of people suggested that, because the review was intending to consider the basic policy issues that underpin systems of double taxation relief generally and in the United Kingdom in particular, it would be helpful to have a document which focused on policy issues in a relatively high level manner. That is what this discussion paper is intended to do."

The paper was deliberately pitched at a "relatively high level". It did not purport to place the details of every option on the table—quite the reverse.

Chapter 3 of the March 1999 discussion paper looked at the economic arguments concerning double taxation relief. It discussed the concepts of capital export neutrality and capital import neutrality. A policy of favouring CEN would lead to support for the credit method of relieving double taxation, which the UK has traditionally adopted. A policy of favouring CIN would lead to support for the exemption method, which the UK has never used.

The paper, in paragraph 3.16, came down in favour of CEN and, consequently, in favour of the credit method. It said that that had the advantage of going some way to achieving CEN for the UK economy. However, that left plenty of questions unanswered about the details of the precise form of the credit method that the UK should adopt.

It does not automatically follow that the UK, when using the credit method, should undertake to give credit for every penny of foreign tax paid, irrespective of the rate at which it is paid. That could be done only if some of the foreign tax was, in effect, credited against UK tax payable in respect of UK activities. That would lead to full CEN for profits repatriated to the UK, but, as noted in paragraph 3.22 of the paper,

> there would be an open-ended Exchequer cost (subject only to the amount of United Kingdom tax payable before any DTR). There would be more UK outward investment to countries with higher tax rates than the UK, and the foreign tax credited on that investment would be a national welfare (economic) loss.

Those points were elaborated in paragraphs 3.23 to 3.25 of the paper.

Although the economic arguments favoured CEN and the credit method, the paper took the economic arguments further and looked at the precise form of the credit method that the UK should adopt. The economic arguments came out against a system that would undertake to give relief for all foreign tax, irrespective of the rate at which the foreign tax had been paid.

Against that background, chapter 6 of the paper was devoted to offshore mixer companies and onshore pooling. It noted that there were arguments for and against both systems. A number of reservations were expressed about the use of offshore mixer companies. Paragraph 6.12 noted that they allow relief to be given for foreign tax that is paid at a rate in excess of the UK rate. Paragraph 6.13 stated:

> The use of a mixer company enables a United Kingdom company to have more relief for underlying tax than would be the case if it owned each of its sub-subsidiaries directly rather than through the mixer company.

Paragraph 6.14 noted:

> The ability of companies to mix underlying tax . . . will influence the way in which groups structure their overseas interests. In principle, this can constitute a tax-driven distortion of the way in which groups would otherwise structure themselves for commercial reasons and hence setting up these structures can be seen as a compliance cost.

Paragraph 6.15 stated that mixing

> can also encourage a group which has highly taxed income to divert investment to low tax countries, and vice-versa, to achieve the right blend of highly and lowly taxed income which will enable all foreign tax to be relieved and lowly taxed income to be sheltered from United Kingdom tax by foreign tax paid in a high rate country.

Those are the arguments that the Government have followed in explaining why we think that the use of mixer companies to avoid UK tax on low-taxed foreign profits should be restricted.

Paragraph 6.16 of the Inland Revenue paper noted that, because mixing increases the amount of foreign tax for which relief can be given in the UK, it can take the UK's DTR system closer towards "full credit" than would be the case if mixing did not take place, and hence closer to achieving CEN.

That economic argument in favour of mixing was immediately balanced by another economic argument against it, namely that mixing may also create distortions through an incentive to invest more in low-tax countries to obtain the advantage of extra DTR in respect of income from high-tax countries.

Paragraph 6.16 also noted that there were issues about Exchequer cost and the sharing of tax revenues between the United Kingdom and higher tax jurisdictions. Therefore—this is a key point—the paper noted that there were economic arguments for and against the use of mixer companies. Arguments of a more technical nature were also noted, including reservations about mixer companies.

Chapter 6 of the paper went on to discuss onshore pooling. The various forms that onshore pooling might take were discussed, and the paper mentioned the technical and economic arguments for and against onshore pooling. The arguments were similar to those concerning offshore mixing.

Chapter 6 concluded in paragraph 6.32:

> Mixer companies have been in use for a considerable number of years. Multinational groups have structured their overseas interests accordingly. Relief for underlying tax, which mixers facilitate, of around £4bn is allowed each year. Both mixer companies and onshore pooling present a number of interesting and complex issues of both an economic and a technical nature. It will be important for the future to strike the right balance between them.

That paragraph says clearly enough that it would be important for the future to strike the right balance between the

> interesting and complex issues of both an economic and a technical nature

concerning mixer companies and onshore pooling. Certainly, as I have indicated, the paper went out of its way to discuss the pros and cons of both.

The hon. Gentleman, however, prefers to read the final sentence as if it said "It will be important for the future to strike the right balance between mixer companies and onshore pooling." That is a meaningless concept. One cannot strike a balance—let alone the right balance—between two systems that purport to do the same thing, especially as the paper pointed out that the arguments for and against offshore mixing are much the same as those for and against onshore pooling. Clearly, the hon. Gentleman has either misread or misunderstood the passage.

One can, however, strike a balance between the arguments for and against the two systems. The issue is whether the Government have struck the right balance in deciding in favour of restrictions on the use of mixer companies. The proper place to discuss that, of course, is during a debate on the Finance Bill. Indeed, the hon. Gentleman has already had one opportunity to do so on the Floor of the House in a Committee of the whole House.

The hon. Gentleman claims that the March 1999 Inland Revenue paper "Double Taxation Relief for Companies" offered business a choice between two particular systems of double taxation relief, neither of which turn out to be on offer. He is fundamentally wrong. The paper said nothing of the sort. It follows that there is no substance in the hon. Gentleman's accusations that the Government contravened the code of practice on consultation, and that the points that he made about administrative sanctions for such a contravention simply do not arise.

Question put and agreed to.

Adjourned accordingly at two minutes to Twelve midnight.

House of Commons

Wednesday 14 June 2000

The House met at half-past Two o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

CITY OF LONDON (WARD ELECTIONS) BILL *(BY ORDER)*
Order for further consideration, as amended, read.
To be further considered on Wednesday 21 June.

Oral Answers to Questions

CABINET OFFICE

The Minister was asked—

Drug Addiction

1. **Mr. David Chaytor** (Bury, North): What estimate she has made of the economic costs of addiction to hard drugs in respect of *(a)* the national health service and *(b)* police forces in England and Wales. [124262]

The Minister for the Cabinet Office (Marjorie Mowlam): Drug misuse costs Britain more than £4 billion each year in crime, sickness and absenteeism. The Government are fully committed to tackling this problem. That is why we pledged an additional £217 million as part of the 1998 comprehensive spending review for anti-drugs activities. We are currently finalising the spending for the next three years and will announce details of future funding in support of the Government's drugs strategy very shortly.

Mr. Chaytor: I thank my right hon. Friend for that reply. First, in view of those remarkable figures, does she agree that the importance of treatment for addiction is becoming even more important? What steps are being taken to improve facilities for treatment?

Secondly, does my right hon. Friend agree that the control of drugs is not something which can be dealt with purely within national borders? What steps are being taken internationally to stop the flow of drugs? Are there any lessons that we can learn from other countries' drugs policies?

Marjorie Mowlam: On the first part of my hon. Friend's question, more than £70 million of the sum that I mentioned was allocated to health and local authorities to fund new treatment services. We fundamentally believe that treatment works; we have the research and the figures to show it. A further £133 million was allocated to the criminal justice system to help to break the links between drug misuse and crime. We have also advertised for an extra 300 counsellors, and we hope shortly to start training them. Treatment is one of our areas of focus.

The second part of my hon. Friend's question was about the international front. He is right to suggest that drugs do not recognise national boundaries. We are working effectively across the services within the United Kingdom to stop drugs entering the country, and we are working in co-operation with Europe and OECD countries to maximise the effectiveness of international groups. Last night, I returned from Colombia, from which 80 per cent. of the cocaine consumed in this country comes. I went there to see what we could do to work with the Colombians to help to decrease the flow of drugs.

Mr. Ian Bruce (South Dorset): Will the Minister tell us whether the strategy is yet scoring any successes in reducing the amount of drug use? As police resources become ever more stretched, police forces often do not pursue drug offences. They follow up other offences that are more likely to be reported to them. Drug offences tend not to be reported to the police, so they have to take a proactive approach to such offences.

Marjorie Mowlam: There are signs that we are making progress slowly. We have a 10-year strategy because, as we have frequently said, we shall not be able to deal with the problem overnight. Referrals in the prison system for offences and some of the figures—the figures in different reports often contradict each other—show that, overall, the trend is that we are making progress in dealing with the problems of young people and reoffending in prisons. Police forces are doing a good job in focusing on the killer drugs—heroin and cocaine—so I assure the hon. Gentleman that all the evidence that I have suggests that we are making progress. However, we have a 10-year strategy because dealing with the problem will take time.

Drugs (Confiscation of Profits)

2. **Mr. Tam Dalyell** (Linlithgow): If she will make a statement about her plans to improve the system of confiscation of the profits accruing from drug-related crime. [124263]

The Minister of State, Cabinet Office (Mr. Ian McCartney): As my right hon. Friend the Prime Minister said this morning in response to a question for written answer from my hon. Friend the Member for West Lancashire (Mr. Pickthall), we have today published the performance and innovation unit report on "Recovering the Proceeds of Crime". Copies of the report have been placed in the Vote Office and Libraries of the House.

The report sets out the Government's rigorous new approach to attacking crime through its finances. The measures that we are announcing will improve the confiscation process for all crimes, including those related to drugs. We will draw up the first ever cross-cutting strategy with annual reporting on progress; we will set up a new national confiscation agency containing a centre of excellence in financial investigation to drive through the new strategy and deliver increased levels of training;

and we will work with our international partners to drive up standards of financial regulation and to bring pressure to bear on the non-co-operative jurisdictions.

Mr. Dalyell: Can that strategy deal with the problem of drug traffickers who have managed somehow to dissociate themselves directly from drug trafficking itself?

Mr. McCartney: Yes, absolutely. First, in criminal law, those on indictment for serious crimes will, for the first time ever, be obliged to put details of their assets before the court, which will then determine the process for seizing or freezing those assets before any trial.

Secondly, the use of means other than the criminal law, such as taxation and other forms of confiscation, will improve the situation dramatically, as people will have to prove that their assets have been gained legally, and not through illegal activity. When illegal activity has occurred and has been proven by the courts, those assets will be liable to confiscation.

Mrs. Ann Winterton (Congleton): We welcome moves to improve the confiscation of the proceeds of crime. Surely, however, we are not talking just about the profits of crime. Is the Minister aware that substantial powers already exist under the Drug Trafficking Offences Act 1986, the Criminal Justice Act 1988 and the Proceeds of Crime Act 1995? As courts already have those powers, is the reason why more confiscations are not being made that there is insufficient funding for the extensive financial investigations required?

Mr. McCartney: It is typical of the party of Michael Ashcroft that Conservative Members cannot give an absolute commitment to deal with the return of resources. Those powers are available to the courts at present. However, the problem is that the law is complex and is located in three separate legislative processes. We are bringing those processes together in a single process. In addition, we are giving the courts new powers and there will be a new organisation to seek out and to seize those assets, which is a major improvement. We are resolutely committed to disrupting, undermining and closing down criminal enterprises, unlike the previous Government.

Mr. David Taylor (North-West Leicestershire): Is it not the case that the Inland Revenue has powers to enforce the removal of assets? As long ago as 1996, the Office for National Statistics estimated that the income generated from drugs, prostitution, the sale of stolen goods and illegal gambling was in excess of £11 billion. Could we not do more to rationalise the tax legislation, to make those powers more effective and to encourage the Inland Revenue to work more closely with the law enforcement agencies?

Mr. McCartney: The report makes recommendations, along the precise lines mentioned by my hon. Friend, which deal with money laundering and the role of the Inland Revenue in working with our criminal intelligence organisations and our law enforcement agencies. Nobody—but nobody—who has an income should fail to pay tax on it. The reality is that the Mr. Bigs of crime normally have assets involving huge sums of money and other resources gained from criminal activity, but they do not pay tax on them. The system will change radically. Action in civil and criminal law will feature, as will action in the tax system. We should remember that Al Capone eventually came to his end through non-payment of tax.

Rural Affairs

3. **Miss Anne McIntosh** (Vale of York): If she will make a statement on her role in co-ordinating Government policies on rural affairs. [124264]

The Minister for the Cabinet Office (Marjorie Mowlam): I chair the ministerial rural affairs group, which co-ordinates Government policy on rural issues. I have no direct responsibility for any specific area of rural policy, but my Committee co-ordinates the work of other Departments to ensure that the policy is fully implemented.

Miss McIntosh: Following the Prime Minister's famous speech to the Women's Institute, in which he did not once refer to farming or the countryside, will the Minister instigate a review of Government policies on the countryside, those who live there and rural affairs in general? What future can the Government offer to those who live in the country? What will happen about the high cost of petrol and the crisis in farming? What future is possible for village shops and rural post offices?

Marjorie Mowlam: Many of the topics covered in the Prime Minister's speech inevitably affect rural areas. There are no separate policies for rural and urban areas: all our policies, including the minimum wage and the working families tax credit, are for urban and rural areas. I therefore deny the hon. Lady's point. She asked for more work to be done on rural areas. A rural White Paper is being drawn up and is being consulted on. It will shortly be published, along with the urban White Paper.

I find it difficult to take lessons from Opposition Members on dealing with rural areas, considering what we inherited. When we came to government, 30 small schools in rural areas closed every year and only one in four parishes had any transport at all. Since then, we have put in £40 million so that small schools can stay open. We have put more than £100 million into improving rural transport, and 1,800 new rural routes have been created since we came into government. We are also ensuring that the new deal offers alternative training and employment. I can therefore guarantee that what the hon. Lady has asked for is already happening and is much more than what we inherited from the previous Government.

Mr. Peter Bradley (The Wrekin): Is my right hon. Friend aware of the scale of the task that confronts the Government in regenerating rural communities? Is she aware that, under the Conservatives, between 1982 and 1997, 450 village schools closed, and that our record in government is the closure of six schools since 1997? Is she aware that the deregulation of buses led to 86 per cent. of my parishes in Shropshire being deprived of a daily bus service? Is she aware that privatisation of the railways led to the deletion of the Shrewsbury-Telford to London intercity service in 1992? Is she aware that nine cottage hospitals closed in Shropshire and that 18 rural—

Madam Speaker: Order. I know that the hon. Gentleman applied for an Adjournment debate on this

subject. It is for that reason that I gave him an opportunity to ask one question. I think that he has done rather well and I must ask for a response now.

Marjorie Mowlam: I thank my hon. Friend for the work that he is doing with his Back-Bench committee on rural affairs. Its members have brought a number of specific best practices from their constituencies that we as a Government have considered. I hope that they will see many of the results that they are looking for in the rural White Paper. We are making an effort to join up Government Department's initiatives to make a real difference in rural communities.

Mr. Paul Tyler (North Cornwall): Will the Minister deal with specific questions in relation to organic food production? Can she give an undertaking on behalf of her group that, across government, there will be positive action to deal with the potential contamination of organic crops by genetically modified crops? Can she give an undertaking that she will tackle the trade imbalance? She will be aware that three quarters of the organic food available to consumers in this country is imported. Can she give an undertaking that that situation will be addressed and that specific targets will be included in the rural White Paper?

Marjorie Mowlam: The comments made by my right hon. Friend the Minister for the Environment yesterday were a straightforward, clear statement of the nature of the risk and how it operates. I fully concur with those comments.

As for organic farming, we inherited a difficult situation. It is all very well for Opposition Members to say what we should be doing. It would have been much easier if we had inherited a better based policy. In 1998, only £1 million was available to help farmers become organic. Last year, we put £11 million in. We are looking in the rural development plan to spend £140 million over the next seven years to help the transformation to organic farming. So an effort is being made to help farmers who want to join the organic farming scheme. We are clearly working towards an increase in organic farming.

Let me say to the hon. Gentleman that what is important—

Madam Speaker: Order. This is Question Time. I insist that Ministers as well as Members make it a brisk exchange. That is really what it is all about.

Tony Wright (Cannock Chase): Everyone in rural areas and elsewhere will have welcomed the Government's decision to ask the performance and innovation unit to have a look at the future of the Post Office. Is my right hon. Friend yet in a position to tell the House when the report is likely to appear?

Marjorie Mowlam: I cannot give my hon. Friend a specific date, but I can assure him that, alongside what my hon. Friend the Minister for Competitiveness has done, we will look carefully at the PIU report. In view of previous reports, I hope that some constructive suggestions and lateral thinking will come out of it to help post offices. We are determined to do all that we can in addition to the 50 per cent. rate relief that we already offer and all the other efforts that we are making, including extra money for e-commerce and financial services, to ensure that post offices stay open in rural areas.

Mr. Dafydd Wigley (Caernarfon): Does the right hon. Lady accept that in some areas, especially hill areas, there is a real rural crisis? Subsistence farmers have negative incomes and many small businesses have suffered the knock-on effects. Can she confirm that, in her role as co-ordinator of Government policy, she will co-operate with Ministers in the National Assembly for Wales to produce an integrated policy to tackle those problems?

Marjorie Mowlam: As I said, we are more than willing to work alongside Ministers from Wales, Scotland and Northern Ireland. I am sure that the right hon. Gentleman realises that it is a two-way street.

Mr. Andrew Lansley (South Cambridgeshire): Does the Minister realise that the role of sub-post offices in rural areas is vital, that 383 of them have closed in the past financial year and that, as chairman of the Rural Affairs Group, she has a classic opportunity to bang heads together in the Departments of the Environment, Transport and the Regions, of Trade and Industry and of Social Security? Will she therefore pledge today that the rural White Paper will include a commitment to maintain the network of rural sub-post offices?

Marjorie Mowlam: I pledge today that we will work as hard as we are doing—not, as the hon. Gentleman's party suggested, to privatise post offices, but to support them. We have already given them 50 per cent. rate relief. We are committed to protecting the rural network, even though, as I readily acknowledge, some sub-post offices have closed. We regret every one that closes because that limits the possibilities for rural communities. My hon. Friend the Minister for Competitiveness has made it clear that we are committed to ensuring a future for the post offices and, at the moment, we are providing access to financial services, e-commerce and Government services. We are investing a lot to ensure that the Post Office network is viable in future.

Mr. Bill Olner (Nuneaton): When my right hon. Friend looks into rural affairs, will she ensure that the truth is told about how many jobs may be lost if hunting is banned?

Marjorie Mowlam: The Burns report did exactly that. The facts are there; we hope that hon. Members read them. There will be a free vote so that hon. Members on both sides of the House may vote the way that they want.

Criminals (Confiscation of Assets)

4. **Mr. Tim Loughton** (East Worthing and Shoreham): What representations she has received from the performance and innovation unit on proposals to confiscate the assets of criminals. [124265]

The Minister of State, Cabinet Office (Mr. Ian McCartney): I refer the hon. Gentleman to the reply I gave some moments ago to my hon. Friend the Member for Linlithgow (Mr. Dalyell).

Mr. Loughton: Will the Minister now answer the question asked by my hon. Friend the Member for

Congleton (Mrs. Winterton) and confirm that powers to confiscate the assets of drug dealers were introduced under the previous Government by my right hon. and learned Friend the Member for Folkestone and Hythe (Mr. Howard), and that the Prime Minister's recent pronouncements on the subject, before the PIU had reported to the House, were just a cynical and desperate attempt to seize back the agenda from the Conservative party, which has tough and common-sense policies on law and order, by a Government who talk tough on crime but act weak?

Mr. McCartney: The hon. Gentleman's comments show just how out of touch the Conservative party is. If he had read the report, he would realise that we are going further than the previous Government ever attempted. We are interested not just in drugs barons, but in all big-time criminals. The proposals will lead to the confiscation of their assets, whatever the crime—whether it is their house, cars, antiques, money or resources that they try to siphon off to members of their family. At last, the Government are on the side of the citizen and not, like Conservative Members, on the side of the criminal.

Hon. Members: Withdraw.

Madam Speaker: Order. The Minister might withdraw that last remark.

Mr. McCartney: I withdraw it, but it was in the context of the final comment made by the hon. Member for East Worthing and Shoreham (Mr. Loughton). His party could have dealt with the matter but refused to do so.

Mr. Jim Murphy (Eastwood): In considering the seizing of criminal assets, will my right hon. Friend ensure that tough action and suspension of assets occur not at the end of a court case but at the beginning? Further to that, will confiscation of drug dealers' assets apply not just to drug dealers themselves, but to close family and close acquaintances, to whom money might have been siphoned off?

Mr. McCartney: My hon. Friend is absolutely right. The issue is whether the assets are gained from illegal activity. Whatever assets criminals attempt to hide will not matter; if it is proven that they are the ill-gotten gains of criminal activity, we will seize them.

Knowledge Network

5. **Mr. Dominic Grieve** (Beaconsfield): If the information held on the knowledge network computer system will be available to the public on the internet. [124266]

The Parliamentary Secretary, Cabinet Office (Mr. Graham Stringer): My right hon. Friend the Minister for the Cabinet Office has made it clear in written answers to the hon. Member for South Cambridgeshire (Mr. Lansley) that as much information as possible that is held on the knowledge network will be made available to the public.

Mr. Grieve: I understood the right hon. Lady to tell the House on 8 March that all the information on the knowledge network would be put on the net. Indeed, she provided a precise reassurance to hon. Members to that effect. What or who has made her change her mind?

Mr. Stringer: All the information that it is possible to put on the net will be put on the net. Clearly, some of the information that will be held on the knowledge network will be commercially confidential, and it would be wrong of this Government or any other Government to make that information available on the net.

Mr. Andrew Lansley (South Cambridgeshire): The hon. Gentleman has not answered my hon. Friend's question. The right hon. Lady said:

> All the work done in that unit will be put on the net so there will be no question of work being done that even the hon. Gentleman—

that is a reference to me—

> will not see.—[*Official Report*, 8 March 2000; Vol. 345, c. 993.]

Why cannot the hon. Gentleman simply restate what his right hon. Friend said: all the work that is being done will be put on the net? Otherwise, the House and the wider public will know that, as in so many other respects, the work being done inside government is being used for party political purposes, for the Labour party's gain.

Mr. Stringer: The hon. Gentleman cannot possibly wish us to put commercially sensitive information on the net. The Government whom he supported did not do that. In his evidence to the Select Committee on Public Administration, Sir Richard Wilson, the Cabinet Secretary, made it clear that the knowledge network would not be used for party political purposes. *[Interruption.]* I am not surprised that the hon. Gentleman gets it wrong and carries on chuntering. He supports a party that left the Government's IT in the neolithic age. When the Conservative Government left office, it was not possible for Departments even to communicate with one another by e-mail, so it is not surprising that the hon. Gentleman is ignorant of what is going on.

Drugs Action Teams

6. **Mr. Bob Blizzard** (Waveney): What assessment she has made of the effectiveness of drugs action teams in shire counties. [124267]

The Minister for the Cabinet Office (Marjorie Mowlam): The effectiveness of drugs action teams is measured by an annual planning and reporting process based on plans and reports submitted by each drugs action team. The analysis of this year's plans and reports is currently under way and will be published shortly.

Mr. Blizzard: Does my right hon. Friend recognise that it is extremely difficult for a single anti-drugs co-ordinator to drive forward multi-agency work across a large shire county where the main population centres are spread around? Does she agree that we need additional sub-co-ordinators in population centres such as Lowestoft

in Suffolk to spearhead local action? Drugs are still a huge problem in town and country. Do we not need to do even more at local level, including allocating more money for treatment?

Marjorie Mowlam: As I said in answer to Question 1, we have already increased this year's spending, particularly for treatment. From the reports of the drugs action teams in my hon. Friend's constituency, it is clear that increased provision for treatment is desperately needed. That is in hand. Whether the local drugs action teams decide to have regional co-ordinators is a decision for them. What we are doing is joining up government nationally, but not telling the teams what to do locally. We are recommending various methods that have been shown to work in some districts, and letting them choose.

Mr. John Bercow (Buckingham): Is not the effectiveness of drugs action teams' work in shire counties indirectly but inextricably bound up with the deterrent impact of successful police investigations? To that end, what assessment has the right hon. Lady made of the criteria for and the resources available to surveillance operations?

Marjorie Mowlam: Co-ordination in large shire counties is not always difficult. I visited two recently, and both were excellent examples. If the hon. Gentleman has identified specific problems in his own county, I am most willing to look into them. On his final point, we are co-ordinating across security, police and other groups whose task is to stop the drugs coming in. We are also co-ordinating on prevention, education and more education in schools to make sure that we attack drugs from every possible angle.

Drugs (Rural Areas)

7. **Charlotte Atkins** (Staffordshire, Moorlands): What progress is being made on combating the increase in illegal drug use, with particular reference to rural areas. [124269]

The Minister for the Cabinet Office (Marjorie Mowlam): The Government's 10-year strategy, "Tackling Drugs to Build a Better Britain", is designed to combat drug misuse in all parts of the United Kingdom, urban or rural.

Charlotte Atkins: Is my right hon. Friend aware of the anxiety in rural areas about the increase in drug abuse? Will she outline the measures that she is taking to ensure the expansion of treatment centres in rural areas?

Marjorie Mowlam: I am well aware of the anxiety in rural areas. Again, the problem is both urban and rural. Drugs are not confined to the urban or the rural communities. We are doing our best, through the central direct treatment agency, to ensure that the need in urban and rural areas is fulfilled. We have advertised for 300 additional counsellors, whom we shall train, initially to make it possible for treatment to increase.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [124291] **Mr. David Atkinson** (Bournemouth, East): If he will list his official engagements for Wednesday 14 June.

The Prime Minister (Mr. Tony Blair): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall be hold further such meetings later today.

Mr. Atkinson: Does the Prime Minister recall the letter that my hon. Friend the Member for Bournemouth, West (Mr. Butterfill) and I sent him last month to seek his personal interest in the anxieties of resort authorities, such as those in our constituencies, that wish to play their part in the national dispersal scheme for asylum seekers but are experiencing specific problems with their placement in our core tourist areas? Will the Government respond positively to the representations that they have received from the Local Government Association to give local control to local authorities for placing asylum seekers in their areas? That would also be in the best interests of the refugees, because it would mean the efficient provision of the education and social services that they need.

The Prime Minister: It is precisely for that reason that we are working closely with the Local Government Association. We must have a proper system for dispersal. However, it is important that we do it in consultation with the local authorities. We are doing that.

Q2. [124292] **Mr. Dennis Canavan** (Falkirk, West): Is the Prime Minister aware that when the Minister with responsibility for pensions addressed the Scottish Pensioners Forum, he received a similar reception to that of the Prime Minister at the Women's Institute? Bearing in mind the fact that many pensioners view the 75p increase as an insult, will the Prime Minister try to ensure a fairer deal for all pensioners by restoring the link between pensions and earnings, which was introduced by the last Labour Government and abolished by the Tories?

The Prime Minister: I hope very much that my hon. Friend—the hon. Gentleman—takes account of the fact that we have given pensioners the winter fuel allowance, which will be £150 this autumn, that 1 million pensioners will be better off by £20 a week through the minimum income guarantee, that we are providing free television licences for the over-75s and free eye tests for pensioners, and that the cut on VAT in fuel also helps pensioners. Yes, we have much more to do, but we will have spent £6.5 billion on pensioners in this Parliament. When pensioners realise that, they will know who the true friends of pensioners are, and who are their true enemies.

Mr. William Hague (Richmond, Yorks): Now that we have one faction of the Cabinet—the Trade Secretary, the Foreign Secretary, the Agriculture Minister and the Northern Ireland Secretary—who want the Government to campaign for joining the euro now, and another faction—

the Chancellor, the Home Secretary and the Education and Employment Secretary—who want to keep it quiet and join by stealth, when will the Prime Minister get a grip, end the Cabinet confusion and stop his Cabinet Ministers fighting like ferrets in a sack?

The Prime Minister: On the idea that we intend to join the single currency by stealth, the Labour party promises a referendum—that is a curious form of stealth. The policy has been set out on numerous occasions by me, the Chancellor and the other Ministers: in principle, we are in favour a successful single currency; in practice, the economic conditions must be fulfilled.

Mr. Hague: Everyone else in the country knows that the Cabinet is divided. This Cabinet is out of date. *[Interruption.]* Labour Members do not know that times have changed; it is this Cabinet that is divided. We knew that the right hon. Gentleman was out of touch with the country; now he is even out of touch with his own Cabinet. The Trade Secretary said:

> We have to be putting the case for the euro.

The Northern Ireland Secretary said:

> As long as we're outside the euro, there's little we can do to protect industry—

to which the Chancellor's response was to send out his spin doctor to say:

> The Northern Ireland Secretary has the economic intelligence of a pea . . .

Do not tell us that they are not divided. The factions are at each other's throats. Which faction will the right hon. Gentleman follow?

The Prime Minister: As the right hon. Gentleman is quoting from the Trade Secretary's speech, let me quote it in full if I may. He said:

> We will judge if the five tests have been met early in the next Parliament. If the economic tests are satisfied, then we should join the single currency—if that is what the Government, Parliament and the people decide.

That is the policy of the Government. It is entirely consistent with what the Chancellor said:

> The potential benefits for Britain of a successful single currency are obvious in terms of trade, transparency of costs and currency stability.—[*Official Report*, 27 October 1997; Vol. 299, c. 583.]

The two are entirely consistent. If we are dealing, however, with divisions on the single currency—and not just on the single currency, but on Europe—let me quote what the former Prime Minister, my predecessor, said the other day:

> Sadly, the basic case for being in the EU once again needs making. To be pro-European does not mean being anti-British—indeed I would argue the precise reverse.

It is a pity that because the right hon. Gentleman wants to get cash out of a few donors for the Conservative party, those sentiments are no longer shared by him.

Mr. Hague: Our policy on the euro is settled—*[Interruption.]* That is because I lead my party and the right hon. Gentleman now follows his. The Prime Minister wrote yesterday that he thought that the euro was a great success. He now courageously uses articles to say things because people cannot slow handclap an article. He is spending tens of millions of pounds of taxpayers' money preparing to join the euro. He is telling business to spend hundreds of millions preparing to join the euro. He obviously wants to join the euro, so when will he put his mouth where he puts other people's money and risk his own capital campaigning to join the euro?

The Prime Minister: First, the money that has been spent—the majority of it—has been spent on preparing British business for the fact that the euro will be a fact and that the notes and coins will be in circulation, but, as I understood it, the Opposition's policy was to rule it out in principle, but only for a Parliament.

Mr. Sykes said today that he was in the "never" camp on a single currency, and that was where the majority of Conservative MPs were. I believe that it is sensible to keep the option open for this country and give people a choice in a referendum. That is different from a political party that has now been bought by someone who wants to take this country to the margins of Europe, because the right hon. Gentleman does not have the strength to stand up to his Euro-sceptics.

Mr. Hague: Is not the real reason that the Government are in such chaos on the euro spelled out in the memo written by the right hon. Gentleman's chief guru, Philip Gould? It reads:

> From Philip to Alastair.
>
> Once again TB is pandering, lacking conviction, unable to hold to a position for more than a few weeks, lacking the guts to be able to tough it out . . .

[Interruption.] Hon. Members should listen; the Labour party spent a lot of money on that advice. It says:

> TB . . . lacks conviction, he's all spin and presentation, he just says things to please people not because he believes them. TB has got delivered. He is out of touch.

Does TB agree with that, or is it just the rest of us?

The Prime Minister: If the right hon. Gentleman is not careful, I shall read out what focus groups say about him. *[Interruption.]* I shall spare him that. *[Interruption.]*

Madam Speaker: Order. Valuable time is being used up.

The Prime Minister: I would have thought that the right hon. Gentleman would like to congratulate the Government on delivery. Under this Government, there are now 978,000 more jobs in the economy—210,000 of them under the new deal, which he is committed to scrapping.

Mr. Hague: Change the subject when one is losing—we all know that tactic. We would be delighted if the Prime Minister read out the comments of his focus groups because we could then ask for the whole document to be placed in the Library, and that would be very interesting.

Is not the truth now coming from some of Labour's own Back Benchers? The hon. Member for Stoke-on-Trent, Central (Mr. Fisher) said that

> this Government is arrogant. It's all glitz.

The hon. Member for Cannock Chase (Tony Wright) said that

> the Government's all presentation, it's missing the big picture.

They have joined the hon. Member for Liverpool, Walton (Mr. Kilfoyle) and the right hon. Member for Birkenhead (Mr. Field) in accurately describing the Government.

The Prime Minister started with every political advantage, and now he has squandered that advantage with spin, gimmick and a failure to deliver. Is it not the case that he has run out of steam and is running out of time, and if he carries on like this he will be run out of office?

The Prime Minister: Let us compare records on delivery. I have referred to the 1 million more jobs. We have halved long-term unemployment, 1 million people have been lifted out of poverty, there are 5,500 more nurses, and £6 billion has been spent on school buildings. What did the right hon. Gentleman do in office? The national debt doubled, crime doubled, child poverty trebled and pension poverty doubled.

The right hon. Gentleman challenged me to read out the comments of the focus groups, so I shall read their comments about him. They say he is "boring", "false", "he irritates me greatly", "pathetic", "drip", "non-entity", "no substance", "no personality", "no stage presence", "complete waste of time", "no policies" and, at the end,

very unimpressive team, particularly William Hague.

Hon. Members: More.

Madam Speaker: Order. We shall proceed. I call Mr. Rammell.

Q3. [124294] **Mr. Bill Rammell** (Harlow): Does my right hon. Friend the Prime Minister share my genuine horror at yesterday's UNICEF report, which showed that, in 1995, 20 per cent. of British children were living in families below the official poverty line? That report also highlighted the importance of policies such as the working families tax credit, the minimum wage and the new deal, which the report's authors independently acknowledge will lift 1 million British children out of poverty by 2002. Would not the liberation of those children from poverty be put most at risk by a return of a Conservative Government, because it was Conservative policies that put them into poverty in the first place?

The Prime Minister: The UNICEF report said that the independent study confirms the Government's estimate that the measures currently being implemented will lift 1.2 million British children out of poverty by April 2002. That is through the increases in child benefit, the working families tax credit, the minimum wage, the new deal and the minimum income guarantee for pensioners. The Conservative party is committed to reversing every one of those policies. Everyone now knows that the Labour party exists to lift children out of poverty, and the Conservative party exists to put them in it.

Mr. Charles Kennedy (Ross, Skye and Inverness, West): Is the Prime Minister aware that among the many problems suffered by the children and the families of children who are victims of NHS vaccine damage, perhaps one of the most galling is that they do not receive one penny in payment if they are assessed as having under 80 per cent. physical or mental incapacity as a result of that damage? More than three years ago, he and his party, in opposition, promised a review. That review has been under way for three years. When will it report?

The Prime Minister: It has not been under way for three years, but it is true that we are reviewing the position and we will be able to make a statement on it shortly. We are aware of the huge concern on this, but we have had to deal with many other priorities, too. We have tried to deal with those priorities, but we are reviewing the situation in respect of vaccine damage. As I say, we hope to make an announcement shortly.

Mr. Kennedy: Surely it does not take three years of a Labour Government to recognise a basic injustice and to put it right. Is there any truth in the idea that the Chancellor and the Treasury have been blocking other Ministers' desire to come up with a full and fair settlement? Is it not about time—three years later—that a Labour Government should be delivering what Labour put its name to in opposition?

The Prime Minister: No, it is not true to say that, but we have done many other things—for example, in respect of the health service—that we did not even promise before an election. The accident and emergency departments of all the hospitals that want to be renovated will be refurbished by the end of this year, there are 5,500 extra nurses, and the health service has the largest settlement in its history. I hope that by the time we publish the NHS plan in July people see that we have a truly radical and progressive future for the health service guaranteed.

Vaccine damage is of course important. We have not been looking at it for three years; that is simply not true. We have been studying it, however, and we will make an announcement shortly.

Q4. [124295] **Mr. Barry Gardiner** (Brent, North): Why is it that, according to the House of Commons Library, my right hon. Friend's Government are spending £4.1 billion on providing for some of the poorest people in our community? Could it be because today's unemployment figures show a decrease of more than 500,000 in the number of people unemployed and an increase of almost 1 million new jobs in the economy and because this Government are creating pathways out of poverty for the people of this country?

The Prime Minister: In fact, as a result of the measures that the Government have taken and of the falls in unemployment and the rise in employment, which is also very important, there is a welfare saving of some £8 billion over the Parliament. Indeed, if we take out the increases for pensioners, child benefit and the working families tax credit, which are deliberate increases in the social security budget, it is falling in real terms whereas under the Conservatives it rose by an average of 4 per cent. in real terms every year. The reason it is important is not merely to make sure that we get more people into work, but because, with the money saved from the welfare costs, we can put additional resources into schools and hospitals, which the Conservatives could not.

Sir Teddy Taylor (Rochford and Southend, East): Would it help to resolve the difficult dispute in the Government on the euro if the Prime Minister told his

Ministers simply to tell the truth—namely, that since Britain decided not to join and despite the Government's damaging policies, the British economy has done particularly well and that despite our being told that the euro would go like a rocket, it has gone forward as a damp squib?

The Prime Minister: I thank the hon. Gentleman for two things: first, for saying that the British economy is doing particularly well and, secondly, for reminding us of the state of the Conservative party and what used to happen in the days when it was in office. I disagree with him about the euro; but, more important, one thing that has not emerged from our exchanges today is that the Conservative party is now committed to a referendum on any change whatever from the Nice treaty. That is part of the deal with Mr. Sykes. What is more, the Conservative party has now said that it would revisit any treaty signed by this country and subject it to a referendum. The effect of that would be to stop the whole enlargement process in Europe. We have only to have the hon. Gentleman up on his feet to know what life used to be like when we were at the margins of Europe and the Conservative party was split asunder.

Q6. [124298] **Mr. John Heppell** (Nottingham, East): Will the Prime Minister join me in welcoming yesterday's announcement that Capital One was doubling its work force in Nottingham, thus creating an extra 1,200 jobs in my constituency, in which unemployment is still double the national average?

As the Government have got unemployment down to its lowest level in 20 years, can the Prime Minister confirm reports I have heard today that the shadow Chancellor is now a supporter of full employment—and that Hannibal Lecter is now a vegetarian?

The Prime Minister: I welcome the announcement of jobs in my hon. Friend's constituency. Of course, there is a lot of industrial restructuring at present, which means that jobs change a lot; but we very much welcome the new jobs that there are, and of course we welcome the great fall in unemployment. As for the shadow Chancellor's comments, they would be more credible were it not for the fact that he is committed to scrapping the new deal, which has helped more than 200,000 people into work.

Sir Michael Spicer (West Worcestershire): As the Liberal Democrats fight such scurrilous personalised campaigns, what is the moral justification for the Prime Minister's love-in with them?

Hon. Members: Tory gain.

The Prime Minister: I am sorry; I did not hear the first part of the hon. Gentleman's question.

Madam Speaker: Let us hear the question again. I did not hear it either. *[Interruption.]* Order. Let us all hear it.

Sir Michael Spicer: I may have forgotten it.

As the Liberal Democrats fight such scurrilous personalised campaigns, what is the moral justification for the Prime Minister's love-in with them?

The Prime Minister: If the hon. Gentleman has a problem with Liberal campaigns, he should take it up with the Liberal party, but I have always thought it sensible to work with people when there is agreement on certain issues.

Q7. [124299] **Mr. Dale Campbell-Savours** (Workington): My right hon. Friend will recall the Conservatives' prediction that 2 million jobs would be lost if we introduced the national minimum wage. Despite what they said, we introduced it, and every Labour Member of Parliament is particularly proud of what we did. Will my right hon. Friend tell us what the level of unemployment was on 1 April last year, when we introduced the national minimum wage, and what it is today?

The Prime Minister: Unemployment has, of course, fallen, but, perhaps more important, employment has increased by more than 300,000 since the introduction of the national minimum wage. The Conservative party predictions on the minimum wage were wrong; the Conservative party predictions on the recession were wrong; and I think that some of the other Conservative party predictions being made at the moment about Tory gains are probably wrong too.

Q8. [124300] **Mr. Nick Gibb** (Bognor Regis and Littlehampton): Can the Prime Minister confirm that 2,700 convicted drug dealers, 2,500 violent criminals and 1,800 convicted burglars have been given early special release from prison by his Government? Many of those people have since reoffended. Is not this revolving-door policy proof that the Prime Minister's pre-election claim to be tough on crime is nothing more than another example of his tendency to say one thing and do another?

The Prime Minister: First, the prison population has increased, not diminished, under this Government. Secondly, it is we who introduced tougher penalties for rape, violent crime and burglary. Those whom the hon. Gentleman mentioned are on licence in any event, and the proposal had until recently won support across the House.

Mr. Roger Casale (Wimbledon): Is it not rather offensive that the multimillionaire business man Paul Sykes should be wheeling and dealing with the Conservative party in order to lock in its extreme position on Europe? Furthermore, is there not a crass contradiction when someone who purports to lead a democracy movement wants to win influence on the strength of his pocket book rather than his arguments? Will the Prime Minister join me in saluting the hundreds and thousands of people across Britain, whatever their political persuasion, who make small donations to political parties and help to pay the cost of our politics without paying the price of undermining our democracy?

The Prime Minister: As I say, Mr. Sykes is entitled to spend his money in any way that he wants; but the price of his money has been the proposals on referendums made over the weekend by the shadow Foreign Secretary

and the Leader of the Opposition. Those proposals would mean that a referendum would be held on literally any change whatever in Europe. That policy could not possibly withstand sensible scrutiny.

I hope that one is still to allowed to quote the right hon. Member for Henley (Mr. Heseltine), the former Deputy Prime Minister. He said:

> A motley crew of "Britain's outers" and "wholesale renegotiators" devote their extremist energies to the one more heave . . . that they believe will reverse what they see as the wrong-headed judgments of all recent Conservative Prime Ministers.

The truth is that the Conservative party has moved further away from any position adopted by any previous Conservative Minister. *[Interruption.]* Conservative Back-Bench Members shout back at me, but some Conservatives at least must see what has happened to Conservative policy in the past few days and worry for the future of the Conservative party as a sensible party with sensible policies on Europe.

Q9. [124301] **Sir Archie Hamilton** (Epsom and Ewell): Now that the Prime Minister's official spokesman has let it be known that he will be working part-time so that he can concentrate on developing policies for the Labour party, will his civil service salary of £96,000 be cut, pro rata?

The Prime Minister: First, people complain about too much spin, then they complain that my spokesman is snubbing the media. I have the figures for special advisers, as I thought that I might be asked about them by the Conservative party. It is correct that, since the election, an additional £2 million has been spent on advisers in Downing street. An additional £2 million has also been given to the Conservative party, so I think that we are about even.

Mr. Phil Hope (Corby): My right hon. Friend will be aware that hon. Members have recently had the opportunity to visit the millennium wheel, but he may not be aware that that magnificent showcase of engineering and manufacturing was constructed in my constituency of Corby. Whereas the Conservative party continually carps about and runs down British workers and manufacturing, will my right hon. Friend take this opportunity to join me in congratulating the work force, engineers and designers in Corby who have built this world-famous showcase of British manufacturing?

The Prime Minister: I congratulate my hon. Friend's constituents on their magnificent effort, and British manufacturing on its success in that regard. What manufacturers remember is what happened in the early 1990s, when the very economic policies that the Conservative party espouses today were tried. We had 1 million manufacturing jobs go, interest rates at 10 per cent. for four years, a national debt double what it is now, and we had—

Mr. Bob Russell (Colchester): Boom and bust.

The Prime Minister: We had boom and bust.

Q10. [124302] **Mr. Tony Baldry** (Banbury): The Prime Minister has had the proposals from Lord Wakeham's commission on the House of Lords before him for some considerable time, but nothing has happened. Will he give an undertaking to the House and to the country that, well before the next general election, the Labour party will come clean about what it intends to do by way of long-term reform of the House of Lords? It seems rather strange that the Government can bring forward proposals on matters such as fox hunting, yet do not seem to have time to bring forward sensible, long-lasting proposals on reform of the upper House.

The Prime Minister: I do not know what the hon. Gentleman is talking about. There is a debate on that matter on Monday, and the Labour party will of course make its position at the next election clear in its manifesto.

Angela Smith (Basildon): The Prime Minister may not have had the opportunity to read the *Basildon Evening Echo*, but will he take a look at it, as the Tory-led Essex county council is currently reviewing its meals on wheels service? It proposes that two weeks' worth of food should be delivered, frozen and in advance, to pensioners whom it has deemed are unable to cook meals for themselves or are a danger to others if they do so. Will he suggest to Essex county council that, even though it is Tory-led, it has a responsibility to put the needs of the vulnerable first? Will he also suggest that it might cut its budget for the chairman's champagne reception before it cuts pensioners' meals?

The Prime Minister: That is the real face of the Conservative party—no one should ever forget it. The Conservatives cut money and services going to the poorest people in our country. The Tory party has always stood for the few and not the many, and it always will.

Q12. [124304] **Mr. Andrew George** (St. Ives): Is the Prime Minister aware that Cornish schoolchildren receive £250 a head less under the existing formula than the average for England, despite the need to provide services across scattered rural communities? When will the funding formula for local authorities properly reflect the special needs of rural areas, especially areas such as Cornwall?

The Prime Minister: I was not aware of the particular statistic that the hon. Gentleman has just given me, but he will be aware that, as a result of the additional money that we have given to schools, the amount of funding per pupil in Cornwall—as elsewhere in the country—will have risen considerably under this Government, having been cut under the previous Government.

I understand that each part of the country argues about the fairness or unfairness of its settlement, and we have to balance those competing claims. However, what cannot be disputed is that under this Government the funding per pupil and the extra money going into school buildings is rising, but under the previous Government it was cut. There is a lot more still to be done, but we at least have never returned to the days of the Conservative party in government.

Point of Order

3.31 pm

Mr. Damian Green (Ashford): On a point of order, Madam Speaker. I seek your guidance. Yesterday afternoon, while the House was discussing the Countryside and Rights of Way Bill, the Government issued a press release that gave details of significant changes to the Bill in the context of the protection of areas of outstanding natural beauty—a subject that was discussed at length in Committee. They further announced to the press that they would not bring those amendments before this House, but would table them in the other place. Even by the standards of this Government, that is breathtaking contempt for the House and a clear sign of the Government's desire to avoid democratic scrutiny of their legislation. Have you been given any indication of how the Government intend to rectify this latest insult to the House of Commons?

Madam Speaker: I am grateful to the hon. Gentleman for giving me notice of his point of order, but I do not think that the matter about which he has complained to me calls for a ruling from the Chair. Nothing irregular has occurred and the House will have an opportunity, in due course, to consider the amendments that will be tabled in the House of Lords.

BILLS PRESENTED

Invalid Care Allowance

Mr. Paul Burstow, supported by Dr. Jenny Tonge and Mr. Tom Brake, presented a Bill to establish a commission of inquiry into whether carers' entitlement to invalid care allowance should continue to be determined by reference to the benefit entitlement of the person cared for and whether persons who have attained the age of 65 should be entitled to receive the allowance: And the same was read the First time; and ordered to be read a Second time on Friday 21 July, and to be printed [Bill 141].

Discipline of Hospital Medical Practitioners

Mr. Jim Cunningham presented a Bill to make provision for new procedures for the discipline of hospital medical practitioners: And the same was read the First time; and ordered to be read a Second time on Friday 21 July, and to be printed [Bill 142].

ROYAL ASSENT

Madam Speaker: I have to notify the House, in accordance with the Royal Assent Act 1967, that the Queen has signified her Royal Assent to the following Acts:

Financial Services and Markets Act 2000

Railtrack (Waverley Station) Order Confirmation Act 2000

Representation of Overseas Territories

3.33 pm

Mr. Andrew Mackinlay (Thurrock): I beg to move,

That leave be given to bring in a Bill to provide for the representation of Gibraltar by a Member of Parliament, subject to limitations, and for limited representation of other overseas territories at the Parliament of the United Kingdom of Great Britain and Northern Ireland; to include Gibraltar within a European parliamentary constituency; to confer upon Chief Ministers the right to petition the House of Commons at the bar of the House; to improve for elected members of the Legislative Councils access to and communications with Members of the House of Commons; and for related purposes.

The Bill would remedy a democratic deficit that diminishes our capacity to scrutinise the role of the Foreign Office and other Government Departments in relation to overseas territories and denies to people who are British citizens, or who have been promised British citizenship but have yet to have it delivered, the right to be represented in their national legislature. It is important to bear in mind the fact that while overseas territories have local legislatures for their domestic matters, ultimately this is their Parliament, my right hon. Friend the Prime Minister is their Prime Minister, my right hon. Friend the Foreign Secretary is their Foreign Secretary, my right hon. Friend the Secretary of State for Defence is their Secretary of State for Defence, and they have the right to be heard in this place in respect of the competencies of those Ministers and to be able to complain.

The overseas territories are now small in number. They pepper the globe, and their populations are also relatively small. However, there is no reason why they should not have access to this place and be represented. That is what parts I and II of my Bill seek to achieve. I want to give the opportunity to representatives of those overseas territories to able to come to this Parliament and probe the Government, to table parliamentary questions, to seek Adjournment debates, to request statements and to complain. It is time we enabled them to do that.

I know that the Minister will be persuaded by the argument that such facilities for overseas territories are provided by democracies comparable with the United Kingdom. In its Congress, the United States allows a non-voting delegate for the smaller territories of Guam, the United States Virgin islands and Samoa, and it makes similar provision for larger territories under its jurisdiction, such as Puerto Rico.

France makes similar provision for its territories in the Pacific and in the Caribbean. People from those territories are represented in France's National Assembly. Spain makes similar provision, as does the Netherlands. We really do have to recognise that we are failing those to whom we owe British citizenship.

The House will recall that, not long ago, a volcano blew up in Montserrat, and that there was great controversy about whether the British Government's stewardship and response to it were fair or appropriate. Although I do not wish today to trespass on that matter—indeed, I am not qualified to make a judgment on it—I believe that the people of Montserrat had the right to come to this place and to be able to complain. My Bill would give them that right. It would also provide Ministers with the ability to use the appropriate forum for answering the questions of the representatives of our territories.

The injustice is not limited to our relations with Anguilla, the British Virgin Islands, the Falklands, Turks and Caicos, St. Helena and Montserrat—the treatment of Gibraltar stands out as a glaring injustice and anomaly. Although Gibraltar is within the geographical jurisdiction of the North Atlantic treaty and of the European Union, it is frequently traduced by Spain and by other parties. Even in this place, one occasionally hears informal, unfair complaints about Gibraltar's competence. It seems to me not only that such complaints should be uttered on the Floor of the House, but that a Member of Parliament from Gibraltar should be able to respond to them.

I am seeking not a representative who can table questions about Sedgefield or Thurrock, but people who would be able to table questions on Gibraltar or on other overseas territories defence issues, foreign affairs issues and other issues that have demonstrable ramifications for them all.

Those of us who have been privileged to go to Gibraltar or to other overseas territories as guests of the domestic parliament or Government have been impressed by the loyalty that they show to the United Kingdom. It is important to remember that, if and when the United Kingdom goes to war, those territories' local legislatures cannot pass a resolution saying, "If you don't mind awfully, we'll sit this one out." They are locked in: they have to go to war. They do go to war. Funnily enough, when we go to war, British Governments suddenly decide that our territories are important. Recognition of our territories is long overdue.

My Bill will also enable Chief Ministers to be able to petition the House at the Bar. Such a right is not unprecedented. The old Dublin corporation was allowed to make use of it, as I believe the City of London corporation is still allowed to do. I would not be happy if the City of London exercised the right, but I would certainly be pleased if the Ministers of overseas territories—particularly the very small ones, with a population of a few hundred people—not only felt able to come to the House, but had the right to send a representative here.

My Bill also addresses the important issue—its importance was recently impressed on the Minister in a recent debate in Westminster Hall, as it was on all of us who visited and were hosted by Gibraltar on its national day—of the need immediately to extend to Gibraltar the franchise for European parliamentary elections. It is an issue which the House needs to address not just before the next European elections, but now.

I remind Ministers that, after the Government were elected, we had a debate in which I argued that the franchise should be extended to Gibraltar. Ministers made a twofold reply to my argument: first, extension was not necessary; secondly, extension was not possible in law. Of course, as so often happens, Ministers were proved wrong in the courts. They have now altered their tune, saying that the time is not right to extend the franchise and that they have to consult Spain and the European Union on it. That reply is not good enough.

Although I am described as what I believe is called a Europhile, one belief that I share with hon. Members on both sides of the House who hold differing views on Europe is that the power and duty to decide whom we should include on our electoral roll are exclusively for this House. That is not a matter for consultation with Spain or the European Union. It is well within our competence to put it on our statute book now that the people of Gibraltar shall be included in the electoral roll of the United Kingdom of Great Britain and Northern Ireland in time for the next European elections.

Dodging and ducking the issue causes irritation, doubt and suspicion. It is time the Home Secretary or the Foreign Secretary said at the Dispatch Box either that they will implement this Bill or that they will introduce their own measure swiftly, to underscore the fact that these people will get their vote at the next European elections.

For those reasons, I hope that I can interest all corners of the House in supporting this measure. I hope that my few remarks will persuade the Government to address themselves to the representation of overseas territories, to the right of the people of Gibraltar to have the franchise at the European elections, and to the access of legislators in such places to a useful dialogue with Members of the House of Commons. I think that otherwise it is a case of "out of sight, out of mind".

We have a responsibility for the administration and good governance of these places, yet we have no way of knowing whether the governors are good, bad or indifferent. We do not know about the conduct of these people, particularly in the faraway stretches of the globe where there is often no airstrip—in St. Helena, for instance.

My Bill would provide for greater intercourse and dialogue between Members of the House of Commons and members of the local legislative councils. That is not instead of, but in addition to, its other provisions.

Therefore, with some pride and uncharacteristic humility, I seek the support of the House to introduce the Bill.

Question put and agreed to.

Bill ordered to be brought in by Mr. Andrew Mackinlay, Mr. Brian Cotter, Mr. Lindsay Hoyle, Mr. John Austin, Mr. Roy Beggs, Mr. Christopher Gill, Sir Teddy Taylor and Mr. Syd Rapson.

Representation of Overseas Territories

Mr. Andrew Mackinlay accordingly presented a Bill to provide for the representation of Gibraltar by a Member of Parliament, subject to limitations, and for limited representation of other overseas territories at the Parliament of the United Kingdom of Great Britain and Northern Ireland; to include Gibraltar within a European parliamentary constituency; to confer upon Chief Ministers the right to petition the House of Commons at the bar of the House; to improve for elected members of the Legislative Councils access to and communications with Members of the House of Commons; and for related purposes: And the same was read the First time; and ordered to be read a Second time on Friday 21 July, and to be printed [Bill 140].

Orders of the Day

Countryside and Rights of Way Bill

As amended in the Standing Committee, further considered.

Clause 43

REDESIGNATION OF ROADS USED AS PUBLIC PATHS

3.42 pm

Mr. David Heath (Somerton and Frome): I beg to move amendment No. 33, in page 24, line 41, after "path", insert—

'and every way which was shown in any definitive map and statement as a road used as a public path under the National Parks and Access to the Countryside Act 1949 and which was subsequently reclassified under Schedule 3 to the Countryside Act 1968 or section 54 of the Wildlife and Countryside Act 1981 as a bridleway, and every way which is shown on any definitive map and statement as a carriage road footpath or CRF, or as a carriage road bridleway or CRB,'.

Madam Speaker: With this it will be convenient to discuss the following: Amendment No. 34, in page 24, line 42, leave out—

'expression "road used as a public path"'

and insert—

'expressions "road used as a public path", "carriage road footpath", "CRF", "carriage road bridleway" and "CRB"'.

Government amendments Nos. 291 to 296.

Government new clause 25—*Extinguishment of unrecorded rights of way.*

Government new clause 26—*Excepted highways or rights of way.*

Government new clause 27—*Bridleway rights over ways shown as bridleways.*

Government new clause 28—*Cut-off date for extinguishment etc.*

New clause 13—*Definition of legally relevant objection*—

'.—In paragraph 13(2) of Schedule 15 to the 1981 Act, after the definition of "council offices" there is inserted—

"'duly made' means an objection or a representation which—

(a) is made within the time and in the manner prescribed in the notice that was published by the authority on making the order in accordance with paragraph 3 to Schedule 15; and

(b) states the grounds on which it is made, being a matter which is capable of affecting the decision whether or not to confirm the order".'.

Mr. Heath: One of the great disappointments of the Bill for a particular group of people who wish to have access to the countryside is its inability to meet the demands of recreational riders. There was considerable expectation, before the Bill's publication, that it would contain moves substantially to extend the number of routes that are available for recreational and carriage riding. However, that has not been the case. The new status of restricted byway is a welcome change, but it does not extend the amount of path available for riding or carriage riding.

Amendments Nos. 33 and 34 re-examine the position of the roads used as public paths—RUPPS—which have been reclassified as a result of the Countryside Act 1968 to become bridleways or footpaths. The reason for that reclassification was the inability or lack of desire to prove that there was vehicular use of those roads. When there was no variation between the rights of a horse-driven carriage or cart and of a motorised vehicle, there was every reason not to pursue that course of action.

As the restricted byway is now an available road category, there is every reason to consider whether there have been cases of incorrect classification or whether roads currently classified as bridleways or footpaths could easily take horse-drawn carriages. That would mean a substantial increase in the number of roadways that could be used for such a purpose. That form of recreation is growing; it is one that the House should support.

The proposal would also help to correct the anomalies in the categorisation of CRFs—carriage road footpaths—and CRBs—carriage road bridlepaths. I am informed, in a helpful letter from the Minister for the Environment, that such phrases should not be used because they have no legal significance. That may be so, but they appear on many definitive maps; they are in common usage. One effect of my proposals would be to remove anomalies and to ensure that we have a proper classification. That seems sensible.

If the Government are minded to take action on that matter, they would receive the thanks of the many people who want an extension of the bridleway system to take account of carriage driving—the disabled, for example, for whom carriage driving is often an effective means of access to the countryside and who are making increased use of it. Furthermore, such action would resolve many anomalies and difficulties in respect of a definitive map.

A bizarre feature of the measure is that those authorities that have not reclassified or which are tardy in doing so will still have RUPPs on their books that have not been downgraded, and those RUPPs will become restricted byways. Only authorities that have addressed these matters expeditiously will experience difficulty. That too seems anomalous. The people who have been most active will pay a penalty in respect of the road network in their area. I therefore commend the amendments to the House.

New clause 13 deals with the definition of legally relevant objections. The Minister will remember our discussions of that matter in Committee. The more I consider the arguments on that matter, the more I become convinced that our proposal offers a win-win solution to many of the problems of the current objection process. It would get rid of objections, which, even though they are well meant and sincerely made, are based on grounds that cannot be considered by the authority or by the Secretary of State. It is in no one's interest to pursue objections—clogging up an already congested system—that have no chance of success because of the way in which the legislation is framed.

Since I tabled an amendment on the matter in Committee, I have received communications from the Local Government Association—of which I suspect I am a vice-president, so I should declare an interest—

Mr. Dafydd Wigley (Caernarfon): The hon. Gentleman should be able to remember.

Mr. Heath: The right hon. Gentleman is correct: I should be able to remember. However, the role is only an honorary one. I am pleased that the LGA supports the aims of the new clause. It states:

> The legal burdens on local authorities in relation to rights of way orders and maps are considerable and complex. Proposals, such as this, to reduce unnecessary burdens are to be welcomed.

That is obviously true.

I have also received support from associations representing rights of way officers, who have told me that the provision offers a clear and simple mechanism through which many of the burdens could be removed—resulting in a much more satisfactory position.

I commend new clause 13 to the House. I hope that the Minister will respond positively and accept that we need to take action to speed up the process to everyone's satisfaction.

Mr. Andrew F. Bennett (Denton and Reddish): I oppose Government new clauses 25 and 26. This is a very disappointing bit of the Bill. It is a very poor piece of legislation that provides that the historic records should be closed off after 25 years. I can understand its attractions for Ministers, down there on the Front Bench, in that it is most unlikely that they will have to answer for it to the House in 25 years' time.

Mr. Terry Rooney (Bradford, North): Do not bet on it.

Mr. Bennett: I was just about to say that the Whip, my hon. Friend the Member for Doncaster, North (Mr. Hughes), who likes his job so much, may hope that he will still be there as a Government Whip; but I believe that for the other Ministers there will be no accountability to the House on this matter. It is a fudge, and a very unsatisfactory fudge.

Landowners have brought pressure to bear to close off the historic records much sooner, and the ramblers have objected that until this situation has been sorted out, the closing off of records should not even be considered. The clause should contain a way forward; perhaps Ministers will explain the way forward. We should complete this task, which has been under way for more than 51 years—since the 1949 legislation—and has not been satisfactorily completed. We should not be setting a deadline 25 years away; we should be getting to grips with the problem now.

According to information that I have, at the present rate of progress Suffolk might complete the process in about another 200 years. The picture seems to be very similar for other counties—such as Lancashire or Lincolnshire, which expect to take nearly as long. It is totally unsatisfactory. It would be far better for the Government to make a clear commitment to ensuring that the resources will be there to allow the matter to be dealt with. If the Government were proposing in the legislation that the resources would be there, we would not need this very unsatisfactory fudge.

The fudge is unsatisfactory in that it gives voluntary groups no incentive to get a move on and ensure that all their claims are in, and gives county council surveyors no incentive to ensure that footpath measures are given real priority. We need the resources to complete the task and to get a move on.

I have a question for the Minister. As I understand it, at the end of 25 years, public rights of way would not be claimed in this way. However, a very large number of rights are conferred on specific groups of people by private Bills that pass through this House. As I understand it, Government new clauses 25 and 26 do not deal with individual rights conferred by private legislation—mainly enclosure Acts—which did not confer a public right of access but conferred a right on the commoners or the people who lived within a particular village at the time. Instead of solving the problem, we shall simply deny the public the right to make claims, but the right of particular groups of individuals specified by some of this historic legislation will run on, so landowners will not have the certainty that they desire.

I hope that, at this stage, the Government will consider whether it would be better to drop new clauses 25 and 26, and that if they cannot do so now, they will come up with a better solution in the House of Lords. A better solution would be to ensure that the resources are available to make it possible for the claims to be sorted out quickly.

Mr. Wigley: I shall come to the comments of the hon. Member for Denton and Reddish (Mr. Bennett) shortly, but first, I wish to express my support for the amendment moved by the hon. Member for Somerton and Frome (Mr. Heath). The issues that have been raised would ring a bell in most rural areas where there has been an immense tangle and problem with regard to footpaths, bridleways and roads. The hon. Member for Denton and Reddish touched on an important point when he referred to resources. Many local authorities, including my own, have immense burdens placed on them when they try to deal with these issues, but they do not have adequate resources to do that. Fundamental reviews will be necessary in some areas, so I hope that the resources will be available to carry them out.

The pattern of footpaths that we have inherited does not follow any rhyme or reason. Many of the footpaths that developed in the last century followed the route that the postman took from farm to farm. There is no great logic in keeping footpaths that have no merit, but there is every logic in protecting and developing those that play a significant role in allowing people access to the countryside. We should do that in a way that is consistent with the interests of agriculture.

Equally, some bridleways exist only because the horse was the mode of transport used. By now, many of those bridleways are less relevant, but we should consider how we organise the bridleways that are used by people who ride horses for recreational reasons. Organising them may not follow the same logic as was used for the bridleways that have existed historically. A root-and-branch review is necessary and I shall be interested to hear how the Minister presents the Government new clauses and describes the relevance that they will have to such developments.

The one thing that the Government must take on board—I am assured that they will—is the wish of local communities as regards footpaths, bridleways and roads with a lower classification. The views of community councils in Wales and of parish councils in England should be central. They understand the real needs of their areas and understand which historical provisions may no longer be required. I hope that the Minister will be able

[Mr. Wigley]

to tell us what help will be given to local authorities so that they can deal with the issue in a consistent and thorough manner—and can do so without taking too long.

The Minister for the Environment (Mr. Michael Meacher): Before I turn to this important set of Government amendments, I shall deal with the amendment moved by the hon. Member for Somerton and Frome (Mr. Heath). I have much sympathy for his aim of extending the ways used by horse-drawn carriages. I appreciate their social value to the disabled and to the other groups that he mentioned.

I must resist amendments No. 33 and 34 not because we have a different purpose, but because there is a difference between us on how to reach our aim. The amendments do not accord with the policy objectives that we have set out in clauses 43 and 44. It is not our intention to overturn the outcome of individual reclassifications that have been completed. Rights of way that have been reclassified as a result of reviews carried out under section 54 of the Wildlife and Countryside Act 1981, or before that, under schedule 3 to the Countryside Act 1968, have already been considered on a case-by-case basis. As part of those reviews, evidence as to the status of each way would have been taken into account. That may have involved the detailed examination of evidence at a public inquiry.

Moreover, the amendments would require that any right of way shown on a definitive map which happened to be marked with the annotation CRF or CRB—for hon. Members who are unfamiliar with the terms, I must explain that they stand for carriage road footpath and carriage road bridleway—would be treated as a restricted byway irrespective of whether it had previously been a RUPP, which stands for a road used as a public path. As the hon. Member for Somerton and Frome realises, the terms CRF and CRB have no legal significance. We do not intend, through the Bill, to revisit past decisions. The objective is to provide greater clarity over the rights that exist over those remaining RUPPs and to remove the burden of individual reclassification of all RUPPs from local highway authorities. On that basis, I hope that the hon Gentleman will withdraw the amendment.

The hon. Gentleman also tabled new clause 13, which, as he said, gives a definition of the term "duly made" in relation to objections or representations about definitive map modification orders. Certainly, there have been a great many problems associated with those in the past. The new clause's primary purpose is to ensure that when there are irrelevant objections to an order, a surveying authority can go ahead and confirm the order—in other words, treat it as an unopposed order.

4 pm

As I said in Committee, I have a lot of sympathy with that objective. However, since Committee stage we have found that the matter is not as straightforward as it may appear. I am afraid that we need a little more time before deciding whether to introduce proposals. However, I remain sympathetic to the new clause. If, having taken account of all the detailed considerations, we can overcome the difficulties, we shall introduce proposals. The hon. Gentleman may not find that satisfactory, but it is all that I can offer now. I hope that he will trust my bona fides and be prepared not to press the new clause.

I shall move on to Government amendment No. 291, a technical amendment that is necessary to ensure that commencement orders can be made under clause 71 to safeguard the effect of orders reclassifying RUPPS. Government amendment No. 294 arises from an amendment tabled in Committee by my hon. Friend the Member for Pendle (Mr. Prentice), and places an obligation on surveying authorities to keep an up-to-date record of applications for orders modifying the legal record of rights of way that local authorities are required to maintain—in other words, the definitive map and statement. We have accepted that idea from my hon. Friend.

Government amendment No. 296 arises from another amendment tabled by my hon. Friend the Member for Pendle, and will make existing footpaths, bridleways and BOATs publicly maintainable. The term BOATs does not mean what one might think, and for hon. Members who are not familiar with it, I shall explain that it stands for byways open to all traffic. BOATs were reclassified from RUPPs, which are roads used as public paths; that is the last acronym that I need to explain before proceeding in this complicated area. BOATs did not become publicly maintainable under the Countryside Act 1968 because the special review under which they were reclassified was abandoned. The amendment is line with the intentions of the 1968 Act and the Bill's provisions for restricted byways.

Government new clauses 25 to 28, amendment No. 295 and consequential amendments Nos. 292 and 293 fulfil the commitment that I gave on Second Reading to introduce proposals to encourage completion of the historic record of rights of way within 25 years, at which my hon. Friend the Member for Denton and Reddish (Mr. Bennett) expressed displeasure. Together with the requirements in clauses 51 and 52 for local authorities to prepare rights of way improvement plans, the new clauses are a key part of our drive to secure a more complete and up-to-date network of rights of way throughout England and Wales.

Despite progress over the last few years, few definitive maps on which local authorities are required to record rights of way are genuinely definitive. It is important to set a target date for recording historic rights of way, the provenance of which may go back hundreds of years and the existence of which may not always be known to the owner of the land that they cross, or to the public who could want to use them. The current system absorbs significant resources, and after 50 years, as my hon. Friend the Member for Denton and Reddish said, it has still not provided—indeed, it is still some way from providing—a comprehensive network for all.

My hon. Friend argued that at the current rate of progress, it might take some 200 years to complete the process, but the whole point is that the reason why there has been so little progress until now is that there has been no concentration of minds on this objective and—I agree that this is a very important point—little or no resources have been put behind it. We intend to address both those points.

In our consultation paper we proposed a 10-year period for recording historic rights of way. Many respondents argued that that was not long enough, and on further reflection I agree. We have therefore extended the period to 25 years, with provision for conditional extensions beyond that. There are also further safeguards to ensure

that important rights of way are not lost. I shall briefly explain, because this is important and the House needs to have a clear statement about what is intended.

The new clauses apply to rights of way created before 1 January 1949, the date of the legislation that first introduced definitive maps. That is broadly in line with the proposal in our consultation paper. The main elements of the provisions are as follows. Local authorities' duties to record all pre-1949 footpaths, bridleways, restricted byways and byways open to all traffic will continue until 1 January 2026.

After the deadline has been reached, any footpath or bridleway created before 1949 which is not recorded on a definitive map and for which no claim has been submitted will, with certain exceptions, be extinguished. The exceptions are set out in new clause 26. They include savings for the effect of a diversion order or other legal event that occurred after 1 January 1949 and as much of the original footpath or bridleway as necessary to connect it with another highway. There are also savings for any pre-1949 footpath or bridleway which passes over a bridge or through a tunnel and for footpaths and bridleways at the side of carriageways. There are regulation-making powers to exempt other footpaths and bridleways—for example, those that provide access to premises.

After the deadline, any unclaimed higher rights created before 1949 over footpaths, bridleways and restricted byways already shown on the map will also be extinguished. We do not see a need for as many exemptions in those cases, but we cannot rule out the possibility that, for example, evidence of likely hardship might arise as the deadline gets nearer. We believe it prudent, therefore, to have a regulation-making power to exempt rights of way of particular descriptions from extinguishment.

Mr. Damian Green (Ashford): Before the Minister moves on to completely new footpaths, does he have any idea of the likely number of footpaths or bridleways that would be covered by the exceptions in new clause 26? Are we talking about a very rare phenomenon, or might many hundreds of footpaths need to be exempted from the extinguishment?

Mr. Meacher: That is a fair question, but I cannot answer it. I will ensure that those who can, give me the information, and as soon as I have it I will repeat it to the hon. Gentleman. I do not think that the number is large, but I will confirm that.

Completely new footpaths and bridleways created after 1 January 1949, either by use or by a legal event such as a creation order, would continue to be eligible for recording. There is no deadline for submitting claims for those. A footpath that is wrongly shown on a definitive map as a bridleway at the beginning of the 25 years and is still shown as a bridleway on the cut-off date will have bridleway rights created over it. There are savings for applications to have the way shown as a footpath so long as they are made before the cut-off date.

The Secretary of State and the National Assembly for Wales will have power to make regulations extending the deadline for a maximum of five years for any local authority area in which definitive maps have been made since the 1949 Act. Some areas were excluded from the requirements of the 1949 Act and therefore have had less time to record historic rights of way. In many cases, the duty to prepare maps for those areas was first imposed by the Wildlife and Countryside Act 1981. The areas concerned include the Isles of Scilly and the former county borough areas. In addition, county councils were able to exclude built-up areas from their maps. The five-year upper limit on extending the deadline does not apply in any of those areas.

Where a highway crosses the boundary between two areas with different cut-off dates, the later date will apply. The provisions do not apply in the 12 inner-London boroughs, which have never been required to prepare definitive maps. The cut-off date will not apply to any highway that crosses the boundary into inner London. I apologise for the complication and detail, but I thought that the House needed a clear statement of intention.

Vehicular rights of way are treated differently from footpaths and bridleways. Restricted byways will not be caught by the deadline because initially all restricted byways will be created from ways already shown on a definitive map. Byways open to all traffic are a little more problematic. Subject to any statutory exceptions, any pre-1949 vehicular rights over a footpath or bridleway shown on the map will be extinguished if not claimed by the deadline. However, extinguishing any hitherto undiscovered BOAT that is not shown on a definitive map in any form is, obviously, more difficult. A BOAT is a full carriageway. Solely for the purposes of being recorded on definitive maps, a BOAT is expressly defined by reference to the degree to which it is used by walkers or horse riders, as well as the rights over it.

Without such a condition, all unclassified roads would have to be researched and recorded on definitive maps, whereas only highways that meet the definition of a BOAT are recordable. There are more than 160,000 miles of such highways in England alone—many more than the 10,000 or so miles of unclassified roads or "green lanes" that people normally think of in terms of vehicular rights of way. We have thought long and hard about the matter but cannot find a satisfactory way of clearly distinguishing BOATs from the many thousands of miles of minor routes that are important to local traffic but were never intended to be recorded on definitive maps. The most pragmatic solution is simply to stop recording previously undiscovered BOATs that have not been claimed before the deadline.

As a category of right of way, BOATs were developed from roads used as public paths—an invention of the 1949 Act primarily aimed at recording ways that were useful to walkers and horse riders. Remaining RUPPs will have restricted byway rights under clauses 43 and 44. We see no case for continuing to record BOATs after the deadline, except for any arising from the creation of vehicular rights after 1949 over any footpath, bridleway or restricted byway that is shown on a definitive map on the cut-off date. I hope that that is totally clear to every hon. Member. I am sure that you did not mean to shake your head, Madam Speaker.

The main objective is to secure completion of as much of the historic record of rights of way as is reasonably possible. We shall use the regulation-making power in clause 59 to require regular progress reports from local authorities, and we envisage a monitoring role for the Countryside Agency and the Countryside Council for Wales.

4.15 pm

I now come to the key point—resources—which was mentioned with such conviction by my hon. Friend the Member for Denton and Reddish. We are committed to providing local authorities with the additional resources which the regulatory impact assessment estimated would arise from the proposals. Although I cannot anticipate the outcome of the current spending review, I can say that we are also examining the possibility of providing additional funding for research by non-governmental organisations into the existence of rights of way.

It is our intention to concentrate on that because it is sensible to bring definitively to a close the exercise of determining the rights of way network. However, we do not intend to do that without ensuring that there are adequate resources to make it possible for all existing paths that can reasonably be found to be found.

Mr. Bennett: My right hon. Friend spoke of adequate resources. Will he put a figure on that?

Mr. Meacher: I cannot disclose the bid that we made in the spending review that is currently proceeding. The Chancellor will make a statement next month. However, I assure my hon. Friend that it is quite sufficient to achieve the purpose that I outlined.

We believe that those provisions will lead to a more accurate and more complete record of rights of way, and, together with the new rights of way improvement plans, to a network that is more in tune with modern recreational demands and the needs of land managers. I apologise for the length of my remarks and hope that the Government proposals are acceptable to hon. Members in all parts of the House, especially to my hon. Friend the Member for Denton and Reddish, who I know has such a strong interest in the subject.

Mr. David Heath: With the leave of the House, Madam Speaker, may I say that we have just had an illustration of the morass of acronyms and technicalities into which we stray as soon as we start to contemplate rights of way legislation? It may be an eye-opener to hon. Members who did not serve on the Standing Committee.

I am grateful to the Minister for the care with which he replied. It is only because of the enthusiasm with which I embrace his new concept of a restricted byway that I want it to be applied to paths that have been reclassified in other forms before. That is the essence of amendments Nos. 33 and 34.

Once vehicular traffic of a motorised variety is differentiated from horse-drawn traffic, roads that are suitable for bridleways will almost all be suitable for horse-drawn traffic, and those which are not will be self-evidently unsuitable because of the size restrictions on them. People can take their own decisions about whether a path is a suitable one down which to drive a cart.

There is a risk that there have been wrong classifications, not because of any intended sleight of hand, but because of the classification system. My amendments would have helped in that respect, but I understand the Minister's argument.

New clause 13 contains a sensible suggestion, and the right hon. Gentleman was kind enough to say that he was sympathetic to the objectives and has undertaken to consider it further. I know from experience in Committee that he is as good as his word: several suggestions that I made in Committee have come back as amendments to the Bill. New clause 13 would assist a wide variety of people—those who objected, as well as those who took the opposite view—and would save local authorities a huge sum. I therefore believe that even before the idea behind the new clause reaches another place, it would be right to reinforce the right hon. Gentleman's intention to reconsider it by dividing on it later this evening.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 44

RESTRICTED BYWAY RIGHTS

Amendment made: No. 291, in page 25, line 35, at end insert—

'(7A) Where—

(a) by virtue of an order under subsection (3) of section 71 ("the commencement order") containing such provision as is mentioned in subsection (6) of that section, an order under Part III of the 1981 Act ("the Part III order") takes effect, after the commencement of section 43, in relation to any way which, immediately before that commencement, was shown in a definitive map and statement as a road used as a public path,

(b) the commencement order does not prevent subsection (1) from having effect on that commencement in relation to that way, and

(c) if the Part III order had taken effect before that commencement, that way would not have fallen within subsection (1),

all rights over that way which exist only by virtue of subsection (1) shall be extinguished when the Part III order takes effect.'.—*[Mr. Meacher.]*

Schedule 5

PUBLIC RIGHTS OF WAY: DEFINITIVE MAPS AND STATEMENTS AND RESTRICTED BYWAYS

Amendment made:

No. 292, in page 45, line 30, at end insert—

'( ) In subsection (3)(c)(i) for "a right of way to which this Part applies" there is substituted "a right of way such that the land over which the right subsists is a public path or, subject to section 54A, a byway open to all traffic".'.

No. 293, in page 45, line 41 after "ought", insert—

', subject to section 54A,'.

No. 294, in page 46, line 50, at end insert—

'Register of applications under section 53

53B.—(1) Every surveying authority shall keep, in such manner as may be prescribed, a register containing such information as may be prescribed with respect to applications under section 53(5).

(2) The register shall contain such information as may be prescribed with respect to the manner in which such applications have been dealt with.

(3) Regulations may make provision for the register to be kept in two or more parts, each part containing such information relating to applications under section 53(5) as may be prescribed.

(4) Regulations may make provision—

(a) for a specified part of the register to contain copies of applications and of the maps submitted with them, and

(b) for the entry relating to any application, and everything relating to it, to be removed from any part of the register when the application (including any appeal to the Secretary of State) has been finally disposed of (without prejudice to the inclusion of any different entry relating to it in another part of the register).

(5) Every register kept under this section shall be available for inspection free of charge at all reasonable hours.

(6) In this section—

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Secretary of State by statutory instrument;

and a statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.".'.

No. 295, in page 47, line 13 at end insert—

'3A. After section 54 of that Act there is inserted—

"BOATs not to be added to definitive maps

54A.—(1) No order under this Part shall, after the cut-off date, modify a definitive map and statement so as to show as a byway open to all traffic any way not shown in the map and statement as a highway of any description.

(2) In this section "the cut-off date" means, subject to regulations under subsection (3), 1st January 2026.

(3) The Secretary of State may make regulations—

(a) substituting as the cut-off date a date later than the date specified in subsection (1) or for the time being substituted under this paragraph;

(b) containing such transitional provisions or savings as appear to the Secretary of State to be necessary or expedient in connection with the operation of subsection (1), including in particular its operation in relation to—

(i) an order under section 53(2) for which on the cut-off date an application is pending,

(ii) an order under this Part which on that date has been made but not confirmed,

(iii) an order under section 55 made after that date, or

(iv) an order under this Part relating to any way as respects which such an order, or any provision of such an order, has after that date been to any extent quashed.

(4) Regulations under subsection (3)(a)—

(a) may specify different dates for different areas; but

(b) may not specify a date later than 1st January 2031, except as respects an area within subsection (5).

(5) An area is within this subsection if it is in—

(a) the Isles of Scilly, or

(b) an area which, at any time before the repeal by section 73 of the 1981 Act of sections 27 to 34 of the National Parks and Access to the Countryside Act 1949—

(i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or

(ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.

(6) Where by virtue of regulations under subsection (3) there are different cut-off dates for areas into which different parts of any way extend, the cut-off date in relation to that way is the later or latest of those dates.

(7) Where it appears to the Secretary of State that any provision of this Part can by virtue of subsection (1) have no further application he may by order make such amendments or repeals in this Part as appear to him to be, in consequence, necessary or expedient.

(8) An order or regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.".'.

No. 296, in page 47, line 13, at end insert—

'. In section 55 of that Act (no further surveys or reviews under the National Parks and Access to the Countryside Act 1949), after subsection (6) there is inserted—

"(7) Every way which—

(a) in pursuance of an order under subsection (5) is shown in a definitive map and statement as a byway open to all traffic, a bridleway or a footpath, and

(b) before the making of the order, was shown in the map and statement under review as a road used as a public path,

shall be a highway maintainable at the public expense.

(8) Subsection (7) does not oblige a highway authority to provide, on a way shown in a definitive map and statement as a byway open to all traffic, a metalled carriage-way or a carriage-way which is by any other means provided with a surface suitable for the passage of vehicles.".'. — *[Mr. Meacher.]*

Mr. Andrew Hunter (Basingstoke): I beg to move amendment No. 304, in page 47, line 15, at end insert—

'(1A) In paragraphs (a) and (b) of subsection (1), the words from "so however" to the end of the paragraph are omitted in each case.'.

Madam Speaker: With this it will be convenient to discuss the following amendments: No. 305, in page 47, line 18, leave out from '(b)' to '"together' and insert—

'for the words from "so however" to the end of the paragraph there is substituted'.

No. 302, in schedule 7, page 75, line 12, leave out from "is" to first "to" in line 13.

No. 303, in page 75, leave out line 14.

No. 45, in page 75, line 14, leave out "prima facie".

No. 135, in page 75, line 32, at end insert—

'(5A) A person shall be deemed to have and to always have had lawful authority if that person is driving a mechanically propelled vehicle on to or upon a way or track across common land in order to gain access to or egress from a dwellinghouse where the access is across that common land.'.

No. 136, in page 75, line 32, at end insert—

'(5A) Where a way across a common has been used as the vehicular access to a dwellinghouse as of right and without the access having been called into question by proceedings for 20 years prior to 3rd November 1999 then any person shall have lawful authority to drive a mechanically propelled vehicle to and from the dwellinghouse.'.

Mr. Hunter: I want to speak to amendments Nos. 304, 305, 302 and 303, which were tabled by the hon. Member for North-East Derbyshire (Mr. Barnes). I added my name to two of them, but it was an act of incompetence on my part that I did not sign all four; I overlooked two. The hon. Member for North-East Derbyshire is understandably absent, and I send my best wishes to Mrs. Barnes for a full and speedy recovery.

Amendments Nos. 304 and 305 relate to schedule 5(4). The schedule amends the Wildlife and Countryside Act 1981. Amendments Nos. 302 and 303 relate to

[Mr. Hunter]

schedule 7(5) and would amend the Road Traffic Act 1988, albeit in a slightly different form from the substitution that the Bill proposes. The amendments arise from the long-standing, increasing and much-publicised problem of the abuse of rights of way by motorised vehicles. I have raised the subject twice in Adjournment debates, as well as on Second Reading.

The heart of the problem is the reclassification of RUPPs under the Wildlife and Countryside Act 1981. It is generally agreed that that Act has, sadly, failed to provide the necessary protection for our green lanes. It is also a legal minefield. Vast tracts of our green lanes are extensively damaged by abuse by motorised vehicles. Agricultural vehicles cause some damage, but the root cause of much of the abuse by motorised vehicles is the limitation of the reclassification process under the 1981 Act.

I share the opinion of the hon. Member for North-East Derbyshire that the Bill does not fully and adequately tackle the problem, hence the amendments. If the hon. Gentleman were here, he might have chosen to illustrate his general argument by referring to a specific episode, which happened in his constituency. Eight defendants appeared at Chesterfield magistrates court in November 1999, charged with driving on a bridleway—Grimsell lane, Holmesfield in Derbyshire. The case lasted for three days, and the defendants were acquitted.

Sergeant Harwood, who was involved in bringing the case to court, shared his thoughts on the subject with the hon. Member for North-East Derbyshire. He also wrote to me at some length; I greatly appreciated hearing from him. He argued that the Grimsell lane case clearly illustrates the problems of prosecuting illegal vehicular use of bridleways. The words "but no other" in the definition of bridleway in section 66(1) of the 1981 Act and section 192(1) of the Road Traffic Act 1988 constituted the sticking point.

The three words "but no other" put the onus on the prosecution to establish beyond reasonable doubt that no vehicular rights exist. That applies to every route on a case-by-case basis. Consequently, the prosecution of a relatively minor offence requires a disproportionate amount of time and effort, and detailed research into every route.

It is not surprising that the stipendiary magistrate at Chesterfield magistrates court lamented in his judgment on the Grimsell lane case:

> If the Definitive Map were indeed definitive, that would be an end to the matter.

The same legal obstacle does not appear in the definition of footpath in the Road Traffic Act 1988.

The Grimsell lane case, and others, have shown that it takes considerably less evidence to introduce doubt into a criminal trial, and so win an acquittal, than it does to prove that vehicular rights exist. I am told that Derbyshire county council was aware of no evidence to prove vehicular rights on Grimsell lane even after extensive research in preparing for the case, which nevertheless went against them. The Chesterfield judgment is likely to prevent further prosecutions under existing legislation. It is that scenario, and others like it, that the hon. Member for North-East Derbyshire wants to address under the amendments.

As hon. Members know, schedule 5 will make procedural changes to the provisions of the Wildlife and Countryside Act 1981 on the circumstances in which the definitive map and statement can be modified when an illegal event has occurred. Reduced to simplicity, amendment No. 304 would add a new section that would further amend section 56 of the 1981 Act. Whereas the definition of bridleway under the Road Traffic Act 1988 assumes that there are "no other rights"—a tag that appears in section 192 without qualification—the same tag is qualified in the 1981 Act by the words

> without prejudice to other rights.

Therefore, a prosecution that relies on reference to the definitive map, as distinct from section 34 of the 1988 Act alone, runs the risk of an even more uncertain platform. I was prompted to make that point by Mr. Graham Plumbe, who briefs me in detail on such issues.

Amendment No. 304 would provide an alternative and firmer foundation. It would tighten the inherited definition and remove the element of ambiguity. Amendment No. 304 is wholly consistent with the intentions stated in the Bill. Much the same argument can be applied to amendment No. 305, the purpose and effect of which would be to define further when a right of way is not open to mechanically propelled vehicles. It follows naturally from the previous amendment and is also consistent with the Bill.

Amendments Nos. 302 and 303 relate to schedule 7, which deals with the driving of mechanically propelled vehicles elsewhere than on roads. Their purpose and effect would be to promote the status of a definitive map and statement. That would be done by removing the let out

> without prejudice to section 51(1) of the Wildlife and Countryside Act 1981

and its fellow traveller

> unless *prima facie* evidence is adduced to the contrary,

both of which are further enshrined in section 34 of the Road Traffic Act 1988.

The intention is simple: to make the definitive map definitive, and I have already referred to the uncertain platform for prosecution provided by section 34 of the 1988 Act. In other words, these amendments would make the definitive map and statement the deciding factors. It should be an offence to drive a mechanically propelled vehicle on a way shown on the definitive map as a bridleway, unless public rights for that purpose were shown to exist at the time of such use.

In short, all four amendments would provide essential protection for rights of way, facilitate enforcement against unwanted and illegal use by motorised vehicles and promote the intentions stated in the Bill. I commend the amendments to the Minister, and I hope that he will respond positively.

On amendments Nos. 135 and 136, which were tabled by my right hon. Friend the Member for North-West Hampshire (Sir G. Young), I have no intention whatever of stealing his thunder. If he catches your eye, Mr. Deputy Speaker, he will no doubt fully present the arguments for them. All that I wish to do in advance of his contribution is to declare my support for them. They deal with a problem to which I referred on Second Reading, when I drew the Minister's attention to the practice of common owners charging residents for access to their homes if their driveways pass over common ground. I encountered

that practice in the village of Newnham in my constituency, where it causes some concern. The owners of common land demanded a charge of several thousand pounds, which the vendor of a house felt obliged to pay so that the purchaser could be assured of rights of access and egress.

On Second Reading in March, I was aware of only three or four similar instances in other parts of the country, but more have come to light since then. I warmly endorse the arguments that I anticipate my right hon. Friend will make in due course.

4.30 pm

Sir George Young (North-West Hampshire): I thank my hon. Friend the Member for Basingstoke (Mr. Hunter) for his remarks. Perhaps he was the lightning before the thunder.

I should like to speak to amendments Nos. 135 and 136 in my name and in the names of some of my hon Friends and my parliamentary neighbour the hon. Member for Newbury (Mr. Rendel). The background to these two amendments is an Adjournment debate on 3 November last year. In a nutshell, a group of my constituents who have been living peacefully on or around Newtown common—one for 60 years and several others for more than 40 years—woke up to find that a company called Bakewell Management had acquired ownership of Newtown common.

One resident received a letter dated 6 October 1999 from chartered surveyors acting for Bakewell. It said:

> As it appears that you and your visitors are driving over our client's land to reach your house, we are offering you an amnesty whereby you can come to a settlement with our clients at a favourable rate.

That rate turned out to be 6 per cent. of the open market value of their home, provided agreement was reached before 15 November 1999. The letter helpfully added that, without agreement, it would be impossible to sell the property, and mentioned a figure in excess of 10 per cent. as being achievable.

In many cases, 6 per cent. could be £30,000. In a few, it would be a lot more. Many of my constituents are retired and cannot easily find such sums. They cannot sell their houses because they are, in effect, blighted until this problem is solved.

These constituents have had uninterrupted access from the main road to their houses for time immemorial. They bought their houses through solicitors to whom they paid professional fees, and the solicitors had done the searches with the local authority. None had revealed any problem, and nor was there a problem until two things happened. First, a court decision in 1993 and, secondly, the subsequent acquisition of the common by Bakewell, with a view to exploiting that decision.

I shall distil a complex problem into a sentence or two. A Court of Appeal decision in 1993—Hanning *v.* Top Deck Travel Group—gave a fresh interpretation of the law on vehicular access over common land. The court decided to deny access over a common to business premises by double-decker busses. Private cars and private houses were not considered, but are assumed to be similarly precluded from access by those who have studied the case.

The court decided that, because it had been illegal since 1925 to drive over urban and certain other common land, householders who had enjoyed free access could not acquire a prescriptive right through an illegal activity. Driving over the remaining common land was banned in 1930. The only way that a right to drive from a public road to one's property over common land can be secured is by getting an easement from the owner of the common. Bakewell bought Newtown common, and is now seeking to exploit the court decision by charging my constituents for something no one dreamed of charging them for before.

The Law of Property Act 1925 was never meant to stop people driving over a common to their home. It was intended to restrict members of the public from driving on commons while others were on the common for "air and exercise". Indeed, no one was prevented from driving to their houses across a common from 1925 until 1993, but this is the interpretation that we are now stuck with.

Initially, I pursued this matter with the president of the Law Society to see whether there was a way through, short of changing the law. In a letter dated 24 November 1999, he said:

> If the solicitors carried out all the normal searches and no problems with access were revealed, then the solicitors would not have been negligent.
>
> If there is not clear negligence and they are simply the victims of one of the more arcane aspects of our legal history, ie laws concerning common land, they may be left without redress. If that is the situation, then they have to look to Parliament to amend the appropriate law.

That is what hundreds of people are doing.

Since that debate, it has become clear that Newtown common does not represent an isolated incident. I have had many letters from colleagues and members of the public. My hon. Friends the Members for Guildford (Mr. St. Aubyn) and for Surrey Heath (Mr. Hawkins) have been active in Surrey, and the Runton and district residents association, from the constituency of my hon. Friend the Member for North Norfolk (Mr. Prior), has written. My hon. Friend supports the amendments. Constituents in Pirbright, represented by my hon. Friend the Member for Woking (Mr. Malins), have also written. My hon. Friend the Member for Tewkesbury (Mr. Robertson) has a constituency issue, as has my hon. Friend the Member for South-West Hertfordshire (Mr. Page) in Chorleywood common. My right hon. Friends the Members for Bromley and Chislehurst (Mr. Forth) and for North-East Hampshire (Mr. Arbuthnot) and my hon. Friends the Members for Stratford-on-Avon (Mr. Maples) and for Beaconsfield (Mr. Grieve) are all concerned.

Mr. James Paice (South-East Cambridgeshire): As you cannot do so, Mr. Deputy Speaker, I should say that I recollect that the same problem arises in an area in your constituency, which I represented in local government in Suffolk.

Sir George Young: I am grateful to my hon. Friend for that information. No doubt the debate will take place in an even more respectful atmosphere.

I raised the matter in a debate last year, in response to which the Under-Secretary, the hon. Member for Sunderland, South (Mr. Mullin), could not have been more helpful. He said:

> The situation that the right hon. Gentleman has described seems, on the face of it, to be outrageous.

[Sir George Young]

He was kind enough to add:

> Were our roles reversed, I might well have made a similar speech.

He went on to say that

> although Bakewell may well have the letter of the law on its side, I wonder whether it is able to defend its position morally, as well as legally.

He agreed that

> in some ways, common land law is ripe for review

and went on to suggest that

> there may well be a case for placing some reasonable limit on the charge that the owner is entitled to make.

In connection with that, he said:

> I shall watch with interest the level of charges that Bakewell imposes and compare them with the reasonable charges for similar access made by county councils and the National Trust.—[*Official Report*, 3 November 1999; Vol. 337, c. 271-74.]

In fairness to the Minister, although he said that the law was ripe for review, he made no commitment to legislation, but offered to meet me to discuss the matter further. I met him on 14 December, with members of the Newtown residents association, and again he could not have been more sympathetic. He made the valid point that any solution must deal with the problem not just at Newtown common, but elsewhere. He advised my constituents not to waste money on barristers at that stage because there was sufficient expertise in the Department of the Environment, Transport and the Regions for free.

The Minister offered a further meeting with officials, which took place in my room at the House on 20 January. A number of possible amendments were discussed. We were told that he remained keen and sympathetic, but we got a clear message that options that involved no payment at all risked running foul of the European convention on human rights. That strikes me as a pessimistic interpretation of the ECHR, and one of my hon. Friends who knows more about the law than I do may develop the point.

Rights can of course be acquired by long usage. Generally, if a person uses a route to get to his house without the permission of the landowner for 20 years, he has an easement. The Court of Appeal case that stops that on commons was concerned not with protecting landowners' rights, but with enforcing the public law on commons. The partial reversal of the Hanning principle, which I propose, would allow normal land law principles to apply. It is not apparent that human rights problems will occur.

The discussion with officials was helpful and, without commitment, they identified a number of possible solutions, on which I and my constituents have done further work. As recently as 14 April, a senior official in the Minister's countryside division wrote to one of my constituents, Mrs. Ponting, saying:

> In the meantime, you may like to be aware that, following discussions between Chris Mullin and Sir George Young, the department is investigating how we might curb the ability of landowners to make excessive charges for the grant of easements to allow vehicular access over common land.
>
> We have identified a range of options which may achieve this objective, but have not reached any firm conclusions yet on the best way forward.

Against that background, the House might hope that the Minister will smile on the amendments. However, more recently, the Department's tone has changed from, "How can we help?" to, "I am sorry, it is all too difficult." Less than a month after the letter from which I have quoted was written, the deal was off.

The Minister wrote to me on 10 May saying:

> Given that the issues will be explored, in due course, in the context of the consultation paper on common land I do not propose to ask my officials to do any more work on the options at present, although they remain "on the table."

He went on to say that, although it was open to me to table an amendment to the Bill,

> it would be misleading of me to suggest it is likely to receive Government support.

That is disappointing against the background of the supportive remarks that were made earlier. While the proposals remain on the table, my constituents remain on the rack. The consultation paper that the Minister refers to, in the words of a letter that he wrote to me on 17 February,

> does not deal with the problems of vehicular access.

The negative message in the Minister's letter obscured some helpful passages, which indicated the sorts of solution that would be acceptable to him:

> A reasonable capital charge would be no more than 5 per cent. of the value of the property.
>
> Discounts for those who could show long use.
>
> The option of payment now or at a time of sale.
>
> Provision for those who could show financial hardship.
>
> No question of vehicular access being denied whilst negotiations take place.

That forms the foundation of an acceptable solution to the problem, but we should tackle the problem here and now. The Bill already makes substantial changes to the law on commons: it provides a right of public access to rural commons; it amends provisions on vehicles on commons. The Minister wants me to wait, but Bills on commons are a rare species—rarer even than nature conservation Bills. There were only three in the past century. No way should my constituents have to wait for a legislative bird in the bush when there is one in the hand. Therefore, I want to build on the principles in his letter and to come to a legislative solution to the problem in the context of the Bill.

Amendment No. 135 simply restores the position to what it was thought to be before Hanning *v.* Top Deck Travel Group—in other words, nothing is payable and people have the right that they all thought they had. Amendment No. 136 adopts the conventional 20-year rule for establishing rights of access. From the date of my Adjournment debate, anyone who had been driving backwards and forwards would continue to have that right.

The present position is wholly indefensible, as the Minister has conceded. A third party, using a loophole in the law, can claim part of the equity of someone else's house. That is feudal, with overtones of the sheriff of Nottingham. A Government who have abolished most of the hereditary peers should be able to take removal of that relic from the middle ages in their stride. They should certainly be able to back the many against the few.

My amendments are in order; they have been selected; they are urgent. We know that they have the Minister's sympathy. I am prepared to accept that they may not be

the last word in technical perfection—they are from the do-it-yourself school of drafting, rather than the traditional parliamentary draftsman. I am prepared to consider withdrawing them and to share the credit for putting the anomaly right with the Minster in return for undertakings that the Government will come up with their own solution in another place. If the Government were able to do that, it would represent an acceptable outcome of today's debate, but, if no undertaking were given, I regret that I would feel obliged, out of commitment to my constituents, to divide the House.

Dr. David Clark (South Shields): I shall speak to amendments Nos. 304 and 305, which were so eloquently introduced by the hon. Member for Basingstoke (Mr. Hunter), but, first, I compliment the right hon. Member for North-West Hampshire (Sir G. Young). He has raised an issue that has much wider ramifications than Ministers or even other Members realise. It is not confined to the leafy south. A major problem of that nature is emerging in the north of England, where, traditionally, village greens are surrounded by artisans' houses.

Often, there is a strip of green between the road that goes around the village green and the egress from the properties. The problem is that, although that has not been challenged for perhaps two or three centuries and although there is not the threat from commercial ventures, as there is in the right hon. Gentleman's constituency, there is now a legal problem. Lawyers are coming to people who are selling their houses and saying, "There is a problem. Do you realise that you have no vehicular right of access to your house? The two-yard stretch of green over which you and your predecessors have crossed for two or three centuries is not actually a right of way." That causes a great deal of difficulty. I assume that amendment No.135, which relates to common land, includes village greens, but that is a technical point that we need to consider.

4.45 pm

Anyway, the only way of getting round the problem is for the vendor to take out a large insurance bond to cover a future buyer in the light of the potential threat. The position is clearly not satisfactory. The right hon. Gentleman suggested that returning to the position that obtained before an earlier judicial decision would solve the problem. That is a simple solution, although I do not know whether the Bill is the right vehicle for it. Certainly, the right hon. Gentleman has drawn attention to a difficulty that is much more widespread than people realise, and is causing anguish throughout the country.

Let me return to amendments Nos. 304 and 305, which, as I have said, were presented elegantly by the hon. Member for Basingstoke. I join him in sending good wishes to my hon. Friend the Member for North-East Derbyshire (Mr. Barnes), whom I know would have liked to be here to move his amendment.

The amendments raise issues that have wide ramifications. The hon. Gentleman mentioned an incident that took place largely in his constituency, involving vehicular rights over various types of path covered in the Bill. As chair of the all-party national parks group, I plead with the Minister to see if there is any way of tackling the problem affecting national parks. By definition, they are special places where people go for quiet enjoyment. The Bill recognises that but it is far from perfect, as has been pointed out by the Association of National Park Authorities, which represents all the statutory national parks.

There is a particular difficulty in some of the busiest parks, which have already tried to address the problem of vehicular access to various country byways. The park authorities believe that the powers in the Bill are not sufficient to enable them to tackle the problem and to fulfil their remit. I know that they have met Ministers, and that Ministers have been concerned and conciliatory. They are trying to find a way to help, and we all appreciate that.

Amendments Nos. 304 and 305 raise the question whether further traffic regulation orders could be available to national park authorities, enabling them, for instance, to create zones within which such orders would apply to specific routes, and to erect barriers across routes subject to the orders or, perhaps, voluntary restraint agreements to facilitate effective management.

There might be a facility for the revising and designing of materials used for the erection of signs, acknowledging the existence of special landscape requirements on some of the routes involved. It could, perhaps, be recognised that bona fide users of those routes—mainly local people—may want vehicular access in order to go about their daily business. There might be a licence system giving specified users defined routes to use, subject to the traffic regulation orders and within defined traffic regulation zones.

Finally—I think the amendments try to lead us towards this—the Association of National Park Authorities could be empowered to make enforced traffic regulation orders in regard to unsealed, unclassified county roads and byways open to all traffic, roads for public paths, bridleways and footpaths.

The Minister may not be able to give us a definitive answer today, but there are real problems with which the Bill does not quite come to grips. I believe that the Minister and his officials are working on them, and that we are nearly there. If the Minister does not feel able to accept the amendments, perhaps he will seek ways in another place to meet the legitimate concerns of the national park authorities. Those authorities are trying to perform the difficult task of balancing people's wish to go to rural areas, especially national parks, for quiet recreation with the legitimate right of local people to go about their daily business.

Mr. David Heath: Before I speak to amendment No. 45, I wish to say that the right hon. Member for North-West Hampshire (Sir G. Young) made an extremely persuasive case for his amendments. I had a similar case in the village of Long Sutton in my constituency, where a redundant school bordered a village green. There was no vehicular right of access, even though people had gained access across the green for very many years. That proved to be a substantial difficulty when the county council tried to dispose of the property for residential use. I therefore have sympathy with the amendments, and look forward to the Minister's reply.

Amendment No. 45 also deals with the vexed question of the Grimsell lane case, which was referred to by the hon. Member for Basingstoke (Mr. Hunter). I shall not rehearse those arguments, save to say that there is clearly a problem in enforcing section 34 of the Road Traffic

[Mr. David Heath]

Act 1988. The prosecution in the Grimsell lane case was required to prove beyond reasonable doubt that no higher vehicular rights existed than those that were marked in the categorisation of the road. The Minister has moved to address that matter, which we discussed in Committee. He tabled amendments in Committee, providing that a court would consider categorisation as a bridleway or footpath as substantial unless prima facie evidence were adduced to the contrary.

In Committee, I pointed out that prima facie evidence is the lowest level of evidential burden. As a result, any prima facie evidence given to the court by the defendant when a prosecution is brought immediately reverses the burden of proof. The prosecution then must prove beyond reasonable doubt that no higher rights exist. That seems to me to be wrong.

Deleting the words "prima facie" would mean that a more substantial burden of proof would be required. That would assist the court and the prosecuting authorities, but it would not deny anyone the right to prove substantively—if they can—that a vehicular right exists. The amendment would simply make the process more transparent, and that seems a worthwhile objective.

I commend the amendment to the House.

Mr. John Maples (Stratford-on-Avon): I support amendments Nos. 135 and 136, which are in my name as well as that of my right hon. Friend the Member for North-West Hampshire (Sir G. Young). The legal situation in Claverdon, a village in my constituency, is very much the same as the one described by my right hon. Friend, except for the fundamental difference that the common is now owned by the parish council.

About 20 houses were built on the common in the latter years of the 19th century. The manor and the common were sold in 1876, at which time the landowner gave the people who lived in those houses the option to buy. By 1880, all had done so.

Some of the houses have been added to since they were bought 120 ago years, with planning permission in many cases. By the time the Law of Property Act 1925 became law, the owners had probably established an easement or right of way across the common land to the houses. However, that is impossible to prove, as the houses have had many owners since.

As my right hon. Friend the Member for North-West Hampshire said, the section of the 1925 Act that creates the problem was intended to keep vehicles off commons when those commons had been dedicated to public use. The aim was to allow people to use and enjoy the commons without others driving vehicles across them. It was never intended to deprive people who had a right of way to their homes of that right of way, but that was the effect.

The 1925 Act creates a criminal offence that is also included in the various Road Traffic Acts. After section 193 of the 1925 Act came into operation, it was impossible to acquire a right of way by claiming prescriptive use over 20 years. Therefore, the technicality means that one can prove 20 years of continuous use only before 1925.

That problem did not bother anyone for years, certainly not in Claverdon. In 1950, the then lord of the manor gave the common to the parish council. People continued to use the common to drive to their houses and back, and indeed the parish council, when asked its opinion on various planning applications to build garages alongside the houses, raised no objections. Therefore, no problems had arisen since the parish council acquired title in 1950.

Two years ago, a firm of solicitors from Swansea, Edward Harris and Son, entered on the scene. I know that lawyers have to make a living and I made one myself as a lawyer for a while, and benefited from many of the restrictive practices with which that profession is endowed. However, ambulances must be in short supply in Swansea, because in 1998 the firm advertised its expertise on this issue and invited the owners of commons to contact them, which Claverdon parish council did.

The solicitors pointed out the anomaly in the law and the fact that the home owners did not have rights of way and, therefore, the parish council could charge them for rectifying the situation. The parish council, instead of approaching all the home owners and offering to accept £1,000 or £2,000 to cover the documentation and provide some benefit to the community, waited until the first house came up for sale. It used an estate agent in Stratford-on-Avon to watch the market until one of the houses came up for sale. The house in question was being auctioned, and the owner was desperate to sell it, for various reasons. The parish council managed to extract—or should I say, extort—£30,000 from him, on the basis that that was one third of the development value of the land or roughly 10 per cent. of the value of the house and the land.

Another constituent, a Mr. Baker, came to see me with a similar problem. His house was up for sale and the parish council had waited to contact him until he had advertised it. His negotiating position must have been slightly stronger, because he managed to negotiate the sum down from £30,000 to £2,000. Therefore, a wide range of prices has already been accepted and, indeed, the parish council settled with someone else for £1,000. However, now it has written to all those involved and suggested that the right value is a third of the development value of the land, which in many cases is probably around £20,000 to £25,000.

The parish council is in a difficult position because it is under an obligation, under the Local Government Acts, to extract best value for property that it sells. The parish council would probably prefer to be more reasonable, but it cannot, given the aggressive legal advice that it has received. Most owners would probably pay a small sum of money to sort out the position.

I suggest to the Minister that the situation constitutes a manifest injustice. As a result of an anomaly in the law, people are being asked to pay 10 per cent. of the value of their properties, at a vulnerable time—perhaps they have already bought another house and need to complete a chain—and many of them simply cannot afford to do so. They cannot prove that they acquired prescriptive rights by the time the Law of Property Act 1925 came into operation and they know that the parish council never previously challenged their rights to pass over the land. An outrageous injustice is being perpetrated on people in my constituency and that of my right hon. Friend the Member for North-West Hampshire. I suspect that many other hon. Members will find a similar situation in their constituency.

The problem can be resolved only by the Government. The amendments tabled by my right hon. Friend would resolve it, as he explained, and there may be other ways to solve it that might be more acceptable to the Government. For example, the House could fix the price or provide that the price should be fixed by the Lands Tribunal. We could also provide that if any of the properties came up for sale, some percentage of the value would apply, according to the length of time that the owners could prove that they had exercised the right of way. That has happened with some National Trust properties, which have a sliding scale from nothing to 5 per cent. If there is a problem with the European convention on human rights and some compensation for the loss of rights has to be paid, those options may be more acceptable. Whatever happens, we must resolve the issue quickly because it is causing great difficulties for many people.

As the common in my constituency is owned by the parish council, there is another way out of the problem and I hope that the Minister will address the possibility of dealing with the issue under the Local Government Acts. Section 127 of the Local Government Act 1972 requires a parish council to obtain best value for any property that it sells, unless it receives the consent of the Secretary of State to sell for less.

In 1998, the Secretary of State published regulations entitled "The Local Government Act 1972 General Disposal Consents 1998". Regulation 6 states that consent is given to a disposal of land by way of the grant of a right of way where the difference between the market value of the property and the price charged is less than £10,000. In this case, I do not know whether the difference is more or less than £10,000. If the proper value is £25,000 or £30,000, clearly it is more; if the value is 2 or 3 per cent, it would be less.

5 pm

Would the Minister consider, in the case of commons owned by parish, district or county councils, amending regulation 6 of the general disposal consents regulations to raise the value in the case of rights of way over commons being sold by parish councils that own those commons when clearly they have been in use as a right of way for more than 20 years?

I hope that the Minister will be able to accept amendments Nos. 135 and 136. If not, I hope that he will be able to say that he might accept other, similar amendments in another place and during our further consideration of the Bill. I should be grateful also if he would deal with the specific matter of whether, in the case of commons owned by parish or district councils, the general disposal consent regulations could be amended in such a way as to allow the grant of those rights of way for a relatively modest sum.

Mr. David Prior (North Norfolk): It is a great privilege to support amendments Nos. 135 and 136, which were tabled by my right hon. Friend the Member for North-West Hampshire (Sir G. Young), other colleagues and me. This debate provides us as Members with an opportunity to right a wrong that anyone with common sense would think was an injustice.

We would not be having the debate were it not for the fact that there was a loophole in the Law of Property Act 1925 which has come to light because of a 1993 Court of Appeal case, Hanning *v.* Top Deck Travel Group. I suspect that, initially, like many other hon. Members, I thought that that case dealt only with an arcane legal point that would have no specific or important ramifications. However, the case's implications for householders and owners of common land have been profound.

At a stroke, householders have discovered that they no longer have vehicular access to their homes which many of them have enjoyed for many years or, in some cases, for generations. Landlords have suddenly discovered that they now have an economic interest that they had not known about before. It was a windfall for landlords, but a financial disaster for a great many householders—I imagine many of them still do not know about the financial disaster.

I heard about the issue only at the end of last year, when my right hon. Friend the Member for North-West Hampshire initiated an excellent Adjournment debate on it. However, the full seriousness of the issue did not come home to me until I came across a case in my own constituency, in East Runton and in West Runton, where a landlord owns the common land and has written to all the householders around it, of whom there are a great many. The common land is held within a trust.

I should quote to the Minister exactly what the landlord said in his letter—which is instructive—to the householders. He said:

> The trustees have recently been made aware, by their solicitors, that there are new legal guidelines about vehicular access over common land following . . . (Hanning v. Top Deck Travel Group.) In simple terms the court decided that because it has been illegal since 1925 to drive over common land then householders could not acquire a prescriptive right through an illegal activity . . .
>
> Recently mortgage lenders have become reluctant to provide finance for purchasers of this type of property unless an express right of way has been granted. This has meant that some people were experiencing difficulties in selling their properties. So the Gresham Estate—

which is the owner of the common land—

> now has to find a way for homeowners selling their properties to obtain a formal easement . . . The District Valuer has indicated that he considers that a reasonable charge for this type of right of access is 10 per cent. of the property value. Other owners of common land charge much more than this figure (up to 30 per cent.) . . . As trustees we have a legal duty to obtain "best value" for any assets that we sell so it would not be possible to charge less than the 10 per cent. mentioned above.

I accept that there are various types of landlords—be they like Bakewell Management, in North-West Hampshire, the Gresham estate, in Norfolk, the National Trust, parish councils or county councils. Some of these people will have fiduciary responsibilities, but I hope that none will seek to hide behind a legal structure to avoid what is clearly a moral responsibility.

I have spoken with Runton parish council, the Runton residents association and the Runton commons management group. They all believe that an injustice is being perpetrated in North Norfolk. Very few households can face a potential liability, coming out of the blue, of up to 10 per cent. of the value of their house. The chairman of the residents association made this comment:

> Others including ourselves who have retired here will have to use our savings that was for our old age but some of our residents may not even be in a position to do this.

In addition, this has cast a blight over many properties that would otherwise have been sold in the area, and it will continue to do so until the position is satisfactorily resolved.

[Mr. David Prior]

No one is saying that there should be free car access or vehicular access over the commons, nor that the commons should not be properly managed. We are talking about an established access to a dwelling house. The amendments are about fairness, common sense and justice.

Mr. Douglas Hogg (Sleaford and North Hykeham): I agree with an awful lot of what my hon. Friend has said, but I have been asking myself this question: why is the amendment confined to access to or egress from a dwellinghouse? Should it not apply to land generally? I can imagine, for example, agricultural holdings that are in the same position as a dwelling house. I am not sure why we should confine the proposal to a dwelling house and not extend it more generally.

Mr. Prior: I am glad that my right hon. and learned Friend made that point. The proposal could apply to a market garden or an agricultural holding. Whether or not the Minister decides to accept the amendment today, my right hon. Friend the Member for North-West Hampshire made it clear that this was from the DIY school of drafting amendments. We hope that we might clarify the proposals in further discussions with the Minister. The point made by my right hon. Friend is valid, and we will want to take it further.

I am sure that the Minister would like to accept the amendment—I noticed that he smiled during my right hon. Friend's speech. I hope that the Minister will be moved by the plight of many ordinary householders who are extremely worried about the situation.

Mr. Dominic Grieve (Beaconsfield): I, too, support amendments Nos. 135 and 136. I, too, have constituents who have a similar problem. In Gerrard's Cross in my constituency, there is a common. Its ownership, in terms of the lordship of the manor, passed by purchase in the 1940s to a solicitor, for the sum of £100. His son is also a solicitor, and appears to enjoy his title of lord of the manor. When he realised and appreciated the benefits conferred on him by the 1993 case, he started to demand from householders with homes around the common extortionate sums to grant them easements and rights of way over the common land. I am quite satisfied, from looking at the properties, that most of them date from the 19th century and earlier, and that the occupants therefore almost certainly had rights of way over that land prior to the implementation of the Law of Property Act 1925, with its unintended consequences.

I have only one disagreement with my right hon. Friend the Member for North-West Hampshire (Sir G. Young), who made a slight complaint at the end of his speech about a feudal system. In fact, the irony of the situation is that the old law, being the common law tempered by equity, worked perfectly well to give rights of access. A piece of unintended statutory interference has deprived these people of rights which they would normally have had.

It beggars belief that the lord of the manor said in a recent comment in the local press about demanding this money:

> It is a fact of life. I think people should pay. I don't think people should have something for nothing.

It appears that the person who is getting something for nothing is the lord of the manor, who is making these extortionate demands.

It is on that simple point that I base my contribution. I understand that the Minister has been advised—or that he is concerned—that the European convention on human rights and the Human Rights Act 1998 might prevent an amendment of the law unless compensation was paid in such cases. I appreciate that the point is important and that he will want to take advice, but it seems that, if anyone were to be entitled to compensation—if the passage of the Law of Property Act had taken place yesterday—it would have been the householders involved, who would not have acquired a 20-year period in which to obtain their easement.

In those circumstances, I am by no means convinced of the necessity to make payments to the property owners or to the lords of the manor just because they have benefited from a wholly unintended windfall. It is surprising that they should be paid for the removal of that windfall, which was not apparent when the legislation came into being.

Mr. Hogg: My hon. Friend makes a serious point about compensation. Another approach might be that, as the windfall is the unintended creation of statute, if compensation has to be paid by reason of the convention, it should be paid by the taxpayer to the person who is trying to obtain payments from the householders.

Mr. Grieve: My right hon. and learned Friend makes a good point. However, it is one that I skated over, because the mere suggestion of that idea to the Minister—and certainly to his advisers—might create even greater difficulties.

The matter is urgent. Every day, householders on Gerrard's Cross common face a severe financial problem. Some of them might be wealthy, but although many of them occupy properties that have a substantial value, their liquid assets do not—that is often true of elderly people. They face real problems.

We cannot merely say that we will leave the matter for three or four years. The situation existed for only 12 months before lords of the manor began to cotton on to the financial possibilities. Considerable chaos will be created by delay. I hope that the Minister can reassure us that the problem will be addressed—in some form—in the Bill.

Mr. David Rendel (Newbury): I start by declaring an interest; I am a member of GLEAM—the Green Lanes Environmental Action Movement—an organisation that campaigns in favour of green lanes. I support the attempts of the hon. Member for Basingstoke (Mr. Hunter) to ensure that green lanes are not constantly destroyed by motorised vehicles, as has happened all too often in the past.

Like many other Members, the main thrust of my remarks is to support amendments Nos. 135 and 136. The first instance of this problem may have occurred in my constituency—at Bucklebury common. The common has been in the ownership of a well-known local landowner for a long time. However, back in 1929, his predecessors set up a special commons scheme, under which the management of the common and all the worry of looking

after it were transferred to the local council. Since then, the owner and his family have had no involvement with the common except ownership.

Unfortunately, as the local council discovered, although the worry and problems of upkeep of the common were transferred to the council, the right to grant easements and access over it was not. Over the years, easements were granted by the current landowner's predecessors to those who own dwellings on or around the common. During the early years, the sums were in the tens or the low hundreds—only occasionally rising to about £1,000.

The current landowner inherited the property in 1993 and immediately changed the policy. Instead of charging comparatively small sums for the access required by those who own dwellings on the common, he asked for tens of thousands of pounds. The highest sum paid over so far is more than anything that has been mentioned in the debate: one owner was forced to pay as much as £50,000 for access to his property.

5.15 pm

As was mentioned in the Stratford-on-Avon case, these demands are usually made at the very last moment, when the dwelling owner is on the point of selling a property—perhaps under difficult circumstances, in which they simply cannot afford not to go ahead with the sale. That puts them in an extremely difficult position; in effect, they are being blackmailed by the landowner.

It will come as no surprise to some of those who know the case, and may be a disappointment to some hon. Members, that the landowner concerned was at the time a Conservative district councillor. However, to be fair to the Conservatives—I do not like being fair to the Conservatives, but on this occasion I will be—all the other Conservative district councillors involved were horrified at the actions of that gentleman. They very strongly supported the view of the whole council that what he was doing was thoroughly immoral and totally unexpected, and that if any action could be taken to stop what he was doing, it certainly should be taken—to the extent that the council unanimously, except for the one gentleman concerned, decided to take out a case against him and see whether, as a result of their management of the common, they could find a way of ensuring that these payments should no longer go ahead. Unfortunately, the district council lost the court case, in 1995. As a result, the payments are still being demanded.

As other hon. Members have said, this situation arises only because the land is common land. If we were looking for access over any other type of land, access would by now be permanent owing to the length of time for which it had been allowed. However, the value of the ransomed strips to the landowner is now enormous. I believe that that is unfair—indeed, immoral.

In some cases, as we have heard, there may be some legal difficulty with charging less than the maximum possible. In the case that I have described, there is certainly no legal difficulty; the landowner could, if he wished, choose to charge a much smaller sum for access, but he chooses to go for the maximum amount that is available to him.

I hope that the Government will use this opportunity to bring this situation to an end. They have a chance in the Bill to do so, and I hope that they use their opportunity.

Mr. Nick St. Aubyn (Guildford): I have listened to the debate with great interest because some of my constituents have a slightly different problem, more similar to that described by my hon. Friend the Member for Stratford-on-Avon (Mr. Maples), in that the landlord of the common across which they seek access to their properties is Surrey county council. In correspondence, the Minister has referred to the good practice of Surrey county council, which has drawn up a table of charges for owners of houses, depending on how long they have lived in the house and on the assurances that they have received from the council in previous years.

The difficulty in that situation arises from the Local Government Act 1972. I wrote to the Minister on this point as recently as 23 May, and no doubt it is in his mind, as we speak this afternoon, that while endorsing in his letter to my right hon. Friend the Member for North-West Hampshire (Sir G. Young) the practice of Surrey county council, he did not deal with the problem that it faces—as do parish councils and other councils—that when it is operating a reasonable system of discounts, charging a maximum of, say, only 5 per cent., it does so in the knowledge that it might have been able, if it had been a more rapacious landlord, to extract 10 per cent. or more; and under the current regime put in place by the Minister's predecessor in the present Government, the right hon. Member for North-West Durham (Ms Armstrong), the limit of its discretion to be reasonable is £10,000. If a property is worth more than £200,000, and the council's discretionary cut from 10 to 5 per cent. is therefore more than £10,000, the discretion comes to an end. The table that Surrey county council sent my right hon. Friend the Member for North–West Hampshire contains the following footnote:

> Subject to a maximum discount of £10,000 on the Council's valuation of the right of access.

That limit to the reasonableness, or sense of fairness, of Surrey county council—a Conservative council, which does not wish to impinge on the rights of the people whom it represents—is being placed on it by the Minister and his Department.

I support the amendment, but I accept that the Minister may have problems with the European Court of Human Rights and with the human rights legislation if a wider discretion is entrenched in law. Clause 123 is relevant in this context, and there is no constraint on the Minister's saying that, with regard to the Local Government Act 1972 and the county council, reasonable charges are the proper way to proceed; and that the discretion of the council should be unlimited, provided it is reasonable and does not charge extortionately and unreasonably. If he were to do that, he would deal with the problem raised by my hon. Friend the Member for Stratford-on-Avon about his parish council and with the problem of Surrey county council to which I alerted him again.

I would be grateful if the Minister made some progress on this issue. If he did, he would relieve some of the problems that many hon. Members have described.

Mr. Green: There are two equally important sets of amendments in this group. The first is amendment No. 304, which was moved by my hon. Friend the Member for Basingstoke (Mr. Hunter), and the consequential amendments to it. He will be aware that these issues were discussed in long and complex debates in Committee that covered the Grimsell lane case and in which Mr. Plumbe was quoted extensively. Many of us on both sides of the Committee said that the Government

[Mr. Green]

needed to take action to clarify the position with regard to byways. However—to reduce their case to a short phrase—they said that that was unnecessary and that the Bill as it stood, along with existing legislation on transport, was sufficient to deal with the issue. I did not find the Government's explanation in Committee particularly convincing, so I look forward to hearing whether the Minister will take this opportunity to come up with a more convincing explanation. If he does not, the other place will wish to return to this issue.

My right hon. Friend the Member for North-West Hampshire (Sir G. Young) spoke to amendments Nos. 135 and 136, and several important issues have been raised. The House will recognise the catalogue of manifest injustices that we have heard from hon. Members from across the country. I am surprised that I have not yet had similar cases in my constituency, but I like to think that that is because of the essential and universal reasonableness of landowners in Kent. I shall cling to that faith until it is proved misplaced.

One side issue of this urgent and important problem is compensation. Today's debate and the advice that the Minister gave my right hon. Friend have suggested that it would be improper, under the terms of the European convention on human rights, for landowners to receive no compensation if their right to charge people who cross their land were taken away. So why is the Minister so sure that it is against the convention to take away the rights without compensation in this case when he is equally sure that it is correct to do that for general access land? It appears on the surface that the Government are facing in diametrically opposite directions in the advice that they gave my right hon. Friend and in their advice that the Bill is consonant with the European convention on human rights. I hope that the Minister will deal with that point when he replies.

Several key issues need to be set in the wider context of the Bill, the Government's other environmental policies and, in particular, their consultation on the law relating to commons. Because the problem is so urgent—for the individuals involved, a delay of even a few months, let alone many years, will be a matter of difficulty—the essential message to the Minister is that it is entirely appropriate to use the Bill as a vehicle to resolve it.

There are several arguments to support that contention, the first of which is that the Bill already makes substantial changes to commons. It provides a right of access to rural commons and amends provisions on vehicles on commons. Its rights of way and nature conservation provisions will have a significant effect on commons management, which is clearly central to the areas that it covers. Many new issues on commons management and access have arisen which, presumably, is why the Government have issued a consultation paper.

Most importantly, however, those of us who have been involved with the Bill's progress know that wildlife protection and nature conservation Bills come along once every 20 years or so. Bills affecting commons are even less frequent. I think that I am right in saying that there were three Acts relating to commons throughout the twentieth century. So if the Minister says that the Government are holding a consultation and must delay, I suspect that there will be delay of many years and perhaps even decades before this urgent issue is resolved. The Government have given no indication that there is a legislative slot for a commons Bill. They find slots for new, unnecessary Bills, but it would be cloud cuckoo land to think that there will be a commons Bill before the next election—and who knows what the priorities of the next Government will be?

In short, the Minister is faced with an urgent problem and must find a legislative slot to solve that problem. I therefore join my right hon. and hon. Friends in urging him to take the opportunity to use the legislative powers available to him in the Bill to solve a deep, urgent problem for many people throughout the country.

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): The amendments deal with two separate issues, and I shall start with the issue of driving motorised vehicles on bridleways.

Amendments Nos. 304, 305 and 302 would affect schedule 7, especially the amendment to section 34 of the Road Traffic Act 1988, which would make it an offence to drive on land which does not form part of a road. In Committee, I explained that new subsection (2) of section 34, which was added by Government amendment in Committee, is designed to improve the enforcement of section 34 and address in particular the problem of large numbers of motor bike riders who believe that they may ride with impunity on bridleways and footpaths, regardless of whether there is any evidence of vehicular rights over them.

Amendments Nos. 304 and 305 would make the definitive map conclusive evidence of the rights shown on it alone. However, they could have the effect of making it no longer possible to record higher rights which may subsequently be discovered over a footpath, bridleway or, as the definition is amended by the Bill, a restricted byway. So, for example, if bridleway rights were shown to exist over a way shown on a definitive map as a footpath, it might not be possible to upgrade the footpath to a bridleway, and the outcome would be inaccurate maps.

The effect of amendments Nos. 303 and 45 would be that a person prosecuted for driving on a way shown on a definitive map as a bridleway, for example, would have to produce evidence of full vehicular rights on the basis of the balance of probabilities. That is a higher test than that which may be required to put a new right of way on a definitive map. Amendment No. 302 would make the definitive map conclusive for the purposes of a prosecution. However, the level of evidence required to put a new right of way on a definitive map is much lower than that required for a criminal prosecution.

In view of the concern expressed by a number of hon. Members that the Government amendment made in Committee did not go far enough, I agreed to consider this matter further. We are still considering it. A key question is whether a person should be deprived of exercising rights over a highway merely because those rights have not been recorded on a definitive map. It is not a constraint, for example, which applies to walkers or horse riders.

5.30 pm

I accept that Parliament has provided the definitive map process as a means of recording public rights of way,

and there are arguments that, in general, people should not try to bypass that process. In part, those arguments are reflected in the new subsection (2) in section 34 of the Road Traffic Act 1988, which removes the obligation on the prosecution to prove its case from the very beginning. Instead, the defendant has to produce prima facie evidence as to possible vehicular rights. If he cannot, the prosecution is not obliged to prove that vehicular rights do not exist. We need to think carefully about the implications of going beyond that. It is right that Governments should be cautious before deviating from the general principle of criminal law that the prosecution should prove its case beyond reasonable doubt.

I am afraid that I cannot say more than that today. I repeat that we are considering the matter, but I cannot give any commitment that we will introduce amendments at a later date, although I acknowledge the problem. As my hon. Friend the Member for Denton and Reddish (Mr. Bennett) and my right hon. Friend the Member for South Shields (Dr. Clark) have said, we have recently been in discussions with the Lake district national park authority about the difficulties. I am sorry that I cannot go further today.

Amendments Nos. 135 and 136 relate to the problems of common land, which were clearly outlined by the right hon. Member for North-West Hampshire (Sir G. Young). I do not resile from the statement that I made in an Adjournment debate a while ago. The situation that he described, and the situation elsewhere, as described by other hon. Members, is outrageous. I am afraid to say that they are not the only examples of such spivvery that I have come across. Many of my constituents have started receiving large bills from companies, usually based in the south of England, that have bought the freehold at an auction somewhere. The bills are not for the freehold money, which would be a small sum, but for retrospective consent for putting in a sliding door, making some minor extension to the house or putting up a conservatory. My constituents face exactly the same kind of blackmail. That is another problem that needs to be resolved. I mention it to show that the problem is not confined to the constituencies that Conservative Members represent. Such behaviour is, unhappily, all too common in this day and age.

The right hon. Member for North-West Hampshire described very fairly the efforts that I made to assist with the problem at Newtown, but he missed out one stage. I went one stage further than he said, and arranged a meeting with Mr. Farrow of Bakewell Management and pressed on him the need to reach a reasonable settlement with the right hon. Gentleman's constituent. We should not get involved in the details of the negotiation here, but from that meeting, rightly or wrongly, I formed the view that some form of compromise acceptable to most of those involved might be achievable.

At the time of the debate, the right hon. Gentleman described me as a hero. I never allowed that to go to my head, because I am aware that the line between being a hero and being a traitor to the people is wafer-thin, and one can stray across it at any moment. It may well be that in the light of my response I shall have strayed across it by the end of this debate. The difficulty with introducing legislation that meets all the different circumstances affecting commons is that there are many different sets of circumstances. Other hon. Members have described how in some cases the National Trust was the landlord; in other cases Surrey county council was the landlord. As the hon. Member for Guildford (Mr. St. Aubyn) said, Surrey county council has behaved very responsibly, as does the National Trust. It is therefore quite difficult—desirable though it is—to come up with a solution that meets all possibilities.

I turn in detail to amendments Nos. 135 and 136. The unfortunate situation has arisen because driving on common land can be a criminal offence. That has been so on some commons since as long ago as 1926. Rights of vehicular access through long use can be acquired only where no criminal offence is committed. For some reason that I cannot explain—there are a number of such aspects—that often seems to have been overlooked when a house with access over a common was built or sold and the deeds made no mention of access rights. I think that I am right in saying that in no single case in Newtown did lawyers discover such rights when houses were sold.

As a result, a number of people whose sole means of vehicular access is over common land owned by someone else have no legal right to use the access. Recent court cases have highlighted that problem, and drawn attention to the value of vehicular access in today's context and the high charges that can be made for acquiring such access.

When the issue was raised in the House last year, I undertook to investigate the situation and to see whether Government action would be appropriate. With officials in my Department, I have gone over a number of options for overcoming the problem. Our objective was—and, indeed, remains—to try to find a way to ensure that the charges made by landowners for easements are reasonable. However, we have so far concluded that none of the options is straightforward, and that they are all likely to have serious implications elsewhere.

The principal effect of amendments Nos. 135 and 136 would be to make it lawful to drive over common land to access a dwellinghouse—and not only that: amendment No.135 states that it has always been lawful to do so, and amendment No. 136 would make the activity lawful, in certain circumstances, over at least the past 20 years. As it is currently a criminal offence to drive on common land without the owner's permission, I am not clear what the amendments' effect might be on someone who was convicted in the past. What would happen to their conviction? Similarly, could action be taken against a landowner who had, quite lawfully at the time, denied access? *[Interruption.]* I am sharing with the House the advice that I have been offered.

There is one quite serious general point. The right hon. Member for North-West Hampshire spent longer in government than I spent in opposition, and he will know that Governments do not lightly engage in retrospective legislation. I do not say that that is the end of the matter, but his amendments do not overcome that problem, whatever he thinks about the points that I raised a moment ago.

Mr. Hogg: I shall make two points to the Minister. First, the legal advice that he is receiving about previous actions or convictions can be met simply by stating in the Bill that any amendment such as amendment No. 135 does not affect the validity of actions taken under the old law. That can be stated in statute. Secondly, when he is reviewing the matter, I hope that he will not confine himself to dwellinghouses. I make the same point to him

[Mr. Hogg]

as I made to my right hon. Friend the Member for North-West Hampshire (Sir G. Young) with regard to the rights of access to other land: agricultural holdings, commercial property, horticultural holdings and so forth are just the same for such purposes.

Mr. Mullin: That final point makes me a little nervous. The more that one broadens the matter, the more complications can be discovered. I am not sure whether the right hon. and learned Gentleman's second point—I note his first—is entirely helpful to the right hon. Member for North-West Hampshire and the hon. Member for Stratford-on-Avon (Mr. Maples). To judge by the expressions on their faces, they may share my view on that point.

Mr. Richard Page (South-West Hertfordshire): If a council or a landowner enforces the rights, the person in question is aware of them. The problem for so many of us on the Opposition Benches is that our constituents bought homes in good faith when unaware—as was the council—of such rights, but are to be caught by retrospective action that is untenable. The Government should do something about it.

Mr. Mullin: I share the hon. Gentleman's view of the unfairness of it all. It is possible that when the houses were last conveyed, lawyers acting for the individuals concerned should have spotted such rights. I do not make that point too strongly because none of the lawyers in any case spotted it—so the rights may have been buried quite deeply.

Mr. Page: I am grateful to the Minister for giving way again. Most lawyers make local authority searches, and the local authority should record the existence of a right of way and draw it to the solicitor's attention. The fault is not the solicitor's, but the local authority's.

Mr. Mullin: If the hon. Gentleman will forgive me, I do not want to get too deeply involved in where the fault lies. We all acknowledge that there is a serious problem, and one way or another, a solution must be found—not necessarily a legislative solution; in some cases, particularly in Newtown, a negotiated solution may be possible.

The hon. Members for Stratford-on-Avon and for North Norfolk (Mr. Prior) mentioned the Local Government Act 1972. I cannot give them an answer off the top of my head, but I will take advice. I am told that it is open to councils to apply to the Secretary of State for variation of the disposal consent. That route may be helpful, though not necessarily in all cases.

Mr. St. Aubyn: The Minister may not be aware that his predecessor was approached by Surrey county council, which asked her to give a broader remit so that the council could deal with the problem in a fair and reasonable way. At that time, the Department's policy was not to give any further discretion to the council. However, as the Minister said in his letter to my right hon. Friend the Member for North-West Hampshire on 10 May, that

> a reasonable capital charge would be no more than 5 per cent.,

and as the relevant section of the Local Government Act 1972 states:

> Except with the consent of the Secretary of State, a council shall not dispose of land . . . for a consideration less than the best that can reasonably be obtained

it seems that his wording is close to giving the remit that reasonable landlords want in order to proceed in a way that is fair to my constituents and those of my right hon. Friend.

Mr. Mullin: I do not recall the detail of the 1972 Act, but I undertake to consider whether that provides a possible route. There are various suggestions on the table, and we need to consider them. However, neither of the amendments meet the situation. They seek to rectify the situation retrospectively, which is extremely difficult for any Government.

Mr. Maples: Will the Minister give way?

Mr. Mullin: Yes, but this must be the final time.

Mr. Maples: I am grateful to the hon. Gentleman. He has rejected the two amendments, but as he knows, there are other possible solutions that would set out a value in the legislation—£1,000 or £2,000—or set out a formula or give the valuation to some third party. Will he consider one of those options as an acceptable solution?

Mr. Mullin: We have heard a list of such suggestions, and I undertake to consider them. I acknowledge the seriousness of the problem. If I could think of a solution to it now, I would offer it. I know that the right hon. Member for North-West Hampshire tabled other amendments—which, regrettably, were found to be outside the scope of the Bill. Perhaps a solution could be found along those lines. All I can tell the House is that the two amendments will not achieve the intended purpose.

Mr. Bennett: My hon. Friend does not seem to have convinced anyone in the House, even himself. Will he give us an undertaking that the matter will be sorted out in the other place?

Mr. Mullin: I have no difficulty in convincing myself; I cannot speak for anyone else. It should not be difficult to convince my hon. Friend that because the amendments are retrospective, they do not do the job that is required. I have no difficulty with that idea, and if hon. Members think about it, most of them will recognise it. I acknowledge that there is a difficulty. If there is a legislative solution, as opposed to a negotiated one—I still think that in the particular case, there is scope for negotiation—we must try to discover it.

5.45 pm

Sir George Young: I remind the Under-Secretary of his words about the current position: "outrageous", "spivvery", "blackmail", "unfairness". He used those words a few moments ago. He wants to find a solution; we have proposed a vehicle. Does he genuinely claim that it is beyond the Government's resources between now and the Bill's consideration in another place to find a solution to the problem that so many hon. Members have brought to his attention this afternoon?

Mr. Mullin: I did not claim that it was impossible to find a solution before the Bill goes to another place, but

I make no commitment to doing that. In the nine months during which we have considered the Bill, no one has proposed a solution that deals with all the problems, give or take one or two suggestions this afternoon. I do not recognise the word "blackmail"; I believe that the right hon. Gentleman used it. However, I own up to the other three words.

I am afraid that I must ask hon. Members not to press the amendments.

Mr. Hogg: I shall make three observations. First, I would not want to depend on a negotiated settlement. When there are unequal strengths, such a settlement is not necessarily just. I would not wish my constituents to depend on such a settlement.

Secondly, the hon. Member for Denton and Reddish (Mr. Bennett) is right. The argument that the Under-Secretary advanced about the legal difficulties does not stand up. It is true that there is a disadvantage associated with the amendment because people will say, "What about decisions that were made in the past—for example, on criminal convictions or actions by a landlord?" The amendment could deal with that difficulty by stating that the provision would not have a prejudicial effect on decisions made under previously existing law. Parliamentary counsel can deal with the legal language.

My third point—I am sorry to distress my right hon. and hon. Friends—is about the attempts to distinguish between a dwellinghouse and other landholdings. That important problem troubles my right hon. Friend the Member for North-West Hampshire (Sir G. Young). My hon. Friends made compelling speeches, but there is no distinction in principle between a dwellinghouse and any other form of landholding. I hope that the problem will be tackled. If so, I hope that the Under-Secretary will also consider access to and egress from other holdings of land—agricultural, horticultural and commercial—as well as the dwellinghouses that my hon. Friends have discussed.

Mr. St. Aubyn: My right hon. and learned Friend is missing a point. The other landholdings to which he refers have experienced development, whereas most of the dwellinghouses have existed and remained the same sometimes for more than 100 years. The scale of the problem is different. Development on other landholdings may create other problems and obligations for surrounding residents; they may well be grateful for obstacles in the way of further development.

Mr. Hogg: I do not recognise that distinction. If I were the proprietor of a small butcher's shop that had existed for a long time, and suddenly found that the owner of the common land was seeking to charge for access to my shop, I would be as angry as if I were the owner of a small dwellinghouse. If I were the proprietor of a small horticultural holding of the sort that exists in my constituency, or a small landholding of a few acres, I would not accept a distinction between me as the small landowner and the large householder in another constituency. There is no difference. I hope that the Under-Secretary will consider all the problems. The problems exist, but let us not make false distinctions.

Mr. Hunter: I speak only to amendments Nos. 304, 305, 302 and 303; other hon. Members can speak to the others in the group. I listened carefully to the Under-Secretary. He did not go as far as I would wish. He said that the Government were considering the matter further, but he made no promises, and gave no commitment to action. That does not amount to much. However, I am in a charitable mood, and, as I acknowledge that the hon. Member for North-East Derbyshire would not have pressed his amendment, I am prepared to follow suit.

Sir George Young: The Under-Secretary's natural decency clashed with the harshness of the brief; he was visibly uncomfortable with what he had to read out. I am afraid that his response was unsatisfactory. He should assume ownership of the problem and undertake to provide a solution; it is not enough to invite Back Benchers to go away and try again, leaving the Government free simply to shoot down amendments at a later stage because they are incorrect.

Mr. Green: The Under-Secretary said that other amendments were out of order, including those containing solutions suggested by my hon. Friend the Member for Basingstoke (Mr. Hunter). That is not correct. Those amendments appear on the amendment paper, so they are in order; they were simply not selected for debate. Therefore, they could constitute a legislative route that the Government could take in another place.

Sir George Young: I am grateful to my hon. Friend, but my point is that, unless the Under-Secretary gives an undertaking that he will assume ownership of the problem and that he will table amendments in another place, I am afraid that I find his reply disappointing and unsatisfactory and, at the appropriate time, I shall seek leave to divide the House.

Mr. Hunter: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Mullin: I beg to move amendment No. 227, in page 50, line 14, at end insert—

'The Highways Act 1980 (c. 66)

. In section 116 of the 1980 Act (power of magistrates' court to authorise stopping up or diversion of highway) in subsection (4), for "or bridleway" there is substituted ", bridleway or restricted byway".

. In section 329(1) of the 1980 Act (interpretation) after the definition of "reconstruction" there is inserted—

"restricted byway" has the same meaning as in Part II of the Countryside and Rights of Way Act 2000;'".

Mr. Deputy Speaker (Mr. Michael Lord): With this it will be convenient to discuss the following: Government amendments Nos. 190 to 193, 264, 273, 225 and 226.

New clause 15—*Amendment of sections 116 and 118 of the Highways Act 1980*—

'.—(1) In subsection (1) of section 116 of the 1980 Act, for the words "or a special road" there shall be substituted ", a special road, a footpath or a bridleway".

(2) In section 118 of the 1980 Act there shall be inserted after subsection (3)—

"(3A) A public path extinguishment order may provide for the stopping up of a bridleway subject to the reservation of a footpath.".'.

Mr. Mullin: Government amendment No. 227 arises from amendments tabled in Committee by the hon. Members for South-East Cambridgeshire (Mr. Paice), for Ashford (Mr. Green) and for Cotswold (Mr. Clifton-Brown) It will enable a magistrates court, when closing or diverting a carriageway under section 116 of the Highways Act 1980, to reserve restricted byway rights over the line of the old highway. That will complement existing powers under that section to reserve footpath or bridleway rights over an extinguished or diverted highway.

Government amendment No. 226 is a consequential amendment, which will delete the definition of "restricted byway" in clause 54. That definition is superfluous because it already appears in clause 44, where it is applied to all of part II.

Government amendments Nos. 225, 264 and 273 are minor consequential and technical amendments. Government amendments 190, 191, 192 and 193 are essentially technical amendments to the regulation-making power in clause 48, which relates to restricted byways.

Government amendment No. 190 will clarify the intention in clause 48, which is that regulations made under it should enable changes to be made not only to legislation directly applying to highways, but to the vast body of legislation that regulates what is done on highways or in connection with them. It will make it clear that clause 48 may be used to amend provisions on the creation, diversion or stopping up of highways.

Government amendments Nos. 191 and 192 are drafting amendments. Government amendment No. 193 sets out that clause 48 may be used to amend legislation that is inserted into other Acts under the Bill. For example, schedule 6 contains many consequential amendments to highways legislation as a result of the substantive provisions that it contains. Other substantive amendments may need to be made, which would require further amendments to those consequential amendments.

Mr. Paice: Although we are disappointed in the Government's response to several of the major issues that we have raised in Committee and on Report, it would be churlish not to acknowledge our gratitude that Government amendment No. 227 is their response to the persuasive arguments that my hon. Friends and I marshalled in Committee. We are always pleased and happy temporarily to pick up the crumbs from the Under-Secretary's table, and I thank him for listening on that occasion.

Mr. Bennett: I had hoped that my hon. Friend the Under-Secretary would continue all the good news by telling us that he was prepared to accept new clause 15, which deals with a long-running issue. I argued a similar case during consideration of the Wildlife and Countryside Act 1981. Just before that Act was introduced, changes were made under the Highways Act 1980. As a result of that and the 1981 Act, rights of way can be closed in two ways—through a procedure in the magistrates courts and through the planning process. Whatever party has been in power, the Government have never claimed that they encouraged local authorities to use the magistrates procedure. It is clear that the intention was to use the planning process to decide whether a right of way could be closed or diverted.

Government guidance on the magistrates court procedure states:

the Secretaries of State consider that authorities should make use of the other powers available unless there are good reasons for not doing so.

Over the years, most local authorities have accepted that advice and have normally used the planning process, which contains a series of safeguards. There is a need to put notices on footpaths and to notify various bodies that a proposal for a closure or diversion will take place. The process is well understood, and volunteers for groups, such as the Ramblers Association, the Open Spaces Society and the Peak and Northern Footpaths Society, have coped with it very efficiently. They can send someone to an inquiry and make representations.

What appears to happen is that, every so often, local authorities decide that they would prefer to go the magistrates courts. In the past, they had to come up with a good reason. The good reason increasingly seems to be that that procedure is cheaper and quicker. I hope that my hon. Friend the Under-Secretary will tell us that that anomaly will be cut out altogether and that the planning process will be used rather than the magistrates courts. If he insists that we need to keep both processes, will he make it clear which of the good reasons to use the magistrates courts procedure listed in Department of the Environment circular 2/93 will be acceptable?

Mr. Mullin: New clause 15 is similar to one tabled in Committee by my hon. Friend the Member for Brighton, Pavilion (Mr. Lepper). I acknowledged at the time that in our consultation paper, which was issued last year, we proposed removing from magistrates courts the power to close rights of way. I said that we decided not to proceed with the proposal because of the mixed response that we received. Many local authorities apparently prefer the existing arrangements because they are flexible. The current provisions contain safeguards. For example, users of the highway involved have a right to be heard by the magistrates court and parish councils have a power of veto.

On the second part of new clause 15, an order is made under section 118 of the Highways Act 1980 if a right of way is not needed for public use. For example, another right of way might serve the same purpose. However, if one bridleway performs the same function as another, it will be open to people on foot as well. So if there is a case for closing the first bridleway, it is not immediately clear why the right of way on foot should be saved. I therefore ask my hon. Friend not to press new clause 15 to a Division.

Amendment agreed to.

Clause 48

RESTRICTED BYWAYS: POWER TO MAKE CONSEQUENTIAL PROVISION

Amendments made: No. 190, in page 27, line 2, leave out from beginning to first "to" in line 4 and insert—

'(a) provide for any relevant provision which relates—

(i) to highways or highways of a particular description,

(ii) to things done on or in connection with highways or highways of a particular description, or

(iii) to the creation, stopping up or diversion of highways or highways of a particular description,

not to apply, or to apply with or without modification, in relation'.

No. 191, in page 27, line 6, leave out from beginning to "make".

No. 192, in page 27, line 9, leave out "that paragraph" and insert "paragraph (a)".

No. 193, in page 27, leave out lines 13 to 15 and insert—

'(3) The powers conferred by this section may be exercised in relation to a provision contained in an Act falling within subsection (2)(a) even though the provision is amended or inserted by this Act.'.—*[Mr. Mullin.]*

Schedule 6

AMENDMENTS RELATING TO CREATION, STOPPING UP AND DIVERSION OF PUBLIC RIGHTS OF WAY

6 pm

Mr. Bennett: I beg to move amendment No. 72, in page 50, line 26, at end insert—

'.After section 26 of the 1980 Act there is inserted—

"Application for a public path creation order

26A.—(1) Any person may apply to a council for the area in which the land is situated for the making of a public path creation order to create a footpath or bridleway over the land.

(2) An application under this section shall be in such form as may be prescribed and shall be accompanied by a map, on such scale as may be prescribed, showing the land over which the public right of way would be created, and by such other information as may be prescribed.

(3) An application may be made by the owner, lessee or occupier of any land used for agriculture, forestry or the breeding or keeping of horses for a creation order concurrently with an application under section 118ZA or 119ZA for a public path diversion order or extinguishment order, and such an application is referred to in this section as a 'concurrent application'.

(4) Regulations may provide—

(a) that a prescribed fee is payable on the making of a concurrent application under this section, and

(b) that further prescribed charges are payable by the applicant if the application is granted.

(5) An application under this section is not to be taken to be received by the council until the requirements of regulations under section 121A below have been satisfied in relation to it.

(6) A council which receives an application under this section shall, after consulting such persons as may be prescribed, determine the application as soon as reasonably practicable.

(7) Before determining to make a public path creation order on a concurrent application under this section, the council may require the applicant to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards, any compensation which may become payable under section 28 below.

(8) Where—

(a) an application under this section has been made to a council, and

(b) the council have not determined the application within twelve months of receiving it,

the Secretary of State may, at the request of the applicant and after consulting the council, direct the council to determine the application before the end of such period as may be specified in the direction.

(9) As soon as practicable after determining an application under this section, the council shall—

(a) give to the applicant notice in writing of their decision and the reasons for it, and

(b) give a copy of the notice to such other persons as may be prescribed.

(10) This section has effect subject to the provisions of sections 121A and 121C below.

(11) In this section—

'prescribed' means prescribed by regulations;

'regulations' means regulations made by the Secretary of State.".'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 99, in page 50, line 31, after "agriculture", insert ", land management".

Amendment No. 86, in page 50, line 31, leave out "and forestry" and insert—

', forestry and the breeding and keeping of horses'.

Amendment No. 100, in page 50, line 45, at end insert—

'(3) In this section "land management" means—

(a) any activity associated with agriculture or forestry;

(b) any activity to improve or maintain habitat for wildlife and biodiversity;

(c) any activity to maintain, improve or use sporting opportunities on the land;

(d) pest control; or

(e) any other activity undertaken by or on behalf of the owner in furtherance of earning an income from the land.'.

Amendment No. 90, in page 51, line 21, leave out from "section" to end of line 24.

Amendment No. 88, in page 51, line 21, at end insert—

'( ) that where any prescribed fee exceeds the costs actually incurred by the council, the fee payable shall not exceed those costs, and

( ) that prescribed fees may be reduced or waived by the council in recognition of any benefit to the public if the application is granted, and'.

Amendment No. 73, in page 51, line 41, leave out "four" and insert "twelve".

Amendment No. 91, in page 54, line 35, leave out from "section" to end of line 38.

Amendment No. 89, in page 54, line 35, at end insert—

'( ) that where any prescribed fee exceeds the costs actually incurred by the council, the fee payable shall not exceed those costs, and

( ) that prescribed fees may be reduced or waived by the council in recognition of any benefit to the public if the application is granted, and'.

Amendment No. 74, in page 54, line 48, leave out "four" and insert "twelve".

[Mr. Deputy Speaker]

Amendment No. 87, in page 64, line 12, after "forestry", insert—

', the breeding and keeping of horses'.

Government amendments Nos. 271 and 214.

Mr. Bennett: This is a matter of natural justice. The Government are providing a right for the landowner to propose a procedure to close or divert rights of way. We are simply asking that the general public should be able to press councils to create new footpaths. It is a matter of balance, and I hope that the Minister will accept the amendment.

Mr. Paice: I shall speak to the amendments that my hon. Friends and I have tabled. Amendments Nos. 99, 86 and 100 go hand in hand. Amendment No. 99 would introduce the concept of land management, so that councils would have to have due regard not only to agriculture and forestry but to land management. Amendment No. 100 would add the definition of land management that we discussed last night in a different context. Amendment No. 86 would add the need to have due regard to the interests of the breeding and keeping of horses.

The reasons for the amendments are self-explanatory. In principle, we appreciate the fact that councils will have to have regard to agriculture and forestry, but in today's world it is important to think about wider aspects of land management, including other activities that landowners, occupiers or tenant farmers may wish to carry out on their land that may not necessarily be classified under the headings of agriculture and forestry.

On the issue of horses, I again draw the House's attention—as I did last night in a different context—to the document "An action plan for farming", which the Government published on 30 March. It refers to the fact that a

significant rural-based industry centres upon horses . . . The Government has assigned the Ministry of Agriculture, Fisheries and Food responsibility for working with the horse industry to help develop its potential for rural-based employment.

It goes on to refer to changing the planning guidance and to the possibility of rate relief.

In addition to that policy, there seems to be a contradiction in schedule 6. Line 31 on page 50 refers

to the needs of agriculture and forestry,

but line 11 on page 51 refers to

agriculture, forestry or the breeding or keeping of horses.

If it is right in that sense, and it certainly is, it should also be included in the earlier paragraph about the duty of councils to have due regard to the needs of agriculture and forestry.

This groups of amendments includes our amendments to curtail charges made by councils. Much discussion was held in Committee about how much people will be charged under the schedule for the making of applications and what is described in the Bill as "further prescribed charges". We are concerned that the term "further prescribed charges" is too open and wide. It would allow a council to make a charge that was beyond the special nature of the particular application, and included an element of margin or profit, call it what you will.

The purpose of our amendments is to curtail those charges to no more than those incurred by the council, and to give councils the power to waive charges if there is a public benefit in the extinguishment order that the council is considering. We think that it is right and proper for the council to have that level of discretion. The other two amendments make the same points for diversion orders as opposed to extinguishment orders.

Our amendments are small but important. I commend them to the Minister, and I trust that he will respond constructively.

Mr. Mullin: I shall do my best. Amendment No. 72, tabled by my hon. Friend the Member for Denton and Reddish (Mr. Bennett), would give a right for anyone to apply to a council for an order under section 26 of the Highways Act 1980 to create a footpath or bridleway.

As I said in Committee, I agree with my hon. Friend that local authorities should be more willing to consider making use of their powers to create footpaths and bridleways by agreement with landowners or by order. We are keen to promote the joining up of missing links in the rights of way network, and we want to encourage a more proactive approach by local highway authorities to meeting modern day recreational needs. However, we are not convinced that giving a person a right to apply for creation orders over someone else's land is an appropriate way of achieving that.

In the consultation paper issued last year, we explained that it would not be appropriate for people to have an express statutory right to apply for creation orders. Highways exist for the wider public benefit, and we believe that the responsible public authorities should determine whether, and if so where and when, to initiate specific proposals for creating new highways. It is for them to decide whether a new footpath or bridleway is needed.

The public will be able to influence local authorities' strategies towards the creation of new rights of way during consultations on the improvement plans that authorities are required to prepare under clauses 53 and 54. Landowners who are willing for a path to be created over their land have no need to apply for an order. For example, the Highways Act 1980 already enables them to enter into an agreement with their local authority for the creation of public paths. Therefore, I am afraid that, once again, I have to ask my hon. Friend not to press his amendment.

Amendments Nos. 88 to 91 would modify new sections 118ZA and 119ZA of the Highways Act 1980, which are contained in schedule 6, and would require that, if any prescribed fees exceeded the costs actually incurred by the council, the fee payable should not exceed those costs, and would allow prescribed fees to be reduced or waived by the council in recognition of any benefit to the public if the application were granted.

Those amendments would also remove new section 118ZA(3)(b), which provides the power to make regulations relating to further charges on top of an application fee and in relation to public path extinguishment orders. The regulations will provide that fees and charges do not exceed the costs that they are intended to cover.

It is common practice for authorities to charge administration fees for the work done in considering applications for consent to do something—for instance,

planning applications. They have some limited discretion as to whether to waive fees, but there appears no good reason to make an exception for applicants for public path orders, even if public benefit may result. In many instances, applicants will be seeking orders because it is in their interests to do so.

Amendments Nos. 86 and 87, tabled by the hon. Member for South-East Cambridgeshire (Mr. Paice), would require councils to have regard to the keeping and breeding of horses. We believe that that would be consistent with new sections 118ZA and 119ZA. These would introduce a right for owners and occupiers of land used for, among other things, the keeping and breeding of horses to apply for footpaths and bridleways to be diverted or closed. We are therefore willing to consider them.

However, I am afraid that I cannot accept amendments Nos. 99 and 100. Their collective effect would be to extend the duty under section 29 well beyond its current scope. The definition of land management in amendment No. 100 is extremely wide. For example, it includes any activity undertaken in furtherance of earning an income from the land. That could mean almost anything. Arguably, it could cover development—for example, if a farmer were diversifying—and only a short step would be needed to take account of the potential for building housing estates or out-of-town shopping centres.

Mr. Paice: The Minister may be technically right, but clearly that is not part of the impact that we would expect. I take him back to the welcome news that he is prepared to consider amendments Nos. 86 and 87. For the purposes of how we proceed, did he say that he will accept them?

Mr. Mullin: No. I said that we will consider them, without commitment, at this stage. However, the hon. Gentleman knows that we have a good track record of taking on board points made by Conservative Members. I hope that he will bear that in mind when he comes to consider how he should proceed. It is our view that the amendments would be consistent with the new sections on the breeding of horses.

In so far as the amendments relate to nature conservation, section 29 will be amended by the Bill so as to require authorities to have regard to the conservation of nature and landscape. That complements section 11 of the Countryside Act 1968, which requires public bodies to have regard to the desirability of conserving the natural beauty and amenity of the countryside in the exercise of their functions. Natural beauty is defined as including nature conservation. There has to be a limit on the number of matters that councils are required to consider when making public paths. I am sure that the hon. Gentleman will agree with that when he reflects on it. We are almost at that limit and, although I am willing to consider amendments Nos. 86 and 87, I hope that he will not press amendments Nos. 99 and 100.

Amendment No. 214 is essentially a technical amendment that forms part of the mechanism for determining appeals arising from the new right of landowners and occupiers to apply for orders to divert footpaths and bridleways that pass over their land and for school proprietors to apply for diversions of rights of way that cross school grounds to protect staff and pupils.

Amendment No. 271, which arises from an amendment moved in Committee by my hon. Friend the Member for Stafford (Mr. Kidney), would ensure that charges cannot be imposed under current legislation for members of the public to inspect registers of applications for certain stopping-up and diversion orders, which councils will be required to keep under new section 121B(5) of the Highways Act 1980.

Mr. Hogg: I want to comment briefly on amendment No. 72 as nothing has been said about it from the Conservative Benches. I am as much a walker as the hon. Member for Denton and Reddish (Mr. Bennett), but I am wholeheartedly against the amendment for three reasons. First, it would not prevent frivolous and vexatious applications. Secondly, landowners would have to respond to such applications. That would cost them money and I am thoroughly against imposing new charges on farmers and landowners. Thirdly, I find it incompatible with my concept of private property, which we sometimes seem to be in danger of losing sight of in these debates.

I say to the Under-Secretary that, although I do not always agree with him—indeed, I usually do not agree with him—I robustly endorse his rejection of the amendment.

Mr. Bennett: I am not particularly happy with the Minister's reply, but perhaps we can pursue the matter further when we discuss new clause 2. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

6.15 pm

Mr. Meacher: I beg to move amendment No. 228, in page 51, line 2, leave out from "(f)" to first "a" in line 4.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendment No. 229.

Amendment No. 59, in page 52, line 17, leave out from beginning to end of line 30 on page 53.

Government amendment No. 230.

Amendment No. 113, in page 52, line 19, leave out "footpath or bridleway", and insert "relevant highway".

Amendment No. 39, in page 52, line 19, leave out from "is" to second "area" in line 20 and insert "in their".

Amendment No. 114, in page 52, line 19, leave out "both".

Amendment No. 115, in page 52, line 20, leave out—

'and in a designated urban area'

Government amendments Nos. 231 and 232.

Amendment No. 116, in page 52, line 24, leave out "footpath or bridleway" and insert "relevant highway".

Government amendments Nos. 233 to 235.

Amendment No. 117, in page 52, line 35, leave out "footpath or bridleway" and insert "relevant highway".

Amendment No. 118, in page 52, line 36, leave out "footpath or bridleway" and insert "relevant highway".

Government amendments Nos. 236 to 238.

Amendment No. 119, in page 53, line 27, at end insert—

'(8A) In this section "relevant highway" has the meaning given in section 119D(2).'.

Government amendment No. 239.

[Mr. Deputy Speaker]

Amendment No. 77, in page 53, line 29, leave out from "State" to end of line 30 and insert "under section 121F below".

Amendment No. 60, in page 53, line 31, leave out "118C" and insert "118B".

Government amendment No. 240.

Amendment No. 120, in page 53, line 34, leave out "footpath or bridleway" and insert "relevant highway".

Government amendment No. 241.

Amendment No. 121, in page 55, line 28, leave out "footpath or bridleway" and insert "relevant highway".

Amendment No. 92, in page 55, line 28, leave out from "footpath" to "that" in line 32 and insert—

', bridleway or restricted byway which is in their area, it is expedient, in the interests of preventing or reducing crime,'.

Amendment No. 41, in page 55, line 28, leave out from "is" to second "area" in line 29 and insert "in their".

Amendment No. 122, in page 55, line 28, leave out "both".

Amendment No. 123, in page 55, line 29, leave out—

'and in a designated urban area'.

Government amendments Nos. 242 and 243.

Amendment No. 124, in page 55, line 35, leave out "footpath or bridleway" and insert "relevant highway".

Government amendments Nos. 244 to 246.

Amendment No. 125, in page 55, line 49, leave out "footpath or bridleway" and insert "relevant highway".

Government amendment No. 247.

Amendment No. 126, in page 56, line 3, leave out "footpath or bridleway" and insert "relevant highway".

Government amendments Nos. 248 to 250.

Amendment No. 75, in page 56, line 20, at end insert—

', and which is substantially as convenient to the public'.

Government amendments Nos. 251 and 252.

Amendment No. 76, in page 56, line 54, at end insert—

'(e) the relative convenience to the public of the existing path or way and the proposed new right of way, and

(f) the effect which the diversion would have on public enjoyment of the path or way as a whole.'.

Government amendments Nos. 253 to 255.

Amendment No. 127, in page 57, line 17, leave out "footpath or bridleway" and insert "relevant highway".

Amendment No. 128, in page 57, line 21, at end insert—

'(12A) In this section "relevant highway" has the meaning given in section 119D(2)'.

Amendment No. 42, in page 57, leave out lines 22 and 23.

Amendment No. 78, in page 57, line 23, leave out "118B(9) above" and insert "121F below".

Government amendment No. 256.

Amendment No. 129, in page 57, line 27, leave out "footpath or bridleway" and insert "relevant highway".

Government amendment No. 257.

Amendment No. 130, in page 57, line 30, leave out "footpath or bridleway" and insert "relevant highway".

Government amendments Nos. 258 to 262, 265 to 270 and 272.

Amendment No. 79, in page 69, line 17, at end insert—

'Designation orders

121F.—(1) The Secretary of State shall have power to make an order (in this section referred to as a "designation order") designating an urban area as an area in which sections 118B and 119B for the time being apply.

(2) A designation order may be made only on the application of the local highway authority for the area which is the subject of the order.

(3) Such an application must be made in such form and accompanied by such information as shall be prescribed.

(4) Before submitting an application the local highway authority shall—

(a) give notice of its intention to submit an application;

(b) permit inspection free of charge of the application and supporting information;

(c) provide the opportunity for objections and representations to be made; and

(d) consult such bodies as may be prescribed;

in such form and manner as may be prescribed.

(5) In his consideration of the application and any objections and representations made to the local highway authority the Secretary of State—

(a) may hold a public inquiry;

(b) shall be required to satisfy himself that the proposed designation is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998;

(c) may reject the application or approve it in the terms of the application or such varied terms as he shall think fit but so that in the case of variation the area referred to in the order may not be greater than that referred to in the application.

(6) An order made by the Secretary of State under this section shall be accompanied by a plan showing the designated area and the routes of all the footpaths and bridleways within the area.

(7) An order made by the Secretary of State under this section shall be for a period not exceeding five years, and the Secretary of State shall have power to make one or more further orders for subsequent periods, but only upon receipt of further application.

(8) Where an order has been made by the Secretary of State the authority shall—

(a) publicise the making of the order; and

(b) keep available for public inspection free of charge a copy of the order and of the plan referred to in subsection (6) above in such a manner as shall be prescribed.

(9) In this section "prescribed" means prescribed by regulations made by the Secretary of State.'.

Mr. Meacher: I shall try to make the length of my speech inversely proportionate to that of the list of amendments. Government amendments Nos. 228 to 262, 265 to 270 and 272 arise from commitments that we gave in Committee to consider amendments tabled by the hon. Members for Somerton and Frome (Mr. Heath), for Ashford (Mr. Green), for South-East Cambridgeshire (Mr. Paice) and for Cotswold (Mr. Clifton-Brown)—in other words, a wide range of interests—that related to the provisions in new sections 118B and 119B for the closure or diversion of footpaths and bridleways to prevent crime in certain areas and to increase school security.

The core amendments have four main effects. First, amendments Nos. 230, 235, 241 and 246 deal with the powers to close rights of way in certain areas to prevent or reduce crime. In Committee, Conservative Members argued that those powers should not be confined to designated urban areas but should be available throughout England and Wales. As I made clear in Committee, the principal threats that the powers are intended to counter arise from the use of back alleys in built-up areas to gain access to premises. However, we accept that confining those powers to urban areas could exclude any smaller settlements in rural areas where there may be a case for them to be available. The amendments would therefore remove the word "urban", enabling the Secretary of State or the National Assembly for Wales to designate any area in which it appears to them that the powers should be available.

Mr. David Kidney (Stafford): I thank my right hon. Friend for giving way, but he has hurt my feelings by not mentioning the many amendments to which I spoke in Committee on closing footpaths to prevent crime. The pièce de resistance concerned the process of designating an area in which closures and diversions could take place. From my initial reading of that great list of Government amendments, I cannot see how my right hon. Friend intends to go about designating areas. Will he refer to that?

Mr. Meacher: I certainly will, and I apologise to my hon. Friend because, entirely as he said, he did a great deal of work in Committee, particularly on that issue, and I am grateful for it. Indeed, the Government amendments reflect his input and I shall immediately explain what we are doing to designate.

Secondly, the same amendments clarify the grounds on which orders in designated areas may be made. They make it clear that these powers are intended to be used only where persistent and high levels of crime against properties next to a right of way are being generated by the access that the right of way gives. The powers to close or divert rights of way through school grounds to protect children and staff already apply to all schools in England and Wales, but, by their nature, these powers are site specific.

Thirdly, in line with the sites of special scientific interest provisions, the amendments provide that the powers under new sections 118B and 119B should lie with local highway authorities. Schools will also be able to apply for orders in respect of restricted byways and byways open to all traffic just as the Bill will enable them to make applications in respect of footpaths and bridleways. The remainder of the Government amendments in the group that I mentioned are consequential, or make minor drafting improvements.

Amendments Nos. 39, 41, 114, 115, 122 and 123 would make the powers to close or divert rights of way to prevent crime available throughout England and Wales. The key question is whether closing a right of way is an effective way of tackling crime in an area where criminals have a variety of means of gaining access to premises. That is the central issue with which we should be concerned. The public interest in reducing crime, which is considerable, has to be weighed against the public interest in losing a right of way. It is assessing that balance that has weighed with us.

It is worth noting that a consultation paper on road traffic law that was issued by the previous Government expressed the view that

> it is neither desirable nor appropriate for crime prevention to become a reason in itself for the permanent closure of rights of way.

That is an important statement. By contrast, we have accepted that there may be a case for doing so in certain circumstances, but there needs to be strict safeguards and that is why we are insisting on a targeted approach—that is, a designation of areas.

Amendments Nos. 59 and 60 would remove the power to close rights of way to prevent crime and to protect children and staff in schools. The Bill already requires that, before closure should be contemplated, the local authority should consider whether there is a reasonably convenient alternative route and, if not, whether it would be reasonably practicable to divert the right of way. There may be cases—for example, in densely populated areas—where diversion is not an option.

We have introduced those crime-prevention powers only because we are persuaded that it is necessary for them to be available in certain circumstances as an additional weapon against crime. The provisions have been tailored to ensure, as far as it is possible to do so, that the powers are not abused and will not lead to widespread loss of rights of way, which are important to law-abiding people who use them.

Amendments Nos. 75 and 76 would introduce additional conditions to the making of a diversion order. Those reflect similar conditions relating to the convenience of the public and their enjoyment of the right of way in question. The tests would make it more difficult to divert a right of way to prevent crime or to protect a school. Perhaps my hon. Friend the Member for Denton and Reddish (Mr. Bennett) and my right hon. Friend the Member for South Shields (Dr. Clark) had that in mind, but there are associated problems.

One problem is whether, in view of the reasons for the diversion powers, it is appropriate to have additional tests. The second is that, given our view that there should also be powers to close rights of way for those purposes, we do not want to make it more difficult to divert a right of way. If we raise the tests on a diversion, a local authority may feel that it has no option but to go for closure. I am sure that that is not what my hon. Friend and my right hon. Friend intended.

Amendments Nos. 79, 77 and 78, which are consequential, would introduce an additional layer into the decision-making process, to consider whether a right of way should be closed or diverted to prevent crime. As I said in Committee, such additional procedures are not necessary.

We shall be consulting widely with local authorities and other bodies in designating areas in which the new powers are to be available. Given our additional amendments to the grounds on which orders may be made, I believe that there are sufficient safeguards in the system to ensure that thorough scrutiny will be undertaken before a right of way is closed or diverted for crime prevention purposes. I have carefully considered what my hon. Friend and my right hon. Friend said, but I hope that, in the light of the reasons that I have given, they will not press their amendments.

Mr. Green: It would be churlish of me not to welcome the Minister's conversion. Therefore, I do so. It is a

[Mr. Green]

genuine step forward. The Under-Secretary of State for the Environment, Transport and the Regions, the hon. Member for Sunderland, South (Mr. Mullin), made the point that the Government have accepted many of the minor improvements that we have suggested, but that is the most significant change in the Bill so far. We should welcome it and we do.

The Minister was slightly scraping the barrel in going back to a consultation document on transport that was issued by the previous Government. We do not have to go that far back to find some interesting views. We have merely to go back to the Committee stage, when he said in opposing the amendments that we tabled to bring about this happy coincidence:

> There is no case for the powers to apply beyond urban areas . . . It is a question of targeting: we do not have the resources that we would all like to put into the police force. Risks of vandalism, burglary and vehicle-related theft were also lower for retail and manufacturing premises in rural locations. Burglary forms a smaller proportion of crime in rural areas than it does elsewhere.—[*Official Report, Standing Committee B*, 16 May 2000; c. 663.]

Not just I and my hon. Friends but the hon. Member for Somerton and Frome (Mr. Heath) thought that the Minister was wrong. I am glad that he has joined us in rejecting those arguments, effectively saying—as the Government amendments, as well as our own, do—that rural crime is every bit as important as urban crime and that, even though the incidence in terms of the sheer quantum may be less—fewer people live in rural areas, which is what makes them rural, so fewer crimes are committed there—crime can be equally distressing to those who live there.

I will not attempt to deal individually with all the amendments in my name and those of my hon. Friends. There are 20 of them in the group. Essentially, they seek to equalise action to prevent rural crime and urban crime—the Government have accepted that—and to improve the definitions in the Bill by replacing the phrase "footpath or bridleway" with "relevant highway".

The Minister did not particularly deal with that. We are seeking simply to add consistency. In the Bill's provisions dealing with SSSIs, "relevant highway" is the definition that is used. We think that that would be the most appropriate definition to use in this part of the Bill, too. The Minister may believe that the Government amendments cover that. If so, I would welcome some indication of that when he responds to the debate.

I make two final points on what is an important group of amendments and an important concession. I note that amendment No. 239—which stands not only in my name and in those of my hon. Friends, but in the names of the hon. Members for Somerton and Frome and for Carshalton and Wallington (Mr. Brake)—has been expropriated by the addition of the Deputy Prime Minister's name to it, turning it into a Government amendment. That not only creates one of the most diverse group of bedfellows ever to appear on a Commons amendment paper, but shows admirable economy of effort on the part of the Government: they have stolen our amendments, rather than merely accepting them. However, in the interests of promoting better legislation, we are happy to lend our amendments, and our efforts to draft them, to the Government.

The Minister has already asked the hon. Member for Denton and Reddish (Mr. Bennett) not to press his amendments. There is a wider point. The Government are, I think, rejecting one of the bad arguments presented by the Ramblers Association, which, in its briefing, expressed concern about possible moves to extend provision for the extinguishment and diversion of footpaths beyond urban areas. I think that the association was wrong about that, and I am glad that the Government now agree with us.

6.30 pm

Mr. Bennett: I think that the Government are misguided. If we want to stop crime, why is it logical to specify footpaths rather than roads? In the area that I represent, far more burglars arrive at premises by road than arrive by footpath. Surely, if we want to reduce the incidence of crime, it is logical to close roads as well as footpaths—but, of course, it would be considered outrageous to give in to crime in that way.

When people have been burgled, they feel helpless. They want to blame someone, and they cannot necessarily kick the cat. The police tend to send an officer round—perhaps a crime prevention officer, and often a young officer. That officer will of course be tempted to agree with the distressed householder, and say, "Isn't it terrible—the burglars climbed over the back fence from the footpath." The blame is somehow shifted from the criminal to the footpath.

The Government are raising people's hopes by suggesting that closing footpaths will cut crime. That is nonsense. It is possible that, when a footpath is closed, a criminal will go to a different house, or will enter through the front rather than the back door; but I do not believe that closing footpaths will reduce crime in most instances. Indeed, in my area and, I suspect, that represented by the Minister, it may make life easier for criminals. In the case of many closed footpaths, there will not be barbed wire everywhere making access impossible.

Sometimes foot patrols are introduced. It does not happen often, but it happens a little in my constituency and the Minister's. The other day, a young officer told me that one way of cutting crime is to walk down unattractive passageways. Officers on the beat are looking for crime, but when the passageways have been closed they will have to obey the law that says that they cannot go on to private property unless they are invited, or can prove that a crime is occurring. They will no longer be able to nip along the passageway to see what mischief is going on; they will have to be certain that some mischief is going on before they can investigate the problem.

If we are to do anything at all, we should concentrate on diversion. In particular, we should consider diversions where new housing estates have been built. I can think of two cases in my constituency, and one in the Minister's, in which, to get the maximum number of properties on to new sites, builders arranged for footpaths to be diverted so that they went in at a right angle, went along behind some of the houses, and went out again at a right angle. That meant that there was a small area at the back that no one could look through—not a nice area for people to walk through when going to and from the shops. It is a pocket in which crime can occur.

I hope that the Minister will consider both the points that I have made. First, closing a footpath makes it even less likely that a police officer will go along it; secondly,

in the event of a diversion, it should be incumbent on the local authority agreeing to that diversion to take crime prevention measures to ensure that, once diverted, the footpath is less likely to encourage crime than it would have been if diverted in a slightly different way.

The Minister is raising expectations that, by taking away rights to footpaths, he will somehow have a significant impact on crime. He is giving way to pressure—to the suggestion that it is not possible to tackle the real issue, which is the criminal, so something should be done about footpaths. In practice, that will not work.

Mr. David Heath: I, too, welcome the Minister's conversion to the cause. I am glad that the hon. Member for Ashford (Mr. Green) drew attention to amendment No. 239. I was not remotely miffed to find that he and his hon. Friends had added their names to our amendment, and I am even more pleased to see it nationalised, although perhaps without compensation. I may have to look to my lawyers, if yesterday's debate is anything to go by.

The most important thing is the loss of the urban designation, which I think discriminated against rural areas. The Minister met with something of a rural backlash in Committee. The argument with which he was provided—that because there was a lower overall crime rate in rural areas, measures that might help to fight crime should not be applied there—was not entirely convincing. I am glad that he has seen the strength of the opposing argument.

Let me give at least a partial answer to the hon. Member for Denton and Reddish (Mr. Bennett). As I said in Committee, I hope that the power will be used sparingly. There will be few occasions on which it proves to be the right answer. The Government have seen the wisdom of requiring its use to comply with the locally derived crime and disorder strategy, which is a strong point in its favour. If it can help at all, let us support it.

I thank the Minister for his helpful letter about the definition of "school". I understand that there is a provision to enable the definition of a primary school to encompass nursery schools, although it does not encompass the pre-school facilities, playgroups and other nursery provision with which I was concerned in Committee.

I accept what the Minister said in his letter about why it would be difficult to formulate legislation encompassing all the different species. I understand that alternative arrangements can be used, and I am grateful to the Minister for taking the trouble to cover the points that I raised.

Mr. Meacher: It is always a cause of concern when changes made by the Government are solidly welcomed by the phalanxes of the Opposition, and rejected only by our own side. However, I believe that the welcome is justified. I shall try to persuade my hon. Friend the Member for Denton and Reddish (Mr. Bennett) of that, or at least to placate him a little.

The hon. Member for Ashford (Mr. Green) asked about the meaning of "relevant highway". The Government amendments extend the provisions to cover restricted byways and BOATs; the effect is the same as that of the Opposition amendments. My hon. Friend asked whether the closure of footpaths would be affected in combating crime. I went to great lengths to make it clear that any diversions should be carefully restricted. I repeat that the powers are intended to be used only where persistent and high levels of crime against properties next to a right of way are being generated by the access that that right of way gives. Those are quite limiting conditions: they are not at all the basis for widespread diversions.

I also said that the Bill requires that, before closures are contemplated, the local authority should consider whether there is a reasonably convenient alternative route. If there is no such route, the authority must consider whether it would be reasonably practicable to divert the right of way.

My hon. Friend laid down two conditions for me. In answer to his first point, it seems slightly odd and rather double-edged to argue that footpaths assist burglars and criminals but that we ought to keep them open so that police officers can get to areas where they are likely to find and arrest burglars.

However, I was also asked to consider whether footpaths should be diverted only where there is good reason to believe that to do so would be likely to reduce crime. I share the concern expressed by my hon. Friend that the power that we are giving should not be used to provide indiscriminate opportunities for the closure of footpaths for other reasons that may be convenient to other parties. Use of the power has to be justified on the basis that it would have—or could reasonably be expected to have—a significant impact on crime.

Mr. Bennett: How do we reverse the process if crime is not reduced?

Mr. Meacher: If use of the power does not reduce crime, and there is a strong wish to restore a right of way or footpath, there is no reason why it cannot be restored. Local highways authorities are expected to make available plans for improvements to rights of ways. It is unlikely that the problem described by my hon. Friend would occur. However, if it was decided that an unwise decision had been made, that decision is certainly not irreversible.

Mr. Green: I am slightly worried that the Minister may be falling into a trap laid for him by the hon. Member for Denton and Reddish. It would be extraordinary if crime in rural areas were reduced by this measure. Crime is rising so fast in rural areas that any reduction in the increase would go against the trend of the past three years and would be an achievement in itself. The measure would be a success if it did no more than contribute to such a reduction.

The Minister should not be required to defend a non-reduction in crime. Policies for which he has no responsibility are contributing to the rise in crime in rural areas.

Mr. Meacher: Virgil wrote:

Timeo danaos et dona ferentes.

That can be translated as, "I fear the Greeks even when they are bearing gifts." The hon. Gentleman should not over-egg his argument. As I said in Committee, the level of burglaries in rural areas is only about a third of that in urban areas. It is true that the crime rate continues to rise in some areas, but it is doing so more slowly than over the past two decades.

The question is whether this is a sensible anti-crime measure. If it is not and does not meet the strict criteria that I have laid down, I do not believe that it will be pursued. It is certainly my intention that it should not be.

Amendment agreed to.

6.45 pm

Amendments made: No. 229, in page 51, line 6, after second "of" insert—

'a special diversion order or'.

No. 230, in page 52, line 19, leave out from "that" to "of" in line 21 and insert—

'as respects any relevant highway for which they are the highway authority and which is in an area designated by the Secretary of State by order for the purposes of this section, the conditions in subsection (1B) below are satisfied and it is expedient, for the purpose'.

No. 231, in page 52, line 23, leave out "path or way" and insert "highway".

No. 232, in page 52, line 24, leave out—

'footpath or bridleway in their area'

and insert—

'relevant highway for which they are the highway authority and'.

No. 233, in page 52, line 26, leave out "in the interests" and insert "for the purpose".

No. 234, in page 52, line 34, leave out "path or way" and insert "highway".

No. 235, in page 52, leave out lines 35 to 37 and insert—

'(1A) In subsection (1) above "relevant highway" means—

(a) any footpath, bridleway or restricted byway,

(b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or

(c) any highway which is shown in a definitive map and statement as a byway open to all traffic,

but does not include a highway that is a trunk road or a special road.

(1B) The conditions referred to in subsection (1)(a) above are—

(a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and

(b) that the existence of the highway is facilitating the persistent commission of criminal offences.'.

No. 236, in page 52, line 41, leave out "path or way" and insert "highway".

No. 237, in page 52, line 45, leave out "path or way" and insert "highway".

No. 238, in page 52, line 47, leave out from beginning to end of page 53, line 19 and insert—

'(6) The Secretary of State shall not confirm a special extinguishment order made by virtue of subsection (1)(a) above, and a council shall not confirm such an order as an opposed order, unless he or, as the case may be, they are satisfied that the conditions in subsection (1B) above are satisfied, that the stopping up of the highway is expedient as mentioned in subsection (1)(a) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

(a) whether and, if so, to what extent the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998,

(b) the availability of a reasonably convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B below rather than stopping it up, and

(c) the effect which the extinguishment of the right of way would have as respects land served by the highway, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(6A) The Secretary of State shall not confirm a special extinguishment order made by virtue of subsection (1)(b) above, and a council shall not confirm such an order as an opposed order unless he or, as the case may be, they are satisfied that the stopping up of the highway is expedient as mentioned in subsection (1)(b) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

(a) any other measures that have been or could be taken for improving or maintaining the security of the school,

(b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,

(c) the availability of a reasonably convenient alternative route or, if no reasonably convenient alternative route is available, whether it would be reasonably practicable to divert the highway under section 119B below rather than stopping it up, and

(d) the effect which the extinguishment of the right of way would have as respects land served by the highway, account being taken of the provisions as to compensation contained in section 28 above as applied by section 121(2) below.'.

No. 239, in page 53, leave out lines 28 to 30.

No. 240, in page 53, line 31, leave out from "council" to end of line 35 and insert—

'for the making by virtue of section 118B(1)(b) above of a special extinguishment order in relation to any highway for which the council are the highway authority and which—

(a) crosses land occupied for the purposes of the school, and

(b) is a relevant highway as defined by section 118B(1A) above.'.

No. 241, in page 55, line 28, leave out from "that" to "of" in line 30 and insert—

'as respects any relevant highway for which they are the highway authority and which is in an area designated by the Secretary of State by order under section 118B(1)(a) above, the conditions in subsection (1B) below are satisfied and it is expedient, for the purpose'.

No. 242, in page 55, line 32, leave out "path or way" and insert—

'highway, or part of that line'.

No. 243, in page 55, line 35, leave out—

'footpath or bridleway in their area'

and insert—

'relevant highway for which they are the highway authority and'.

No. 244, in page 55, line 37, leave out "in the interests" and insert "for the purpose".

No. 245, in page 55, line 45, leave out "path or way" and insert "highway".

No. 246, in page 55, leave out lines 48 to 50 and insert—

'(1A) In subsection (1) above "relevant highway" means—

(a) any footpath, bridleway or restricted byway,

(b) any highway which is shown in a definitive map and statement as a footpath, a bridleway, or a restricted byway, but over which the public have a right of way for vehicular and all other kinds of traffic, or

(c) any highway which is shown in a definitive map and statement as a byway open to all traffic,

but does not include a highway that is a trunk road or a special road.

(1B) The conditions referred to in subsection (1)(a) above are—

(a) that premises adjoining or adjacent to the highway are affected by high levels of crime, and

(b) that the existence of the highway is facilitating the persistent commission of criminal offences.'.

No. 247, in page 56, line 3, leave out from "such" to "as" and insert—

'(i) new footpath, bridleway or restricted byway, or

(ii) in a case falling within subsection (1A)(b) or (c) above, new highway over which the public have a right of way for vehicular and all other kinds of traffic,'.

No. 248, in page 56, line 7, leave out "path or way" and insert "highway".

No. 249, in page 56, line 13, leave out "path or way" and insert "highway".

No. 250, in page 56, line 16, leave out "path or way" and insert "highway".

No. 251, in page 56, line 31, leave out "and" and insert "or".

No. 252, in page 56, leave out lines 33 to 57 and insert—

'(9) The Secretary of State shall not confirm a special diversion order made by virtue of subsection (1)(a) above, and a council shall not confirm such an order as an opposed order unless he or, as the case may be, they are satisfied that the conditions in subsection (1B) above are satisfied, that the diversion of the highway is expedient as mentioned in subsection (1)(a) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

(a) whether and, if so, to what extent the order is consistent with any strategy for the reduction of crime and disorder prepared under section 6 of the Crime and Disorder Act 1998,

(b) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and

(c) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.

(9A) The Secretary of State shall not confirm a special diversion order made by virtue of subsection (1)(b) above, and a council shall not confirm such an order as an opposed order unless he or, as the case may be, they are satisfied that the diversion of the highway is expedient as mentioned in subsection (1)(b) above and that it is expedient to confirm the order having regard to all the circumstances, and in particular to—

(a) any other measures that have been or could be taken for improving or maintaining the security of the school,

(b) whether it is likely that the coming into operation of the order will result in a substantial improvement in that security,

(c) the effect which the coming into operation of the order would have as respects land served by the existing public right of way, and

(d) the effect which any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (c) and (d) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation contained in section 28 above as applied by section 121(2) below.'.

No. 253, in page 57, line 5, leave out "path or way" and insert "highway".

No. 254, in page 57, line 9, leave out "footpath or bridleway" and insert "highway".

No. 255, in page 57, leave out lines 16 to 23 and insert—

'(12) Section 27 above (making up of new footpaths and bridleways) applies to a highway created by a special diversion order with the substitution—

(a) for references to a footpath or bridleway of references to a footpath, a bridleway, a restricted byway or a highway over which the public have a right of way for vehicular and all other kinds of traffic,

(b) for references to a public path creation order of references to a special diversion order, and

(c) for references to section 26(2) above of references to section 120(3) below.

(13) Neither section 27 nor 36 above is to be regarded as obliging a highway authority to provide—

(a) on any highway created by a special diversion order, a metalled carriage-way, or

(b) on a restricted byway so created, a carriage-way which is by any other means provided with a surface suitable for the passage of mechanically propelled vehicles.'".

No. 256, in page 57, line 24, leave out from "council" to end of line 28 and insert—

'for the making by virtue of section 119B(1)(b) above of a special diversion order in relation to any highway for which the council are the highway authority and which—

(a) crosses land occupied for the purposes of the school, and

(b) is a relevant highway as defined by section 119B(1A) above.'.

No. 257, in page 57, line 30, leave out "footpath or bridleway" and insert "highway".

No. 258, in page 57, line 47, leave out—

'where the council are the highway authority for the path or way'

and insert—

'to the extent that the council are the highway authority for the highway'.

No. 259, in page 57, line 49, leave out "path or way" and insert "highway".

No. 260, in page 57, line 51, leave out "where" and insert "to the extent that".

No. 261, in page 58, line 3, after "substitution" insert "(a)".

No. 262, in page 58, line 4, after second "order" insert "and

(b) for references to a footpath or bridleway of references to a highway'.—*[Mr. Meacher.]*

Mr. Tom Brake (Carshalton and Wallington): I beg to move amendment No. 43, in page 58, line 16, leave out "significant damage" and insert "damage or disturbance".

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Government amendment No. 263.

[Sir Alan Haselhurst]

Amendment No. 44, in page 58, line 22, after "damage", insert "or disturbance".

Government amendment No. 213.

Amendment No. 80, in page 59, line 39, after "that", insert—

'the path or way will not be substantially less convenient to the public in consequence of the diversion and that'.

Mr. Brake: The amendments have two main purposes—to ensure that disturbance to birds caused by people walking down highways can be a reason for making a site of special scientific interest diversion order, and to ensure consistency between schedules.

I shall take the second purpose first. Paragraph 28F of schedule 8 refers to "damage", whereas paragraph 119D of schedule 6 refers to "significant damage". The amendments would ensure that the reference in both cases would be to "damage".

I turn now to the first purpose of the amendments. A briefing from the Royal Society for the Protection of Birds gives three specific examples of the impact that disturbance can have on birds. It reports that a footpath runs along the top of a flood defence bank by the Ouse washes in Cambridgeshire, and that people on the bank are clearly visible to wintering, passage and breeding waders and wildfowl. A local tourism group proposes to use the bank as part of the Black Fen path. The RSPB believe that walkers on the bank who appear above the skyline will disturb birds on what is a site of special scientific interest.

A similar problem is reported at a place called Deadman's Grave, situated near the Norfolk/Suffolk border. The RSPB states that a footpath running through the area is likely to cause disturbance to breeding birds.

It is clear from case studies provided by the RSPB that birds can be disturbed at the sites mentioned in the briefing. There is therefore a need to ensure that the Bill takes account of both damage and disturbance. The RSPB states that, unless the amendment is accepted and the word "disturbance" is included in the Bill, it will not be possible to provide the special protection areas for birds required under the EU birds directive.

If the Minister does not accept the amendments, I hope that he will explain why he is happy with the discrepancy between schedules 6 and 8 that I have already described. If the word "disturbance" is not included in the Bill, will he say whether the Government will be able to comply with the EU birds directive?

Mr. Kidney: I wish to raise the issue of the convenience of walkers in connection with amendment No. 80. Will any alternative route that is the result of a diversion be as convenient for walkers as it can be, bearing in mind the need for the diversion in the first place?

Mr. Mullin: Amendments Nos. 43 and 44 would modify the new section 119D(1) in schedule 6 so as to enable highway authorities to make SSSI diversion orders in cases where "disturbance", as well as "damage", is resulting or is likely to result from use of a right of way. While I am sympathetic to the concerns about species being disturbed, we are not willing to accept the amendments.

The rights of way network and the SSSI regime have co-existed for a considerable period of time and—the two examples mentioned by the hon. Member for Carshalton and Wallington (Mr. Brake) notwithstanding—we do not believe that the use of rights of way causes significant problems in terms of disturbance to SSSIs. We see no grounds for including that as a reason for diverting a right of way to protect an SSSI, nor do we believe that it is necessary to meet obligations under the EC birds and habitats directive. In our view, the current test for a diversion, which is that use of the right of way is causing or is likely to cause significant damage to the site, provides all the protection needed.

It might be possible to argue that there are cases in which disturbance to the protected features of an SSSI is of such a type, or such a degree, that it would amount to "significant damage". The examples cited by the hon. Gentleman might come into that category. In such cases, the test would be met and a diversion order could be made. However, I have to stress that we think that such cases are likely to be very rare indeed.

Where the disturbance is temporary—for example, during the breeding season—it might be more appropriate to make a traffic regulation order rather than a diversion order. Again, we think that the powers should be used only rarely for this purpose.

Amendment No. 80 would prevent a right of way from being diverted to protect an SSSI if the diverted way were substantially less convenient to the public. The amendment closely resembles one tabled in Committee by my hon. Friend the Member for Stafford (Mr. Kidney), along with others that also sought to introduce a similar test of convenience for special diversion and special extinguishment orders for crime prevention and school security. The amendment goes in the opposite direction from those tabled by the hon. Members for Somerton and Frome (Mr. Heath) and for Carshalton and Wallington. Taken together, the amendments are a clear illustration of the conflicting objectives that we have to reconcile.

As we explained in Committee, we believe that in order to ensure against a possible breach of our obligations under the EC birds and habitats directive, the making of SSSI diversion orders cannot be made conditional on the diverted way being as convenient as the existing way.

Mr. Green: In Committee, my hon. Friend the Member for Cotswold (Mr. Clifton-Brown) asked how many traffic regulation orders had been made in the past three years. I believe that the Minister promised to let my hon. Friend and the Committee know. Is that information yet available?

Mr. Mullin: It is not available at the moment, but should it become available in the course of my remarks I shall ensure that it is smuggled to the hon. Gentleman. It may be that in some cases, in order to prevent significant damage to an SSSI, a right of way may have to be diverted in a manner that is less convenient than the existing right of way. As I have said, we believe the powers should be used only rarely, but if it is necessary to use them, we must be sure that they are effective in meeting EC obligations when those are involved. I hope that my hon.

Friend the Member for Denton and Reddish (Mr. Bennett) and the hon. Member for Carshalton and Wallington will feel able to withdraw their amendments.

Government amendment No. 213 will remove the need for an SSSI diversion to be as substantially convenient to the public. It is necessary to ensure consistency with subsection (9) of new section 119D which, unlike section 119 of the Highways Act 1980, does not require that, before a diversion order can be confirmed, the confirming authority must be satisfied that the diversions will not be substantially less convenient to the public—that is for the reasons I have explained in relation to amendment No. 80. Government amendment No. 263 is a minor technical amendment which ensures that, in line with existing diversion powers, the SSSI provisions relate to the line or part of the line of a right of way.

News has reached me in relation to the point raised by the hon. Member for Ashford (Mr. Green), but I would not wish to raise the hopes of the hon. Member for Cotswold, because it says only that a letter is on its way. I am sorry to have to keep him in suspense.

Mr. Brake: I am happy not to press the amendments to a vote, but I shall provide the Minister with some additional information on disturbance for him to consider before the Bill goes to the other place. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendments made: No. 263, in page 58, line 19, leave out "highway" and insert—

'line of the highway, or part of that line'.

No. 213, in page 59, line 6, leave out from "it" to end of line 7.

No. 264, in page 60, leave out lines 8 and 9.

No. 265, in page 60, leave out lines 35 to 40.

No. 266, in page 61, line 52, leave out ""to 119B"" and insert—

"", 118A, 119 and 119A"".

No. 267, in page 61, line 52, at end insert—

'(2A) After that subsection there is inserted—

"(1A) Where a council are the highway authority for only part of a highway, the powers conferred on the council by sections 118B, 119B and 119D above are exercisable with respect to the whole of the highway, but subject to subsection (2) and only with the consent of every other council which is a highway authority for any other part with respect to which the powers are exercised."'.

No. 268, in page 62, line 32, leave out "path or way" and insert "highway".

No. 269, in page 63, line 44, after "order"" insert "wherever occurring".

No. 270, in page 64, line 5, after "to" insert—

'special extinguishment orders, special diversion orders and'.

No. 271, in page 66, line 5, after "public" insert "free of charge".

No. 214, in page 67, line 46, at end insert—

'(2A) Where an appeal to the Secretary of State is brought under section 121D(1) above, the Secretary of State may not make or confirm a public path diversion order or special diversion order if it appears to him that—

(a) work is necessary—

(i) to bring the new highway created by the order into a fit condition for use by the public, or

(ii) to provide necessary facilities for the convenient exercise of the new public right of way,

(b) if the order were made, the work could not be carried out by the highway authority without—

(i) the consent of another person, or

(ii) any authorisation (however described) which is required by or under any enactment, and

(c) the consent or authorisation has not been obtained.'.

No. 272, in page 69, line 11, leave out "path or way" and insert "highway".—*[Mr. Meacher.]*

Mr. Meacher: I beg to move amendment No. 215, in page 69, line 17, at end insert—

'. After section 135 of the 1980 Act there is inserted—

"Temporary diversion for dangerous works

135A.—(1) Where works of a prescribed description are likely to cause danger to users of a footpath or bridleway which passes over any land, the occupier of the land may, subject to the provisions of this section, temporarily divert the footpath or bridleway.

(2) A person may not under this section divert any part of a footpath or bridleway if—

(a) the period or periods for which that part has been diverted under this section, and

(b) the period or periods for which any other part of the same footpath or bridleway passing over land occupied by him has been diverted under this section,

amount in aggregate to more than five days in any one calendar year.

(3) Where a person diverts a footpath or bridleway under this section—

(a) he shall do so in a manner which is reasonably convenient for the exercise of the public right of way, and

(b) where the diversion is by means of a temporary footpath or bridleway, he shall so indicate the line of the temporary footpath or bridleway on the ground to not less than the minimum width that it is apparent to members of the public wishing to use it.

(4) This section does not authorise a person to divert a footpath or bridleway on to land not occupied by him without the consent of the occupier of that land and of any other person whose consent is needed to obtain access to it.

(5) The person by whom a footpath or bridleway is diverted under this section shall—

(a) at least fourteen days before the commencement of the diversion, give notice of the diversion in accordance with subsection (6) below,

(b) at least seven days before the commencement of the diversion, publish notice of the diversion in a local newspaper circulating in the area in which the footpath or bridleway is situated, and

(c) displays such notices as may be prescribed at such places, in such manner and at such times before or during the diversion as may be prescribed.

(6) Notice under subsection (5)(a) above shall be given—

(a) to the highway authority for the footpath or bridleway,

(b) if the footpath or bridleway is on or contiguous with access land in England, to the Countryside Agency, and

(c) if the footpath or bridleway is on or contiguous with access land in Wales, to the Countryside Council for Wales.

(7) A notice under subsection (5)(a), (b) or (c) above shall be in such form and contain such information as may be prescribed.

(8) If a person—

(a) in a notice which purports to comply with the requirements of subsection (5)(a) or (b) above, makes a statement which he knows to be false in a material particular,

(b) by a notice displayed on or near a footpath or bridleway, falsely purports to be authorised under this section to divert the footpath or bridleway, or

(c) in diverting a footpath or bridleway under this section, fails to comply with subsection (3) above,

he shall be guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(9) In this section—

"access land" has the same meaning as in Part I of the Countryside and Rights of Way Act 2000;

"minimum width" in relation to a temporary footpath or bridleway, means the minimum width, within the meaning of Schedule 12A to this Act, of the footpath or bridleway diverted;

"prescribed" means prescribed by regulations made by the Secretary of State.

Temporary diversion for dangerous works: restrictions

135B.—(1) The person by whom a footpath or bridleway is diverted under section 135A above shall, before the diversion ceases to be authorised by that section, make good any damage to the footpath or bridleway resulting from the works mentioned in subsection (1) of that section, and remove from the footpath or bridleway any obstruction resulting from those works.

(2) Any person who fails to comply with the duty imposed on him by subsection (1) above is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(3) The highway authority may make good any damage, or remove any obstruction, in respect of which any person has failed to comply with that duty and recover from that person the amount of any expenses reasonably incurred by them in or in connection with doing so.

(4) Paragraph 3(1) of Schedule 12A to this Act does not apply in relation to any disturbance of the surface of a footpath or bridleway which subsection (1) above requires any person to make good; but paragraphs 7 and 8 of that Schedule apply for the purposes of subsection (3) above as if—

(a) references to the authority were references to the highway authority,

(b) references to the work were references to work carried out under subsection (3) above in relation to a footpath or bridleway, and

(c) references to the relevant land were references to the land over which the footpath or bridleway passes.

(5) The diversion of a footpath or bridleway under section 135A above does not—

(a) affect the liability of any person for anything done in relation to the path or way otherwise than for the purposes of or in consequence of the works mentioned in subsection (1) of that section, or

(b) authorise any interference with the apparatus or works of any statutory undertakers.

(6) Without prejudice to section 130 (protection of public rights of way) above, it is the duty of the highway authority to enforce the provisions of section 135A and this section.".'.

Government amendment No. 215 gives effect to the commitment that we made on Second Reading to introduce provisions enabling land managers to divert rights of way temporarily for exceptional land management operations. Generally, we believe that temporary diversions to rights of way should be avoided as far as possible, because the public is entitled to reasonable certainty that a public right of way will be available for them to use. However, we accept that there may be instances when a diversion for a very short period—such as five days—would be a practical way to enable land managers to carry out certain operations with minimum inconvenience to the public, in particular when such operations are likely to cause danger to users of a right of way.

The new provisions would enable an occupier of any land over which a footpath or bridleway passes to divert it temporarily for up to five days a year. It would not be possible to divert a right of way on to another person's land without consent. The occupier would be required to notify the local highway authority in advance, advertise the intention to divert in a local paper, and place notices showing where the diversion would run. Those are obvious, common-sense requirements. Where the right of way passed over or adjoined land to which the public would have a right of access under part I, the occupier would also have to notify the Countryside Agency or the Countryside Council for Wales. This is a limited but sensible amendment and I commend it to the House.

Mr. Green: I have no wish to add to any problems that the Minister may have with his hon. Friends, but we think that this is a sensible improvement to the Bill. It was, as he said, raised in Committee, and it seems a sensible and practical way to deal with what could otherwise be a serious problem.

Amendment agreed to.

Amendment made: No. 273, in page 69, line 32, at end insert—

'( ) after the definition of "cycle track" there is inserted—

"definitive map and statement" has the same meaning as in Part III of the Wildlife and Countryside Act 1981;";'.—*[Mr. Meacher.]*

Clause 51

RIGHTS OF WAY IMPROVEMENT PLANS

Mr. Bennett: I beg to move amendment No. 5, in page 28, line 5, at end insert—

'(za) the desirability of ensuring that the overall length of local rights of way is increased during each consecutive period of 12 months beginning with the date of publication of the rights of way improvement plan'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 53, in page 28, line 5, at end insert—

'(za) the creation of new public paths (footpaths and bridleways) to link with other rights of way in the network or to avoid walking or riding on roads;'.

Amendment No. 54, in page 28, line 5, at end insert—

'(za) the re-creation of historic routes so that they can be more closely followed by people using rights of way on foot or on horseback;'.

Amendment No. 55, in page 28, line 5, at end insert—

'(za) measures to make it easier, safer and more enjoyable for people on foot or on horseback to use those carriageways which provide links between footpaths, bridleways and restricted byways, including (but not limited to) the exercise of traffic calming powers and powers to make traffic regulation orders;'.

Amendment No. 56, in page 28, line 5, at end insert—

'(za) the creation of safe and convenient means for people on foot or on horseback to cross roads and railways;'.

Amendment No. 57, in page 28, line 5, at end insert—

'(za) the creation of new public paths (footpaths and bridleways) where by virtue of their location on a riverbank or otherwise, such paths are at risk of ceasing to exist if the land over which they run is lost due to erosion;'.

Amendment No. 35, in page 28, line 11, leave out second "and" and insert—

'(ca) the effect of the local rights of way network on the conservation of flora, fauna and geological and physiographical features, in particular in sites of special scientific interest; and'.

Government amendments Nos. 297 and 298.

Amendment No. 36, in clause 52, page 29, line 9, leave out "and" and insert—

'( ) in relation to section 51(2)(ca), the Nature Conservancy Council for England and the Countryside Council for Wales (as appropriate); and'.

Amendment No. 37, in page 29, line 9, leave out "and" and insert—

'( ) organisations prescribed by the Wildlife and Countryside Act 1981 to receive public path and definitive map orders; and'.

Government amendments Nos. 299 to 301.

New clause 2—*Duties relating to rights of way improvement plans*—

'.In delivering rights of way improvement plans it is the duty of every local highway authority other than an inner London authority to seek to ensure that action is taken to make it easier, safer and more enjoyable for people to use the local rights of way network on foot or on horseback, by means that include (without prejudice to the exercise of other powers)—

(a) the creation of new public paths (footpaths and bridleways) to link with other rights of way in the network or to avoid walking or riding on roads;

(b) the re-creation of historic routes so that they can be more closely followed by people using rights of way on foot or on horseback;

(c) measures to make local rights of way more accessible to blind or partially-sighted people and others with mobility problems, including (but not limited to) the removal of stiles or their replacement by gates;

(d) measures to make it easier, safer and more enjoyable for people on foot or on horseback to use those carriageways which provide links between footpaths, bridleways and restricted byways, including (but not limited to) the exercise of traffic calming powers and powers to make traffic regulation orders;

(e) the creation of safe and convenient means for people on foot or on horseback to cross roads and railways; and

(f) the creation of new public paths (footpaths and bridleways) where by virtue of their location on a riverbank or otherwise, such paths are at risk of ceasing to exist if the land over which they run is lost due to erosion.'.

7 pm

Mr. Bennett: Although I would like to think that Ministers will accept either our amendments or our new clause, I would be surprised if they did. Nevertheless, I hope that rather than leaving the Bill as it is, they will come up with a map or a set of signposts explaining how rights of way improvement plans will work. That is really the purpose of our amendments and new clause in this group. I also hope that they will give us some reassurance about the Bill's provisions on rights of way, which seem to be weighted heavily towards reducing people's right to use rights of way, rather than towards promoting that right.

Amendment No. 5 provides for increased rights of way. The first argument for increasing rights of way is based on the fact that the popularity of walking as a recreational activity is increasing yearly. Currently, almost half the British population list walking as an enjoyable recreational activity. It is only logical that if ever more people are participating in walking as a recreational activity, we should provide more facilities for them to do so.

Part I of the Bill makes very important provision for access to large tracts of mountain and moorland. However, although very many people enjoy walking, they want to walk only short distances. Many of those people live in urban areas, and an increasing proportion of them are elderly. Increasing the number of footpaths in urban areas is therefore an extremely important issue for those people. I hope that the Minister will consider the issue solely on the basis of demand—the number of people who walk on footpaths.

Walking is also good for people's health. The Stockport health authority has even been encouraging doctors to prescribe walking and other exercise for their patients. For many people, walking is probably far more useful than the drugs that are often prescribed at considerable expense. Therefore, if we are going to encourage people to walk for their health, particularly those who are not used to walking, we will have to increase substantially the number of footpaths, especially in urban areas. That would enable people to get out and enjoy themselves.

The Government have introduced an initiative to encourage schoolchildren to walk to school. The Department of the Environment, Transport and the Regions has even undertaken one or two pilot projects—perhaps the Minister will tell us a bit more about them—in which new routes will be created to enable children to walk safely to school. That type of project is very important.

Additionally, particularly on the urban fringes, an increasing number of people are participating in horseriding. That fact strongly supports arguments for increasing the number of bridleways. In short, therefore, we need to include in the Bill a bold statement to local authorities that we expect there to be more rights of way.

New clause 2 deals with the overall issue of creating new public footpaths, so that people are not forced to walk on roads. I remember that when I was a child, at school half terms, my mother took us out to walk in Cheshire, where there were some very fine rambles. Every Saturday, the *Manchester Evening News* recommended various walks. Now, with the number of cars on those country lanes, some of those old walks are almost impossible to do. My mother also took my young sister, who was then in a pushchair, on those walks. Now, walking on those roads would be a horrendous experience. Walkers have lost very many safe countryside walks to the motor car.

In many cases, landowners can very simply solve the problem of road dangers by creating a footpath along field boundaries near roads. I can think of several examples in the Lake district where the National Trust has done an excellent job of creating paths just along field boundaries.

[Mr. Bennett]

enabling people to walk safely, rather than dangerously in the road. A key aspect of rights of way improvement plans should be to provide a real impetus to create new roadside footpaths.

We also have to address seriously the issue of improving access for people with disabilities, such as those who are blind or partially sighted, or who have problems with mobility. We need to do much more work on that.

We also need to examine the best way of linking up some of the traffic-calming schemes. It is logical to build new routes, especially in urban areas, to enable people to move safely from one traffic-calmed area to another. Additionally, it is often possible to include safe footpaths on the edges of new motorways and railways, so that people can cross areas safely.

In our amendments in this group and the new clause, we are really pressing the Government to say not only that rights of way improvement plans are desirable, but that pressure can be applied to local authorities to ensure that rights of way are useful, and not just something mentioned in a rarely read Act.

Mr. David Heath: I tabled three amendments in this group—amendments Nos. 35, 36 and 37. The Minister can very easily satisfy me about the matters that they deal with—nature conservancy, the particular requirements of SSSIs, and consultation with English Nature and the Countryside Council for Wales—simply by telling me that they will be dealt with in the advice to local authorities. However, they must be dealt with in that advice, because they are very important aspects of drawing up rights of way improvement plans.

On amendment No. 37, concerning organisations prescribed by the Wildlife and Countryside Act 1981, the Minister can reassure me by telling me that the substance of the amendment will be dealt with under Government amendment No. 298, and that the Secretary of State or the National Assembly for Wales will prescribe those organisations in regulations. I expect that he will be able to give me that assurance, and I shall be pleased if he does. I welcome Government amendment No. 298.

Finally, I should like to say a few words about the comments made by the hon. Member for Denton and Reddish (Mr. Bennett). I entirely agree with him that if we are to have rights of way improvement plans, the Government have to give clear guidance on what is intended in the legislation, and provide some real impetus. There is a desperate need to improve the rights of way network for walkers and cyclists, and particularly for equestrians, who have very few safe places in the countryside to ride. Not only do they have to contend with traffic, but the bridleway system is lamentably poor.

If rights of way improvement plans are to be effective, not only must the intentions of the legislation be clear, but there must be resources to back up those intentions. Over the years, there have been good intentions towards rights of way, but local authorities have not had the money to pay for the work to implement them. Unless the Government come forward with the money—either in local authority standard spending assessments, in stewardship schemes or in modulation directly to landowners—those intentions will not be realised. We have to have those assurances if our intentions are to be anything more than pious hopes.

Mr. Kidney: I welcome Government amendment No. 297—which, astonishingly, represents another success for yours truly. Although it is a seemingly modest amendment—

Mr. Heath: More modest than the hon. Gentleman.

Mr. Kidney: Perhaps. Nevertheless, I believe that the amendment will have very far-reaching effects. I think that it might also help to reassure my hon. Friend the Member for Denton and Reddish (Mr. Bennett), because it will ensure that the Countryside Agency and the Countryside Council for Wales are consulted on every local authority's rights of way improvement plan.

It is important to ensure that there is a consistent approach between different authorities. More importantly, the amendment will enable the Countryside Agency to monitor each area. That will be a useful power for Countryside Agency and the Countryside Council for Wales. They are alert to the dangers of losing parts of the network and to the need to expand the network in the way described by my hon. Friend. In being able to draw attention to the worst performers, and with the assistance, I hope, of public disapproval, they will be able to ensure that matters improve, or that the Government do something about authorities that perform badly. On the brighter side, the Countryside Agency and the Countryside Council for Wales will be well positioned to ensure that best practice is disseminated, so that all authorities can perform to the standard of the best.

I am pleased that the Government have introduced this amendment as a result of the argument advanced in Committee.

Mr. Gordon Prentice (Pendle): I shall speak briefly in support of the amendments in the name of my hon. Friend the Member for Denton and Reddish (Mr. Bennett). Astonishingly, clause 51 contains no definition of "improved network". It may be self-evident what an improved network is, but the amendments tabled by my hon. Friend flesh it out and give some guidance.

I am particularly interested in the re-creation of historic routes. I cannot remember whether I mentioned this in Committee, but in my constituency there is a holloway—a mediaeval road—which runs from Bracewell church to a deserted mediaeval village. The holloway has been there for about 600 years, until the present generation. It is overgrown and neglected now, and I should like local authorities to treat these historic routes seriously and open them up so that people can enjoy them again.

New clause 2, also tabled by my hon. Friend, refers to the desirability of creating new public footpaths where the old one, running along a riverside or a cliff top, has been swept away or eroded.

I hope that the Government will look favourably on this group of amendments. They are sensible, and would give local authorities the steer that is required.

Mr. Mullin: I regret that once again I have to disappoint my hon. Friend the Member for Denton and Reddish (Mr. Bennett). It grieves me that I have had to

do this so often during today's proceedings, because he has a long-standing and honourable record on campaigning for access to the countryside. I hope, however, that he will acknowledge that although the Bill does not go quite as far as he would like, it represents a substantial advance for the causes that he and I, along with many others, care about. As he has also campaigned for improvements in the regime affecting footpaths and bridleways, I hope that he can take some comfort from what I say, although I cannot satisfy him on everything.

Amendment No. 5 would require local highway authorities to include in their rights of way improvement plans an assessment of the desirability of ensuring that the overall length of local rights of way is increased each year. Amendments Nos. 53 to 57 would require assessments of a range of other matters, each worthy in its own right.

I sympathise with the intention of those amendments, in so far as we would expect local authorities, where appropriate, to include proposals in their plans for extending their networks if there was a case for doing so, and for addressing the other points—although some aspects of road safety, for example, in amendment No. 55, are covered in the Government's road safety strategy, which was published on 1 March.

The key point, however, is that the proposals relating to creations and other relevant matters will flow from each authority's assessment, which clause 51(2)(a) requires it to undertake, of the extent to which local rights of way meet the present and likely future needs of the public. This is purposely a broad objective, because there are many factors to be considered in deciding what improvements to local rights of way should be made for the benefit of the public as a whole. We do not want to pre-empt the assessment process by requiring in the primary legislation that particular weight be attached to certain narrowly defined matters as opposed to others.

7.15 pm

I see no advantage in identifying specific individual factors in the Bill. Indeed, there could be disadvantages; it would encourage people who believed that their interests were not represented to seek to add to the list as the Bill continues its passage through Parliament. For example, some might argue that if there is to be a separate assessment of the case for increasing the overall length of local rights of way, there should also be an assessment of the need to reduce or rationalise the network. One can foresee a longer and longer list, with some items perhaps cancelling out others.

We believe that clause 51 provides all that is needed to ensure that each authority undertakes a fair and rigorous review of the current state of its local rights of way network and, on the basis of that review, identifies priorities for action to improve it for the wider public benefit.

New clause 2 would place a duty on local highway authorities to take reasonable steps to implement proposals made in their plans as a consequence of the assessment of the matters listed in amendments Nos. 53 to 57. There is no reason why authorities should be required to implement certain proposals and not others. Moreover, we take the view that a specific duty to implement could be counter-productive, in that authorities might decide that a prudent course would be to make few specific proposals in their plans. We want to encourage a more ambitious approach.

Highway authorities have never previously been required to take a strategic overview of their rights of way networks, and we are keen to see a more creative and positive approach to making rights of way more accessible and convenient, and to having fewer gaps. Local authorities are best placed to judge, in the light of local circumstances, what the range and timing of those improvements should be. They will be required to report on the action that they have taken, and will be accountable to the public if they drag their feet.

As for amendment No. 35, the Bill already contains a number of measures to improve nature conservation and protect sites of special scientific interest. For example, new section 28E of the Wildlife and Countryside Act 1981, which is inserted by schedule 8, requires local authorities, among others, to further the conservation and enhancement of the special flora, fauna or geological or physiographical features of SSSIs. Together with other measures—such as section 11 of the Countryside Act 1968 and the complementary amendment to section 29 of the Highways Act 1980 introduced in schedule 6, requiring councils to have due regard to nature conservation in the exercise of their functions—we consider that sufficient.

We are sympathetic to amendment No. 36, in the name of the hon. Member for Somerton and Frome (Mr. Heath). It would give local authorities a duty to consult the Government's statutory advisers on nature conservation in preparing and reviewing their rights of way improvement plans, and we will consider that. The hon. Gentleman also asked whether the regulations would cover organisations such as English Nature. I am told that they will. I hope that he and my hon. Friend will agree not to press the amendments and the new clause.

Amendments Nos. 297 to 301 arise from amendments tabled earlier by Opposition Front-Bench Members and by my hon. Friends the Members for Pendle (Mr. Prentice) and for Stafford (Mr. Kidney). They will give the Secretary of State and the National Assembly for Wales a power to make regulations prescribing whom, in addition to those already set out in the Bill, local highway authorities must consult when drawing up their rights of way improvement plans. They will also require every local highway authority to consult the Countryside Agency or the Countryside Council for Wales on their rights of way improvement plans, irrespective of whether a national trail passes through their area—a limitation currently in the Bill.

We expect local authorities to consult widely in the preparation of their plans. In Committee we considered a range of options for prescribing who should be involved. Our initial view had been to set out who else should be consulted in the statutory guidance under clause 52(4), but we were persuaded of the merits of a regulation-making power to prescribe consultees on improvement plans. In part, that was because current legislation on changes to rights of way and the recording of rights of way contains provisions requiring consultations with various organisations. It would be useful for other key consultees

[Mr. Mullin]

to be identified in secondary legislation, while local authorities retain a discretion over who else to consult. I commend the Government's amendments to the House.

Mr. Bennett: I shall not say that I am disappointed in the response of my hon. Friend the Under-Secretary of State, because I have long appreciated that he is under close control, if not actually on the lead—*[Interruption.]* If it was for only four months of the year, perhaps we could escape fairly soon. However, I wish he could have shown a little more enthusiasm for our improvement plans and given local authorities a little more of a steer towards what we expected.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 52

RIGHTS OF WAY IMPROVEMENT PLANS: SUPPLEMENTAL

Amendments made: No. 297, in page 29, line 7, leave out from beginning to "the".

No. 298, in page 29, line 9, after "appropriate)," insert—

'(ea) such persons as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations prescribe in relation to the local highway authority's area;'.

No. 299, in page 29, line 10, leave out "they" and insert "the local highway authority".

No. 300, in page 29, line 36, at end insert—

'( ) Regulations under subsection (1)(ea) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.'.

No. 301, in page 29, line 39, leave out from "1988" to end of line 42.—*[Mr. Meacher.]*

Clause 54

ENFORCEMENT OF DUTY TO PREVENT OBSTRUCTION

Amendments made: No. 225, in page 31, leave out lines 19 to 21.

No. 226, in page 31, leave out lines 25 and 26.—*[Mr. Meacher.]*

Clause 55

POWER TO ORDER OFFENDER TO REMOVE OBSTRUCTION

Dr. David Clark: I beg to move amendment No. 71, in page 33, line 15, at end insert—

'(5) It shall be the duty of the local highway authority to monitor from time to time the compliance with any order made under subsection (1) above, and to bring proceedings under subsection (4) if the obstruction is not removed within the time specified in the order.'.

Mr. Deputy Speaker: With this it will be convenient to discuss Government new clause 24—*Overhanging vegetation obstructing horse-riders.*

Dr. Clark: Clause 55 is a welcome addition to the armoury of those fighting for footpaths and for footpath freedom. It will enable the magistrates courts, on conviction of a person for wilful obstruction of a highway, to order that person to remove the obstruction. That may be in addition to, or instead of, a fine. The key point is that failure to comply with the decision of a magistrates court is an offence punishable by a fine of up to £5,000.

That may seem strange. However, many people have experienced great frustration, after taking time and trouble and raising money to fight a footpath blockage case, on finding that, even though their case was verified and justified in the magistrates court, they were unable to have the blockage removed.

The classic example is the infamous van Hoogstraten case, when the magistrate ordered that there was an obstruction and that it should be removed. The company was fined £800 on each of two separate charges and the Ramblers Association was awarded costs of £3,500. Even after all that, the footpath remained obstructed, because the magistrates court does not have responsibility for clearing the obstruction—that is the responsibility of the highways authority. Clause 55 puts the matter right. We very much welcome it.

Amendment No. 71 is modest. It would put a duty on the relevant highways authority to monitor compliance. We are concerned that, although the magistrates court may assume responsibility for insisting on the clearance of a blockage, it will not be able to monitor compliance. That will remain with the highways authority; it would not be an onerous burden and would be of great assistance to the magistrates court. That would ensure that obstructions along the Queen's highway were actually cleared.

In that spirit, we move the amendment. I hope that my right hon. Friend the Minister for the Environment will look on it favourably. We welcome the provisions included in the clause; this small, fine-tuning amendment will ensure that obstructions do not remain undetected and uncorrected in future.

I commend the amendment to the House.

Mr. James Gray (North Wiltshire): Many hon. Members are asked a question that is impossible to answer without sounding pompous or slightly self-righteous. It is: "Why have you become a Member of Parliament?" When one sits on the Opposition Back Benches, listening to thousands of words that seem to have no particular purpose, one sometimes comes to the conclusion that one agrees with the questioner that there may be no purpose in it. However, occasionally, one's confidence in the world is reasserted, when, for example, one tables in Committee an amendment that was proposed by the British Horse Society and one finds on Report that one's name has been removed from the amendment and replaced with that of the Secretary of State for the Environment, Transport and the Regions. That reassures one that one is doing something slightly useful.

The next time I am in Wiltshire, relaxing after a tough week in this place, riding down a bridleway whose overhanging branches have been lopped back, or on my way to the opening meet, next season, of my local hunt—[HON. MEMBERS: "Hear, hear."]—I shall be glad that I took

the trouble to propose the amendment. I am glad that the Minister for the Environment has turned up today to accept it.

Mr. Mullin: I thank my right hon. Friend the Member for South Shields (Dr. Clark) for his comments on clause 55.

Amendment No. 71 repeats one tabled by my hon. Friend the Member for Brighton, Pavilion (Mr. Lepper) in Committee. The amendment would require a local highways authority to police any orders made by magistrates courts under the new section 137ZA of the Highways Act 1980 and to prosecute any breach of an order. Although I agree with my hon. Friend on the importance of ensuring compliance with orders of the court, I stated in Committee that there are several reasons why we cannot agree to his amendment.

First, not all prosecutions under section 137 of the Highways Act will be brought by a local highways authority. Members of the public may bring prosecutions and so may the Crown Prosecution Service. It is not clear how, in practice, a local highways authority could monitor all such orders.

More fundamentally, it is not appropriate that a local highways authority should always be obliged to prosecute the offence of breaching an order. Section 222 of the Local Government Act 1972 provides a discretion to local authorities to prosecute where they consider it appropriate in the interests of the inhabitants of their area. We see no reason to remove that discretion in the particular case of highway obstructions.

Moreover, in exercising their discretion to prosecute, local highways authorities, like any other local authority, should have regard to the CPS code of practice. That advises that the decision to prosecute an individual is a serious step, and that fair and effective prosecution is essential to law and order. Each case is unique and must be considered on its own merits.

Mr. Gordon Prentice: The van Hoogstraten business still worries me. He is also known as Adolf von Hess, I believe. He was fined £1,500 by the magistrates court. The Ramblers Association was awarded £3,500. The man is a multimillionaire. What happens if he refuses point blank to remove the obstruction? He seems determined not to do so.

Mr. Mullin: As a result of the Bill, there will be powers to require the removal of the obstruction. I hope that my hon. Friend will join me in celebrating that fact.

Before a prosecution is taken, it must be decided whether there is sufficient evidence to prosecute and whether it is in the public interest to do so. If the amendment were passed, those factors would not be taken into account.

7.30 pm

Therefore, although I agree with my right hon. Friend the Member for South Shields on the importance of effective enforcement, I do not believe that we can approach it in the way that his amendment proposes. I believe that, in practice, a local highway authority that has spent time and money on bringing a successful prosecution will keep an eye on what happens afterwards—and I am sure that, if it does not, others will tell it what is happening. Authorities will then have to decide whether, if an order has not been complied with, there is a case for further prosecution. I hope that, in the light of these remarks, my right hon. Friend will not press his amendment.

New clause 24 arises, as the hon. Member for North Wiltshire (Mr. Gray) modestly suggested, from an amendment that he tabled in Committee. It would modify section 154(1) of the Highways Act 1980 so that a highway authority may, under that section, require the removal of vegetation overhanging a bridleway up to a height convenient to horse riders. I hope that the hon. Gentleman will take some satisfaction from having made a small footprint on the sands of time.

Dr. David Clark: I listen to my hon. Friend with some disappointment, although I know his good intent. The point of the amendment was not only to restrict the monitoring of cases that had been brought by the local authority, but to monitor those cases that had been brought under a private prosecution, and which had been upheld in the magistrates court. Therefore I am disappointed by what my hon. Friend has said, but I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 56

MAKING OF TRAFFIC REGULATION ORDERS FOR PURPOSES OF CONSERVING NATURAL BEAUTY, ETC.

Amendment made: No. 194, in page 33, line 27, leave out from "(viii)" to end of line 30 and insert—

'a site of special scientific interest (within the meaning of the Wildlife and Countryside Act 1981)'.—*[Mr. Kevin Hughes.]*

Schedule 7

DRIVING OF MECHANICALLY PROPELLED VEHICLES ELSEWHERE THAN ON ROADS

Amendment proposed: No. 136, in page 75, line 32, at end insert—

'(5A) Where a way across a common has been used as the vehicular access to a dwellinghouse as of right and without the access having been called into question by proceedings for 20 years prior to 3rd November 1999 then any person shall have lawful authority to drive a mechanically propelled vehicle to and from the dwellinghouse.'.—*[Mr. Clifton-Brown.]*

Question put, That the amendment be made:—

The House divided: Ayes 158, Noes 276.

Division No. 231] **[7.32 pm**

AYES

Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Bruce, Malcolm *(Gordon)*
Burnett, John
Burns, Simon
Cable, Dr Vincent

Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Emery, Rt Hon Sir Peter
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
George, Andrew *(St Ives)*
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hughes, Simon *(Southwark N)*
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Jenkin, Bernard
Johnson Smith, Rt Hon Sir Geoffrey
Keetch, Paul
Key, Robert
Kirkbride, Miss Julie
Kirkwood, Archy
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
MacGregor, Rt Hon John
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Madel, Sir David
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Prior, David
Randall, John
Rendel, David
Robathan, Andrew
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Taylor, Sir Teddy
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Keith Simpson and Mrs. Eleanor Laing.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Bayley, Hugh
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWalter, Tony
Mahon, Mrs Alice

Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheffld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Graham Allen and
Mr. Don Touhig.

Question accordingly negatived.

New Clause 23

EFFECT OF PART I ON POWERS TO STOP UP OR DIVERT HIGHWAYS

'.—(1) This section applies to any power to stop up or divert a highway of any description or to make or confirm an order authorising the stopping up or diversion of a highway of any description; and in the following provisions of this section—

(a) "the relevant authority" means the person exercising the power, and

(b) "the existing highway" means the highway to be stopped up or diverted.

(2) Where the relevant authority is required (expressly or by implication) to consider—

(a) whether the existing highway is unnecessary, or is needed for public use,

(b) whether an alternative highway should be provided, or

(c) whether any public right of way should be reserved,

the relevant authority, in considering that question, is not to regard the fact that any land is access land in respect of which the right conferred by section 2(1) is exercisable as reducing the need for the existing highway, for the provision of an alternative highway or for the reservation of a public right of way.

(3) Where—

(a) the existing highway is situated on, or in the vicinity of, any access land, and

(b) the relevant authority is required (expressly or by implication) to consider the extent (if any) to which the existing highway would, apart from the exercise of the power, be likely to be used by the public,

the relevant authority, in considering that question, is to have regard, in particular, to the extent to which the highway would be likely to be used by the public at any time when the right conferred by section 2(1) is not exercisable in relation to the access land.

(4) In this section—

"access land" has the same meaning as in Part I;

"highway" includes part of a highway.'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 24

OVERHANGING VEGETATION OBSTRUCTING HORSE-RIDERS.

'. In section 154 of the 1980 Act (cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths) in subsection (1) after "public lamp," there is inserted "or overhangs a highway so as to endanger or obstruct the passage of horse-riders,".'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 25

EXTINGUISHMENT OF UNRECORDED RIGHTS OF WAY

'.—(1) Subsection (2) applies to a highway if—

(a) it was on 1st January 1949 a footpath or a bridleway, is on the cut-off date (in either case) a footpath or a bridleway, and between those dates has not been a highway of any other description,

(b) it is not on the cut-off date shown in a definitive map and statement as a highway of any description, and

(c) it is not on the cut-off date an excepted highway, as defined by section (*Excepted highways or rights of way*)(1).

(2) All rights of way over a highway to which this subsection applies shall be extinguished immediately after the cut-off date.

(3) Where a public right of way created before 1949—

(a) falls within subsection (4) on the cut-off date, and

(b) is not on that date an excepted right of way, as defined by section (*Excepted highways or rights of way*)(5),

that right of way shall be extinguished immediately after the cut-off date.

(4) A public right of way falls within this subsection if it is—

(a) a public right of way on horseback, leading a horse or for vehicles over the whole or part of so much of a way as is shown in a definitive map and statement as a footpath;

(b) a right for the public to drive animals of any description along the whole or part of so much of a way as is shown in a definitive map and statement as a footpath;

(c) a public right of way for vehicles over the whole or part of so much of a way as is shown in a definitive map and statement as a bridleway; or

(d) a public right of way for mechanically propelled vehicles over the whole or part of so much of a way as is shown in a definitive map and statement as a restricted byway.

(5) Where by virtue of subsection (3) a highway ceases to be a bridleway, the right of way created over it by section 30 of the Countryside Act 1968 (riding of pedal cycles on bridleways) is also extinguished.

(6) In determining for the purposes of subsection (1) whether a highway or any part of it was at any time a footpath or a bridleway, any diversion, widening or extension of the highway after that time (and not later than the cut-off date) is to be treated as having occurred before that time.

(7) In determining for the purposes of subsection (3) whether a public right of way over a highway or over any part of it was created before 1st January 1949, any diversion, widening or extension of the highway on or after that date (and not later than the cut-off date) is to be treated as having occurred before 1st January 1949.

(8) Where a way shown on the cut-off date in a definitive map and statement has at any time been diverted, widened or extended, it is to be treated for the purposes of subsections (1) to (5) as shown as so diverted, widened or extended, whether or not it is so shown.

(9) In this section—

"cut-off date" has the meaning given in section (*Cut-off date for extinguishment etc.*), and

"mechanically-propelled vehicle" does not include a vehicle falling within paragraph (c) of section 189(1) of the Road Traffic Act 1988.

(10) In this section and section (*Excepted highways or rights of way*) expressions used in Part III of the 1981 Act have the same meaning as in that Part, except that "highway", "footpath" and "bridleway" mean the whole or part of a highway, footpath or bridleway (as the case may be) within the meaning of that Part.'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 26

EXCEPTED HIGHWAYS OR RIGHTS OF WAY

'.—(1) A footpath or bridleway is an excepted highway for the purposes of section (*Extinguishment of unrecorded rights of way*)(1) if—

(a) it is a footpath or bridleway which satisfies either of the conditions in subsections (2) and (3),

(b) it is, or is part of, a footpath or bridleway any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London,

(c) it is a footpath or bridleway—

(i) at the side of (whether or not contiguous with) a carriageway not comprised in the same highway, or

(ii) between two carriageways comprised in the same highway (whether or not the footpath or bridleway is contiguous with either carriageway),

(d) it is a footpath or bridleway of such other description as may be specified in regulations made (as respects England) by the Secretary of State or (as respects Wales) by the National Assembly for Wales, or

(e) it is a footpath or bridleway so specified.

(2) A footpath or bridleway ("the relevant highway") satisfies the first condition if—

(a) it became a footpath or bridleway on or after 1st January 1949 by the diversion, widening or extension of a footpath or, as the case may be, of a bridleway by virtue of an event within section 53(3)(a) of the 1981 Act,

(b) it became a footpath on or after 1st January 1949 by the stopping up of a bridleway,

(c) it was on 1st January 1949 a footpath and is on the cut-off date a bridleway,

(d) it is so much of a footpath or bridleway as on or after 1st January 1949 has been stopped up as respects part only of its width, or

(e) it is so much of a footpath or bridleway as passes over a bridge or through a tunnel,

and it communicates with a retained highway, either directly or by means of one or more footpaths or bridleways each of which forms part of the same highway as the relevant highway and each of which either falls within any of paragraphs (a) to (e) or satisfies the condition in subsection (3).

(3) A footpath or bridleway satisfies the second condition if—

(a) it extends from a footpath or bridleway ("the relevant highway") which—

(i) falls within any of paragraphs (a) to (e) of subsection (2), or

(ii) is an excluded highway by virtue of subsection (1)(c),

to, but not beyond, a retained highway, and

(b) it forms part of the same highway as the relevant highway.

(4) A retained highway for the purposes of subsections (2) and (3) is any highway over which, otherwise than by virtue of subsection (1)(a), section (*Extinguishment of unrecorded rights of way*)(1) does not extinguish rights of way.

(5) A public right of way is an excepted right of way for the purposes of section (*Extinguishment of unrecorded rights of way*)(3) if—

(a) it subsists over the whole or part of a way over which there subsists on the cut-off date any public right of way created on or after 1st January 1949 otherwise than by virtue of section 30 of the Countryside Act 1968 (riding of pedal cycles on bridleways),

(b) it subsists over the whole or part of a way any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London,

(c) it is a public right of way of such other description as may be specified in regulations made (as respects England) by the Secretary of State or (as respects Wales) by the National Assembly for Wales, or

(d) it subsists over land so specified.

(6) Regulations under subsection (1)(d) or (e) or (5)(c) or (d) shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 27

BRIDLEWAY RIGHTS OVER WAYS SHOWN AS BRIDLEWAYS

'.—(1) Subject to subsections (2) and (3), the public shall, as from the day after the cut-off date, have a right of way on horseback or leading a horse over any way which—

(a) immediately before the commencement of this section is, and

(b) at the cut-off date continues to be,

a footpath which is shown in a definitive map and statement as a bridleway.

(2) Subsection (1) has effect subject to the operation of any enactment or instrument (whether coming into operation before or after the cut-off date), and to the effect of any event otherwise within section 53(3)(a) of the 1981 Act, whereby a highway is authorised to be stopped up, diverted, widened or extended; and subsection (1) applies accordingly to any way as so diverted, widened or extended.

(3) Subsection (1) does not apply in relation to any way which is, or is part of, a footpath any part of which is in an area which, immediately before 1st April 1965, formed part of the administrative county of London.

(4) Where—

(a) by virtue of regulations under section (*Cut-off date for extinguishment etc.*)(2) an order under Part III of the 1981 Act takes effect after the cut-off date in relation to any footpath which, at the cut-off date was shown in a definitive map and statement as a bridleway,

(b) the regulations do not prevent subsection (1) from having effect after the cut-off date in relation to that footpath, and

(c) if the order had taken effect before that date, that footpath would not have fallen within subsection (1),

all rights over that way which exist only by virtue of subsection (1) shall be extinguished when the order takes effect.

(5) In this section—

(a) "cut-off date" has the meaning given in section (*Cut-off date for extinguishment etc.*), and

(b) expressions used in Part III of the 1981 Act have the same meaning as in that Part.'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 28

CUT-OFF DATE FOR EXTINGUISHMENT ETC.

'.—(1) The cut-off date for the purposes of sections (*Extinguishment of unrecorded rights of way*) and (*Bridleway rights over ways shown as bridleways*) is, subject to regulations under subsection (2), 1st January 2026.

(2) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may make regulations—

(a) substituting as the cut-off date for the purposes of those sections a date later than the date specified in subsection (1) or for the time being substituted under this paragraph;

(b) containing such transitional provisions or savings as appear to the Secretary of State or the National Assembly for Wales (as the case may be) to be necessary or expedient in connection with the operation of those sections, including in particular their operation in relation to any way as respects which—

(i) on the cut-off date an application for an order under section 53(2) of the 1981 Act is pending,

(ii) on that date an order under Part III of that Act has been made but not confirmed, or

(iii) after that date such an order or any provision of such an order is to any extent quashed.

(3) Regulations under subsection (2)(a)—

(a) may specify different dates for different areas; but

(b) may not specify a date later than 1st January 2031, except as respects an area within subsection (4).

(4) An area is within this subsection if it is in—

(a) the Isles of Scilly, or

(b) an area which, at any time before the repeal by section 73 of the 1981 Act of sections 27 to 34 of the National Parks and Access to the Countryside Act 1949—

(i) was excluded from the operation of those sections by virtue of any provision of the 1949 Act, or

(ii) would have been so excluded but for a resolution having effect under section 35(2) of that Act.

(5) Where by virtue of regulations under subsection (2) there are different cut-off dates for areas into which different parts of any highway extend, the cut-off date in relation to that highway is the later or latest of those dates.

(6) Regulations under this section shall be made by statutory instrument, and a statutory instrument containing such regulations made by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.'.—*[Mr. Meacher.]*

Brought up, read the First and Second time, and added to the Bill.

New Clause 13

DEFINITION OF LEGALLY RELEVANT OBJECTION

'.—In paragraph 13(2) of Schedule 15 to the 1981 Act, after the definition of "council offices" there is inserted—

"'duly made' means an objection or a representation which—

(a) is made within the time and in the manner prescribed in the notice that was published by the authority on making the order in accordance with paragraph 3 to Schedule 15; and

(b) states the grounds on which it is made, being a matter which is capable of affecting the decision whether or not to confirm the order".'.—*[Mr. David Heath.]*

Brought up, and read the First time.

Motion made, and Question put, That the clause be read a Second time:—

The House divided: Ayes 34, Noes 276.

Division No. 232] **[7.45 pm**

AYES

Allan, Richard
Ashdown, Rt Hon Paddy
Baker, Norman
Beggs, Roy
Brand, Dr Peter
Bruce, Malcolm *(Gordon)*
Burnett, John
Cable, Dr Vincent
Campbell, Rt Hon Menzies *(NE Fife)*
Cotter, Brian
Donaldson, Jeffrey
Foster, Don *(Bath)*
George, Andrew *(St Ives)*
Gidley, Sandra
Harvey, Nick
Heath, David *(Somerton & Frome)*
Hughes, Simon *(Southwark N)*
Keetch, Paul
Kennedy, Rt Hon Charles *(Ross Skye & Inverness W)*
Kirkwood, Archy
Maclennan, Rt Hon Robert
Moore, Michael
Öpik, Lembit
Rendel, David
Russell, Bob *(Colchester)*
Sanders, Adrian
Smith, Sir Robert *(W Ab'd'ns)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, Matthew *(Truro)*
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Tyler, Paul
Webb, Steve
Willis, Phil

Tellers for the Ayes:
Mr. Andrew Stunell and Mr. Tom Brake.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Bayley, Hugh
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Benn, Rt Hon Tony *(Chesterfield)*
Bennett, Andrew F
Benton, Joe
Berrningham, Gerald
Best, Harold
Betts, Clive
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Butler, Mrs Christine
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell–Savours, Dale
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Ms Glenda *(Hampstead)*
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCafferty, Ms Chris
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
Mackinlay, Andrew
McNulty, Tony
MacShane, Denis
McWalter, Tony
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Robinson, Geoffrey *(Cov'try NW)*
Roche, Mrs Barbara
Rogers, Allan
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple–Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Winnick, David
Wood, Mike
Woodward, Shaun
Woolas, Phil
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes;
Mr. Don Touhig and
Mr. Graham Allen.

Question accordingly negatived.

Clause 60

SITES OF SPECIAL SCIENTIFIC INTEREST

Mr. Meacher: I beg to move amendment No. 274, in page 35, line 11, at end insert—

'(3) After section 15 of the Countryside Act 1968 there is inserted—

"Compulsory purchase

15A.—(1) The Nature Conservancy Council may in circumstances set out in subsection (2) acquire compulsorily all or any part of the land referred to in section 15(2).

(2) The circumstances are—

(a) that the Nature Conservancy Council are satisfied that they are unable to conclude, on reasonable terms, such an agreement as is referred to in section 15(2), or

(b) that they have entered into such an agreement, but they are satisfied it has been breached in such a way that the flora, fauna or geological or physiographical features referred to there are not being conserved satisfactorily.

(3) A dispute about whether or not there has been a breach of the agreement for the purposes of subsection (2)(b) shall be determined by an arbitrator appointed by the Lord Chancellor.

(4) Where the Nature Conservancy Council have acquired land compulsorily under this section, they may—

(a) themselves take steps to conserve the flora, fauna or geological or physiographical features in question, or

(b) dispose of the land on terms designed to secure that those flora, fauna or features are satisfactorily conserved.

(5) In this section, "Nature Conservancy Council" means the Nature Conservancy Council for England as respects land in England, and the Council as respects land in Wales."'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Amendment No. 46, in schedule 8, page 77, leave out line 18.

Amendment No. 47, in page 77, line 44, at end insert—

'; or

(c) where subsequent notification under section 28(1) has been given and confirmed under section 28(5) in relation to an area of land previously notified under section 28(1) then the previous notification shall cease to have effect.'.

Government amendment No. 216.

Amendment No. 95, in page 84, line 31, leave out "them to".

Government amendments Nos. 282 and 217.

Amendment No. 96, in page 87, line 6, leave out "them to".

Government amendment No. 290.

Mr. Meacher: I shall deal first with the Government amendments. Amendment No. 274 parallels the changes that we have made in clause 60 to enable the conservation agencies compulsorily to purchase land that is outside a site of special scientific interest for the purposes of conserving the site's special features. However, the power cannot be exercised unless the agencies have tried, and failed, to make an agreement as to the management of the land or there has been a breach of such an agreement. An example might be the need to protect a water source that feeds an SSSI habitat.

As with compulsory purchase order powers generally, we would expect these powers to be used only in exceptional circumstances, where other avenues have failed. Their use will follow extensive discussions with the owner or occupier of the land to secure the action necessary to protect the SSSI and, if agreement cannot be reached, there will be a voluntary offer to purchase the land. Only if that process fails, and only where action is essential if an SSSI is to be appropriately conserved, may the agencies take compulsory purchase proceedings. There is a full and appropriate balance between private and public rights.

Mr. Simon Thomas (Ceredigion): Will the Minister confirm that the reference in subsection (5) of the amendment to

the Council as respects land in Wales

refers to the Countryside Council for Wales? If so, the amendment should state that.

The amendment applies to clause 60, which brings into effect schedule 8. I may be ignorant and innocent, but I have read the Bill closely over the past two days, and I cannot see in the clause a reference to the powers of the Countryside Council for Wales as regards SSSIs. It appears that the Nature Conservancy Council will report to the National Assembly; surely that cannot be the case. Will the Minister reconsider the drafting of the Bill to ensure that CCW's legal remit is fully taken into account?

Mr. Meacher: On the first point, the wording is a reference to the Countryside Council for Wales. If I can give more precise information about the second, technical point during the debate, I shall certainly do so.

Government amendment No. 216 ensures that parts I and III are consistent. This matter was discussed in Committee, and we agree that there is a case for removing the unilateral test of reasonableness—which members of the Committee will remember having anguished debates about—which is implied by the inclusion of the words "to them". We also want to ensure that both parts use similar terminology.

Government amendment No. 282 addresses the situation where an SSSI is landlocked, by which I mean that there is no access to it by routes that are open to the public. However, if the agency needs to take action in relation to that SSSI for its statutory purposes—in this case to carry out works in a management notice—it cannot do so without the agreement of the owner of that adjoining land. The land adjoining the SSSI may be in the same ownership, or it may be in other ownership or occupation, in which case the SSSI owner will no doubt have negotiated formal or informal access arrangements with the adjacent landowner, in order to enjoy rights of ownership.

Government amendment No. 290 deals with compulsory purchase and Crown land. The Bill extends the circumstances in which the agencies can, exceptionally, exercise powers of compulsory purchase of land, to include the acquisition of land notified as an SSSI.

8 pm

I shall deal equally briefly with the Opposition amendments. I am happy to say that we are prepared to consider further amendments Nos. 46 and 47. Amendment No. 46 would allow the conservation agencies to vary the

[Mr. Meacher]

area of an SSSI, using the procedures of notification under section 28A of the Wildlife and Countryside Act 1981. It should be noted that they have already been given power to denotify a site or decrease the area, where the special features no longer exist, and to vary the matters mentioned in the notification, including a list of operations likely to damage the site, and a statement of the council's views about management.

Amendment No. 47 attempts to deal with renotification of sites. I was aware that the agencies would welcome a facility to vary, by increasing, SSSI boundaries. Perhaps surprisingly, that is not at present specifically allowed for in the Bill. My officials have been actively discussing this situation with the agencies, and exploring how it could be achieved. We said that we would do that, and I am about to explain why were are still doing it. Again, it is not as simple as it looks. We need to ensure that the procedures allow for the right people to be notified of the changes, and that there is proper publicity and the opportunity to make representations. Provided that the arrangements prove workable, the intention is to return with an amendment in another place, but we do not believe that the proposed amendments fully meet the requirement. They have some technical deficiencies and, if we can overcome them, we will introduce an amendment in another place. I trust that that is acceptable to hon. Members.

Mr. Paice: I shall be brief because I am pleased to note that the Minister has heeded the advice that we gave him in Committee. Government amendments Nos. 216 and 217 achieve exactly the same result as we were trying to achieve with amendments Nos. 95 and 96. I could chide the Minister slightly. I seem to recall that, in Committee, he was adamant that it was perfectly reasonable that it should be up to the authority to decide whether something appeared to them to be reasonable. By making the changes that he has now made, he has, I am pleased to say, accepted the advice that we proffered him. I am grateful to him for taking the matter away and having a rethink about it. Therefore, we shall support his amendments.

Mr. David Heath: I shall continue with the good wishes. I am grateful to the Minister for the consideration that he has given to amendments Nos. 46 and 47, which are in my name. They deal with an issue of some concern to the conservation bodies. Clearly, the right hon. Gentleman has the matter in hand. He is looking carefully at it. On the basis of his assurances that the matter will be dealt with again in another place, there is no need for me to pursue the matter further.

Amendment agreed to.

Schedule 8

Sites of Special Scientific Interest

Mr. Mullin: I beg to move amendment No. 281, in page 81, line 16, leave out from "functions" to end of line 17 and insert—

'so far as their exercise is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of special interest.'.

Mr. Deputy Speaker: With this it will be convenient to discuss the following amendments: No. 48, in page 81, line 17, at end insert—

'and in relation to land not included in a site of special scientific interest where the exercise of its functions would affect such land.'.

No. 49, in page 81, line 41, after "functions,", insert—

'any operation specified in a notification made under section 28(1) and any'.

No. 94, in page 81, line 41, leave out "operations likely to" and insert—

'any operation specified in a notification made under section 28(1)(b) or which may'.

Mr. Mullin: Government amendment No. 281 imposes a duty on public bodies in exercising their functions to take reasonable steps, consistent with the proper exercise of those functions, to further the conservation and enhancement of special features of the SSSI.

Amendment No. 48, tabled by the hon. Members for Somerton and Frome (Mr. Heath) and for Carshalton and Wallington (Mr. Brake), would achieve the same effect, and we ask that they do not press it.

Mr. David Heath: I am most grateful to the Minister for his response to amendment No. 48. I agree with him that Government amendment No. 281 deals with the issue that I sought to address. I am grateful for the fact that he has listened to what we have had to say.

Amendment No. 49 deals with a slightly different issue. It would ensure that all operations carried out by section 28E authorities listed on the notification of the SSSI as well as those that, in the opinion of the agency, are likely to cause damage are first referred to English Nature or the Countryside Council for Wales. The Minister will remember that we discussed the matter in Committee. He stated that the Bill already caught operations listed on the notification as, by implication, they will be operations that might damage the SSSI. However, that misses the point slightly. There is no duty on section 28E authorities to inform the council if, in their view, the operation is not likely to damage the site. The point is that there is a difference between section 28E authorities and what is required of private landowners. It begs the question whether those authorities are in a better position to judge what may be damaging to an SSSI than a private individual. I see no inherent reason why they should be. It seems better that there should be a safeguard that requires the nature conservation bodies to be aware of what is to be done and enables them to give appropriate advice, or take appropriate action if need be. That is what my amendment would provide.

Mr. Green: I wish to speak to amendment No. 94, but all the amendments are pointing in the same direction. We are grateful that the Government are moving along with those of us who have sought to equalise an imbalance between the obligations that the Bill places on private landowners and those that it places on public bodies. That was a matter of some debate in Committee. We argued strongly that private landowners were treated unfairly as compared with public bodies—those laid out in new section 28E in schedule 8. Our amendments would restore that balance.

The thought behind our amendment and other amendments is that schedule 8 should be tightened up considerably to ensure a number of things. It should

ensure that the duty on public bodies to further the conservation of SSSIs applies to activities that public bodies may undertake not on the site but in an area that will affect the site. The most common example used is off-site abstraction of water by water companies. Clearly, sources of water are important. I am sympathetic to the argument advanced by the hon. Member for Somerton and Frome (Mr. Heath) that, on a separate issue, English Nature or the Countryside Council for Wales should be consulted and informed if public bodies are planning potentially damaging operations, just as they would expect to be consulted if private landowners intended to do something potentially damaging.

Another point covered by the group of amendments is that there should be restoration orders for offences by public bodies, including their operations away from SSSIs. Those various loopholes were subject to amendment in Committee. I am glad that the Government have acknowledged the general, genuine concern. If it is addressed properly, it will alleviate one of the Bill's remaining unfairnesses.

Amendment agreed to.

Amendments made: No. 216, in page 84, line 30, leave out—

'terms appearing to them to be reasonable'

and insert "reasonable terms".

No. 282, in page 84, line 51, after "land" insert—

', and any other land,'.

No. 217, in page 87, line 6, leave out—

'terms appearing to them to be reasonable'

and insert "reasonable terms".—*[Mr. Pope.]*

Mr. Meacher: I beg to move amendment No. 283, in page 87, line 47, at beginning insert "subject to subsection (4A),".

Mr. Deputy Speaker: With this it will be convenient to discuss the following: Government amendments Nos. 284 to 286.

Amendment No. 50, in page 88, line 5, after "interest", insert—

'or the habitats or species upon which the notified interest depends in so far as such destruction or damage is likely to be significant in relation to the interest notified under section 28(1).'.

Amendment No. 51, in page 88, line 5, at end insert—

'( ) intentionally or recklessly disturbs any of the flora, fauna or geological or physiographical features by reason of which land is of special interest, in so far as such disturbance is likely to be significant in relation to the notification under section 28(1).'.

Government amendment No. 287.

Amendment No. 138, in page 88, leave out lines 18 to 20.

Amendment No. 137, in page 88, line 22, at end insert—

'(10) Where an offence under any provision of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or a person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(11) Where the affairs of a body corporate are managed by its members, subsection (10) above shall apply in relation to the acts or defaults of a member in connection with his functions of management as if he were a director of the body corporate.'.

Government amendments Nos. 288 and 289.

Amendment No. 52, in page 88, line 38, at end insert—

'(2A) Subsection (1) applies even if the operation in respect of which a person is convicted of an offence under section 28M(2) or (3) did not take place on land included in a site of special scientific interest.'.

Government amendments Nos. 277 to 280.

Mr. Meacher: Government amendments Nos. 283 to 285 relate to the question of a defence against prosecution for failure to follow procedures in section 28C of the Wildlife and Countryside Act 1981, as amended in schedule 8: notifying and obtaining the consent of the Nature Conservancy Council when proposing to carry out operations that are likely to damage the special interest in circumstances where those operations have received the permission or authorisation of a public body. A similar issue was debated in Committee, which I promised to consider. I have done so and the amendments are the result. They tackle a similar question, but we have approached it from a different angle.

Where a public body has issued a consent for works after fully involving the conservation agency, as required under section 28G, it is wholly appropriate that the recipient should be able to proceed with the activity without delay. We have already acknowledged in section 28M(4) that a planning permission will constitute a reasonable excuse to carry out the operation authorised by it. Indeed, that has been so for many years. Amendments Nos. 283 and 284 cover a section 28G consent, but amendment No. 285 ensures that, where both a planning permission and the permission of a section 28E authority are required, there is no reasonable excuse or defence if work commences before both have been obtained.

On Government amendment No. 286, I undertook in Committee to re-examine the effectiveness and proportionality of offences under section 28M(5) in relation to damage of the special features of SSSIs, but I emphasised that we did not want to create disproportionate offences. I remind the House that section 28M(5) introduces a wholly new offence to apply when any person intentionally or recklessly damages or destroys the special interest feature of an SSSI. That is intended primarily to catch third parties, with the proviso that they should be aware that the land is notified as an SSSI. In response to revisiting the offence, Government amendment No. 286 and consequential Government No. 287 seek to extend the offence to include intentional or reckless disturbance of fauna.

8.15 pm

Government amendments Nos. 288 and 289 would extend the courts' powers to order restoration of an SSSI. We discussed the issue of restoration extensively in Committee. I emphasised strong support for the general principle that damage should be subject to reinstatement. I confirmed that I would look further at whether a restoration order could be made in other circumstances—where the damaging activity has taken place on land that is not within the SSSI.

The provisions already allow the courts to order restoration where the damaging operation takes place on the SSSI. The amendments extend that to damaging

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operations away from the SSSI that nevertheless have an effect on the special features. In such circumstances, there may be a requirement for restoration either within or both within and outside the SSSI in order to restore the special features. I think that that meets the wishes expressed in Committee, and I ask, for that reason, that amendment No. 52 should not be pressed to a vote.

Government amendments Nos. 277 and 278 affect the exercise of powers of entry by conservation agencies. That is a sensitive issue. I am sorry that the hon. Member for Mid-Sussex (Mr. Soames) is not present to hear me register my appreciation of his anguish over it. We heard in Committee examples of insensitive exercise of powers of entry to private land—I am speaking somewhat euphemistically; I cannot imitate the hon. Gentleman's purple prose—by other public bodies.

No examples—I checked this—have been brought to my attention of any insensitivity on the part of the conservation agencies, but we of course expect them, as we do any public body, to behave with [illegible]priety and, wherever possible, to act with the agreemen[illegible] the owner or occupier of any land in which they have a statutory interest.

Government amendments Nos. 277 and 278 address the issue of a landlocked SSSI—where there is no access to it by routes that are open to the public. Other public bodies exercising powers of entry are able to enter adjoining land on the sole basis that it is necessary to do so in order to get to the landlocked land and carry out their functions. Government amendment No. 277 delivers that, and Government amendment No. 278 makes a minor technical amendment.

Government amendments Nos. 279 and 280 address some of the concerns expressed. It is difficult—I said this in Committee—to conceive of a body that is charged with the conservation of the natural environment causing damage in entering land, but should it inadvertently do so, it is of course wholly appropriate that the agency should compensate any person who has sustained damage. It may also be necessary to emphasise that land should be left as secure following entry as it was previously.

I hope that what I have just said demonstrates that amendment No. 137—my hon. Friend the Member for Croydon, Central (Mr. Davies), who tabled it, is present—is unnecessary. There should be no question of corporate bodies seeking to evade their responsibilities, either collectively or individually. I hope that, with that assurance, my hon. Friend will feel able not to press his amendment to a vote.

On amendment No. 138, I cannot accept that the decision on whether to prosecute should be removed from the hands of the statutory nature conservation advisers. Their posts have been specifically established to carry out nature conservation functions on behalf of the Government. They have specific powers and duties in relation to SSSIs, including the identification and notification of sites, the granting or withholding of consent for operations likely to damage the features and the preparation of, and support for, management schemes that will identify how best to maintain the features that make the site special. If they have those functions, they should also have the means of enforcement. I should add that other persons may prosecute, providing that the consent of the Director of Public Prosecutions has been obtained. Again, I hope that, on that basis, my hon. Friend the Member for Croydon, Central will not press his amendment to a vote.

Amendment No. 51 applies intentional or reckless disturbance to the general offence where it is significant in relation to the special interest feature. This applies disturbance more widely than the Government amendment, but qualifies the offence with a test of significance. How is the assessment of significance to be made?

Perhaps I am being a little cheeky when I say that I remember having lengthy discussions in Committee about what we meant by "predominantly". Now the boot is on the other foot. Perhaps I will be told what is meant by "significant". The Government's approach to disturbance will be more readily enforceable, and more robust, than a test of significance in wider circumstances.

Amendment No. 50 may be based on a misapprehension about the SSSI citations—that is, the lists of the fauna or flora or geological or physiographical features, by reason of which the site is of special interest. The Bill includes a provision for the conservation agencies to amend the details of notification, including the list of features by reason of which the site is of special interest. I give an assurance that I will encourage English Nature to look carefully at any citations that do not fully reflect the features of interest on the SSSI, to ensure that they are appropriately updated, with the necessary opportunity for consultation, so that they fully reflect, and protect, the scientific importance of the site. On those grounds, I hope that the hon. Member for Somerton and Frome (Mr. Heath) will not press the amendment.

I apologise for speaking at such length, but I hope that I have explained the Government amendments and our position on the others.

Mr. David Heath: As the right hon. Gentleman said, I tabled amendments Nos. 50, 51 and 52. I acknowledge that amendment No. 51 is largely covered by Government amendments Nos. 286 and 287, for which I am grateful, and that amendment No. 52 is largely covered by Government amendments Nos. 288 and 289, for which I am equally grateful.

That leaves only amendment No. 50 to be discussed. As the right hon. Gentleman said, it refers to a test of significance. Why is the test of significance there? It is simply because the right hon. Gentleman told me in Committee that the amendment that I had tabled previously was insufficiently specific and would catch too many people. Because of the test of effectiveness and proportionality that he required, I introduced that qualification. However, the Minister and I are clearly working to the same ends, and I do not intend to press the amendment.

Mr. Geraint Davies (Croydon, Central): I am reassured by my right hon. Friend the Minister, but for the record I shall set out the basic arguments.

Amendment No. 137 would bring the Bill into line with the Environmental Protection Act 1990 and make company directors, not just companies, personally liable for offences. According to the Department, more than 3,000 English and Welsh SSSIs are partially or wholly owned by commercial operations, and many more are

subject to the actions of corporations such as utility companies. Company directors would take their responsibilities towards SSSIs more seriously if they were personally liable. Under other environmental legislation, where offences are committed directors are subject to legal redress.

There are case studies, including one on the acid spill in the Tees estuary in 1999. A massive spill of acid polluted Greenabella marsh, which is a roosting site for over-wintering birds and a habitat for seals. The company responsible for the chemicals is now subject to legal action by the Environment Agency. Individual directors would also be subject to action.

Had the damage occurred not as a result of pollution but as a result of mismanagement such as ploughing or building, directors would not be liable. In the case of SSSIs, directors may be less likely to consider the implications of breaking the law if they were not personally accountable. Ultimately, it is an empirical question whether there are disparities in the behaviour of companies. I have been reassured by my right hon. Friend that the Bill's provisions are sufficient and that my amendment may not be necessary. I shall keep an eye on the situation.

The purpose of amendment No. 138 was to bring SSSI prosecutions in line with species offences. In the case of such offences, prosecutions can be taken by the wildlife agencies or by third parties, with the consent of the Crown Prosecution Service. The Law Commission recommended in its 1998 report "Consents to Prosecutions" that such consents should be abolished.

Some 45 per cent. of England's 4,000 SSSIs are in an unfavourable condition, and every year hundreds suffer loss and damage. According to the information available to me, English Nature has taken only one prosecution for an SSSI offence—in May 1997—and papers were laid before the courts in four other cases. English Nature may be unwilling to take prosecutions from the wildlife agencies, which have been anxious to build positive, not punitive, relationships with landowners. There is a danger, therefore, that neglect of SSSIs could become commonplace. The proof of the pudding is in the eating, and I am reassured by my right hon. Friend's words.

Mr. Meacher: I believe that my hon. Friend is reaching the end of his comments and may helpfully ask leave to withdraw the amendment. Before he does so—if he does so—may I say that he is right: neglect is the major problem with SSSIs, but damage is done by commercial and other interests. I assure my hon. Friend that section 69 of the Wildlife and Countryside Act 1981 already applies a provision in relation to offences by bodies corporate in virtually the same terms as his amendment No. 137. That will apply in relation to offences under new section 28A.

What my hon. Friend seeks to achieve is already in statute. I support his view that there are insufficient prosecutions, although the number is gradually increasing, and that where convictions are secured, the penalties are not adequate to provide an effective deterrent. I support my hon. Friend, but the objective is already covered by existing statute.

Mr. Davies: I thank my right hon. Friend for that helpful intervention. Other parties should have the right to take a prosecution where the wildlife agencies fail to do so. Although they have the teeth, the question is whether they will bite. I hope that we will keep a monitoring brief. When public attention is focused by the enactment of the Bill, I hope that the wildlife agencies will act through the courts to bring offenders to justice. If not, we can return to the matter. I beg to ask leave to withdraw the amendment.

Mr. Deputy Speaker: Order. There is no need for the hon. Gentleman to withdraw, because at the head of the group is a Government amendment.

Amendment agreed to.

Amendments made: No. 284, in page 87, line 49, after "1990" insert—

'or permitted by a section 28E authority which has acted in accordance with section 28G'.

No. 285, in page 87, line 54, at end insert—

'(4A) If an operation needs both a planning permission and the permission of a section 28E authority, subsection (4)(a) does not provide reasonable excuse unless both have been obtained.'

No. 286, in page 88, line 5, after "interest," insert—

'or intentionally or recklessly disturbs any of those fauna,'.

No. 287, in page 88, line 6, leave out "or damaged lay" and insert—

', damaged or disturbed was'.

No. 288, in page 88, line 33, leave out—

'the land on which it was carried out'

and insert—

'a site of special scientific interest'.

No. 289, in page 88, line 37, leave out from "operations" to end of line 38 and insert—

'(whether on land included in the site of special scientific interest or not) as may be so specified for the purpose of restoring the site of special scientific interest to its former condition."'.

No. 290, in page 89, line 11, at end insert—

' . In section 67 of the 1981 Act (application to Crown), after subsection (1) there is inserted—

"(1A) An interest in Crown land, other than one held by or on behalf of the Crown, may be acquired under section 28L, but only with the consent of the appropriate authority."'. — *[Mr. Meacher.]*

Clause 62

RAMSAR SITES

8.30 pm

Mr. Mullin: I beg to move amendment No. 275, in page 35, line 28, at end insert—

'(1A) Subject to subsection (1B), upon receipt of a notification under subsection (1), each Council notified shall, in turn, notify—

(a) the local planning authority in whose area the wetland is situated;

(b) every owner and occupier of any of that wetland;

(c) the Environment Agency; and

(d) every relevant undertaker (within the meaning of section 4(1) of the Water Industry Act 1991) and every internal drainage board (within the meaning of section 61C(1) of the Land Drainage Act 1991) whose works, operations or activities may affect the wetland.

(1B) The Nature Conservancy Council for England and the Countryside Council for Wales may agree that in a case where the Secretary of State notifies both of them under subsection (1)(c), any notice under subsection (1A) is to be sent by one or the other of them (and not both), so as to avoid duplicate notices under that subsection.'.

The amendment responds to a particular point that the Opposition made in Committee. They said that we should ensure that the relevant owners and occupiers, local authorities, the Environment Agency, relevant undertakers and internal drainage boards should be properly informed of the designation of Ramsar sites.

Mr. David Heath: I do not want to put the Under-Secretary off his stride, but I want to ask a simple question. Proposed new subsection (1A)(a) mentions "the local planning authority". Should I be concerned that that is expressed in the singular? In Somerset, a site could fall under the jurisdiction of several local planning authorities.

Mr. Mullin: All planning authorities are covered. The hon. Gentleman should not be concerned; I do not like him to be concerned.

The amendment would achieve its objective by placing a duty on the conservation agencies to carry out the same procedures to inform relevant parties as those that already exist for sites of special scientific interest—and are reflected in schedule 8—when they are notified by the Secretary of State of the designation of a Ramsar site. We have used that approach, which is the same as for sites designated under the European birds and habitats directives, because the detailed information on owners and occupiers will be held by the conservation agencies in connection with SSSI notification.

Several queries were raised in Committee about Government policy on Ramsar sites. We have concluded that we should publish a policy statement to set out our commitment to the Ramsar convention and explain how it will relate in future to our obligations under the European directives and the Bill as it applies to all SSSIs. The statement is in preparation, and I hope that we shall be able to publish it later during the Bill's passage.

Mr. Green: I am glad that the Government took some notice of the amendment that we tabled in Committee on the importance of Ramsar sites and the way in which they should be recognised. However, the amendment is inadequate and does not cover our concerns and those of many knowledgeable bodies, including, most notably, the Royal Society for the Protection of Birds.

The Under-Secretary knows that amendment No. 275 is not as strong or wide ranging as the amendment that we tabled in Committee. It will not fulfil the aspirations, which I hope that the Government will outline in their policy statement. I am glad that such a statement will be produced soon. I am sure that we all look forward avidly to reading it. However, the information is not new. In Committee, the Government said that they intended to publish a

policy statement highlighting their commitment to protecting and managing Ramsar sites on a par with sites that form part of the European Union's Natura 2000 network . . .—[*Official Report, Standing Committee B*, 18 May 2000; c. 741.]

They may not be the same words as the Under-Secretary used tonight, but I suspect that they are startlingly similar.

The Under-Secretary argued, especially in Committee, that most but not all sites are already protected under the European birds and habitats directives and that most Ramsar sites in this country will be SSSIs and will therefore benefit from the existing provisions of the Bill. He said that additional regulations were unnecessary, but he promised to give the matter further thought. I assume that the amendment is the fruit of that thinking.

To some extent, the Under-Secretary's analysis is correct. Most Ramsar sites are designated as special protection areas under the birds directive, or special areas of conservation under the habitats directive. That means that they are already subject to a high degree of protection. However, that applies only to the Ramsar interest, which is also the designated interest of the SPA or the SAC.

The interest leading to designation as Ramsar sites may be different, and regulations may be necessary to establish, for example, how that special interest should be judged in terms of the planning system and how it should be balanced with other special interests of sites that have more than one specific interest. Relying on SSSI provision fails to recognise the international importance of Ramsar sites. We believe that only the introduction of regulations such as those that we proposed in Committee will achieve the Government's stated aim that Ramsar sites should be protected on a par with the Natura 2000 network.

Let us consider a specific example. The north Norfolk coast is internationally important for a range of coastal and freshwater wetlands. It is home to globally important populations of nesting terns and the bittern, which is increasingly scarce. Those species and the habitats on which they depend are protected by SPA and SAC designations. However, there is a wide range of other habitats and species, such as the plants and invertebrates, associated with the wet flushes along the spring line. They are part of the notified Ramsar site.

Those marshes are threatened by permanent tidal flooding as sea levels rise. The shingle bank that currently protects them will not be sustained for much longer. The Environment Agency plans to build a new sea defence, which will result in a loss of some freshwater wetlands, which will become brackish. Since the site is an SPA and an SAC, the Environment Agency intends to recreate it nearby. No such requirement exists for the Ramsar interest, which, despite being of international importance, is wholly dependent on the SSSI provisions for protection. We need an amendment that recognises international obligations under the Ramsar convention and elevates them to equal status with SPAs and SACs.

There are 136 designated Ramsar sites in the United Kingdom, of which 66 are in England and 10 are in Wales. Many important sites need and deserve greater protection than they will receive, even under the amendment, from the Government. I therefore urge the Government to reconsider yet again before the Bill goes to another place.

Amendment agreed to.

Amendment made: No. 276, in page 35, line 40, leave out "this Act" and insert—

'the Countryside and Rights of Way Act 2000'.—[*Mr. Meacher.*]

Clause 64

POWERS OF ENTRY

Amendments made: No. 277, in page 36, line 44, after "(1A)" insert—

'The power conferred by subsection (1) to enter land for any purpose includes power to enter for the same purpose any land other than that referred to in subsection (1).

(1B)'.

No. 278, in page 37, line 8, leave out subsection (5) and insert—

'(5) For subsection (3)(b) there is substituted—

"(b) the purpose of the entry is to ascertain if an offence under section 28M, 34 or 42 is being, or has been, committed on or (as the case may be) in relation to that land."'.

No. 279, in page 37, line 18, at end insert—

'(3B) If in the exercise of a power conferred by subsection (1) a person enters land which is unoccupied or from which the occupier is temporarily absent, he must on his departure leave it as effectively secured against unauthorised entry as he found it.'.

No. 280, in page 37, line 18, at end insert—

'( ) After subsection (4) there is inserted—

"(5) It is the duty of a relevant authority to compensate any person who has sustained damage as a result of—

(a) the exercise of a power conferred by subsection (1) by a person authorised to do so by that relevant authority, or

(b) the failure of a person so authorised to perform the duty imposed on him by subsection (3B),

except where the damage is attributable to the fault of the person who sustained it; and any dispute as to a person's entitlement to compensation under this subsection or as to its amount shall be referred to an arbitrator to be appointed, in default of agreement, by the Secretary of State."'. — *[Mr. Meacher.]*

Schedule 10

WILDLIFE: AMENDMENTS OF PART I OF THE WILDLIFE AND COUNTRYSIDE ACT 1981

Mr. Meacher: I beg to move amendment No. 218, in page 92, line 43, leave out from "In" to "after" in line 44 and insert—

'section 1(5) of the Wildlife and Countryside Act 1981 (offence of intentional disturbance of wild birds)'.

Mr. Deputy Speaker (Mr. Michael J. Martin): With this it will be convenient to discuss Government amendment No. 219.

Mr. Meacher: The Bill includes new provisions developed from recommendations by the partnership for action against wildlife crime. They will provide new protection from reckless disturbance for protected species. I refer specifically to new protection from reckless disturbance for birds listed in schedule 1 and animals listed in schedule 5 to the Wildlife and Countryside Act 1981, while they are in their nest or place of shelter or protection.

However, some protected marine species do not have readily identifiable places of shelter, and for those species it would be very difficult, if not impossible, to apply the current provisions of the Bill. Concerns were expressed in Committee that some of those species, namely the cetacean family, such as dolphins, whales and porpoises, and the basking shark are vulnerable to disturbance.

In Committee, hon. Members drew my attention to the disturbance of these species, especially the bottlenose dolphin, by fast, personal, motorised leisure craft, such as motor boats and wet bikes or jet skis. I agreed that the issue of disturbance by motorised leisure craft should be addressed, and that I would table a suitable amendment on Report.

Some concern has been expressed about the potential effect of the amendment on commercial fisheries. As I pointed out, the concerns about disturbance to these species relate to motorised leisure craft. The 1981 Act provides a defence if the disturbance is an incidental result of a lawful activity and could not reasonably have been avoided. Responsible commercial fisheries will no doubt want to rely on that defence.

I believe that the amendments are necessary. They will address the perceived loophole in the Bill with respect to these marine species and the practical issue of reckless disturbance by motorised leisure craft, without having an unfair impact on commercial fisheries. I commend them to the House.

Mr. Green: I want to ask the right hon. Gentleman about new subsection 4A in amendment No. 219. It seems on the face of it that it protects the species that he mentioned—dolphins or whales and basking sharks. I wondered whether that was indeed the case, and whether a provision is needed to extend the list of species in the future. Is there any provision, perhaps by regulation, for Ministers to do that? It would be a shame to introduce these welcome extensions of protection and then find at some stage in the future that they were not entirely adequate to deal with other species that may need to be included in schedule 5 of the 1981 Act.

Mr. Simon Thomas: I welcome the Government amendments. They will be welcomed along the west and north coasts of Wales, where we have a particular problem with jet skis. There is anecdotal evidence from wildlife wardens of jet skis buzzing bottlenose dolphins. The only conclusion that can be drawn from these observations is that people are doing that for fun and to provoke a reaction in these sensitive and intelligent mammals. We must draw a line under such practices, much of which is due to ignorance. The insertion of this new subsection in the Bill will help to underline the need for people to learn a little more about these animals.

The Cardigan bay has the only resident population of bottlenose dolphins in England and Wales, although they visit the coast of other areas of the country. The bay has also been designated a special area of conservation, the official title of which is Penllyn ar Sarnau—I look forward to the note from the *Official Report* asking how to spell that. Penllyn ar Sarnau covers a huge area from the Llyn peninsular in north Wales down to the north of my constituency. A range of management devices are now being used, and the amendment will be an extremely useful addition to the management of that area.

I was grateful for the remarks about commercial fisheries, and the reassurance that the amendments should not affect them. Small shellfish fishing takes place from the coast in Ceredigion. I am sure that those fishermen will be grateful that they will not be included for any unintentional actions that they may undertake.

[Mr. Simon Thomas]

We also have a growing tourism industry. People come to observe these mammals, especially the dolphins. The boats that go out to observe the dolphins do so peacefully and should not come under the new subsection.

I welcome the new provisions. They are an essential part of extending wildlife protection to the extremely intelligent, sensitive mammals that are a great addition to the biodiversity of the west Wales coast.

Mr. Meacher: I am grateful for the recommendation of the hon. Member for Ceredigion (Mr. Thomas). He is right; the amendment will be valuable and widely welcomed for dolphins at least. However, I am not sure about the basking shark, although its name belies its rather mild habits.

8.45 pm

The hon. Member for Ashford (Mr. Green) made a fair point—the amendment mentions only two species—but I am assured that the reason for that is that primary legislation would otherwise be required. I am a little surprised at the explanation I have been given, because I thought that that is what we are debating. However, there should be the capacity to extend provision further, and I shall take the point away to see whether we can find the means to achieve that.

Amendment agreed to.

Amendment made: No. 219, in page 93, line 21, at end insert—

'. In section 9 of that Act (protection of certain wild animals)—

(a) in subsection (4) after "intentionally" there is inserted "or recklessly", and

(b) after that subsection there is inserted—

"(4A) Subject to the provisions of this Part, if any person intentionally or recklessly disturbs any wild animal included in Schedule 5 as—

(a) a dolphin or whale (cetacea), or

(b) a basking shark (cetorhinus maximus),

he shall be guilty of an offence."

. In section 16(3) of that Act (power to grant licences) for "and (4)" there is substituted ", (4) and (4A)".'.'.—*[Mr. Meacher.]*

Mr. Green: I beg to move amendment No. 97, in page 93, line 21, at end insert—

'4A. For section 14(2) of that Act (introduction of new species) there is substituted—

"(2) Subject to the provisions of this Part, if any person plants, releases or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9 he shall be guilty of an offence.

(2A) Subject to the provisions of this Part, if any person—

(a) sells, offers or exposes for sale, or has in his possession or transports for the purpose of sale, any living wild plant included in Part II of Schedule 9, or any part of such a wild plant; or

(b) publishes or causes to be published any advertisement likely to be understood as conveying that he buys or sells or intends to sell, any of those things,

he shall be guilty of an offence.".'.

This is the time at which we must discuss the giant hogweed, which represents an important issue that we have not yet properly addressed. I hope to deal with it and other similarly invasive plants. The simple purpose of the amendment is to ban the sale of non-native invasive plant species, which are listed in schedule 9 of the Wildlife and Countryside Act 1981. We often discuss animals—we did so in our previous debate—and for some reason there is a feeling that plants are less important and less emotionally involving. I disagree with both propositions. Indeed, at the last meeting of the World Conservation Union there was consensus that the biggest threat facing biodiversity this century will come not from habitat destruction, but from non-native invasive species. These alien species come in all shapes and sizes, but have one thing in common—they threaten our wildlife and, in particular, our wild plants.

In a sense, the amendment would not be an add-on to Government policy because, as signatories of the Rio convention, they are legally obliged to

prevent the introduction of, control and eradicate alien species . . .

Ministers should be aware that they are under a legal obligation backed by an international treaty to achieve the ends set out in the amendment.

The 1981 Act is good in many ways, but I am afraid that it has proved unenforceable in this area. A law governs the prevention of release of non-native invasive species into the countryside, but to date there have been no successful prosecutions for illegal release of listed schedule 9 plants. Yet the relatively few species that are supposedly controlled, including the Japanese knotweed—the Minister, I think, said in Committee that it was a problem for him—and the giant hogweed are still causing havoc.

A number of other species are causing problems, many of which are associated with aquatic habitats. An unfortunate side effect of the recent massive growth in the trendiness of gardening—in particular, gardening promoted by Charlie Dimmock—is that aquatic gardening is much more popular than ever before. At least three species of non-native aquatic plants—New Zealand pigmyweed, parrot's feather and floating pennywort—cause significant environmental damage. They are widely sold to garden pond enthusiasts, but unfortunately, the plants grow so rapidly that purchasers soon have too much of them and they often end up being dumped in the wild, where they swamp native plants.

New Zealand pigmyweed is pushing one of our rarest plants to the brink of extinction. Starfruit is highly threatened; it was once relatively common. It is now found in just nine locations in the UK. On at least five of those sites, the growth of New Zealand pigmyweed threatens its survival.

The only efficient way to prevent the release of those non-native invasive plants is by imposing a ban on the sale of schedule 9 plants. In that way, well meaning gardeners will be able to choose alternative plants that are less likely to cause problems if they end up in the wild.

It is worth emphasising that the ban would apply only to schedule 9 species and therefore to a relatively small number of plants. It is already accepted that those plants cause problems, yet the law is powerless to prevent their spread. The Government have pledged to review the list of plants in schedule 9. Only subsequent to full consultation will new plants be added and, therefore, be subject to a ban. The ban would not work on its own, but it would be an important first step.

Many bodies back the idea. Non-governmental organisations such as Plantlife want it. Experts including the Institute for Aquatic Plant Management want it. The gardening industry appears to want it. A consultant to the Garden Centre Association Ltd. has been quoted on television as saying that a ban would make it easier for everyone, including garden centres. Even the Government's own advisers want it: this year, the Joint Nature Conservation Council advised the Minister that a ban was necessary to prevent further damage to our native species.

It is a real case where prevention is much better than cure. Imposing a ban on the sale of those invasive plants would not only save the Government millions of pounds, which they could spend to control problem species, but even more important, it would prevent threatened species from being pushed to the brink of extinction. It is a simple, common-sense amendment that would modernise the legislation and safeguard our plants from an increasing and insidious threat. I commend it to the House.

Mr. Peter Brooke (Cities of London and Westminster): I make a very late contribution to the proceedings on the Bill; I make my maiden speech on it. I should declare an interest. I have been a member of the all-party group on conservation since the 1970s. I am now its vice-chairman. I am glad to see its secretary, the hon. Member for Stafford (Mr. Kidney), in the Chamber.

I am, perhaps slightly more surprisingly, the parliamentary vice-president for my party in the London Wildlife Trust. Given the nature of my constituency, the provenance and pedigree are not automatically obvious, but I once had to make the keynote address at an international conference on the royal parks, which are significantly in my constituency. It was on the strength of that that I earned my place as parliamentary vice-president.

As the other two parliamentary vice-presidents are, for the Labour party, the Secretary of State for Culture, Media and Sport and, for the Liberal Democrats, the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), who obviously have Front-Bench roles too, I have an enviable independence as a Back Bencher in that regard.

I shall make the briefest of speeches in support of my hon. Friend the Member for Ashford (Mr. Green). I was the Whip on the 1981 Wildlife and Countryside Bill. I think that the hon. Member for Denton and Reddish (Mr. Bennett) is the only other Member in these debates who served on that Committee. I understand my hon. Friend's concerns about the Bill's lack of efficacy with regard to the subjects that we are discussing. I am sorry about that.

Plantlife, which is located in my constituency, brought the New Zealand pigmyweed, the parrot's feather and the floating pennywort into my life via its briefing in advance of Second Reading. Having played no part in the proceedings on the Bill until now, I am delighted that my hon. Friend should have tabled an amendment at this late stage, which enables those of us who have taken an interest in the New Zealand pigmyweed, the parrot's feather and the floating pennywort to have the opportunity to express our support.

Mr. David Heath: I wonder whether it might be helpful to Members to make the point that the New Zealand pigmyweed and the Australian swamp stonecrop are the same plant: crassula helmsii.

Mr. Brooke: I am most grateful to the hon. Gentleman. His constituency is more rural than mine, and it is approaching a quarter of a century since I was last in Australia and more than 40 years since I was last in New Zealand; so I am not surprised that the confusion has been introduced to my mind.

As I was saying, the basic point made by my hon. Friend the Member for Ashford is eminently sensible. If plants such as this run riot, they have a stifling effect on certain natural habitats. They are hazardous invasive species.

Mr. Meacher: One nice consequence of the moving of amendment No. 97 at this late stage was hearing the right hon. Member for Cities of London and Westminster (Mr. Brooke) make a passionate case for the need to deal with New Zealand pigmyweed—or whatever its Australian name may be—and floating pennywort. However, this is a serious issue, and both the hon. Member for Ashford (Mr. Green) and the right hon. Member for Cities of London and Westminster made a relevant case that needs to be addressed.

The amendment seeks to tackle the important issue of the effect of invasive non-native plant species on native fauna and flora. A number of recent articles have highlighted the problem that can be caused by such species, such as Japanese knotweed. It was not I but my hon. Friend the Under-Secretary of State who admitted that he was concerned because there was a considerable problem in his neighbour's garden, which might affect him as well. We are talking about non-native invasive species with the ability to oust native species, to damage crops, and to be a public nuisance all round.

I have a good deal of sympathy with the amendment, but there are arguments against it. They are the same as those that were advanced in the case of a similar amendment tabled in Committee. I think that it was amendment No. 361. We need to deal with the issue in a co-ordinated way, taking account of the many varied factors arising from the introduction and spread of non-native species, animals as well as plants. I repeat—the hon. Member for Ashford mentioned this—that early next year we will undertake a full review of policy on non-native species that can present an ecological threat to the United Kingdom's indigenous wildlife, taking account of the work already done by the JNCC.

As I have said, this is a serious issue, but it is also complex. As former Ministers and current Opposition Front Benchers will be well aware, Government must consider such matters in a structured way, taking account of the implications of any policy changes for various parties. I should add—although it may be a less important point—that the amendment would introduce differences in the treatment of the sale of plants and animals under schedule 9, which is difficult to justify.

Mr. Brooke: I intervene because I have a sense that the Minister is bringing his speech to a conclusion. I take his point about the review that he expects to take place early next year; but given that 19 years have passed between the Wildlife and Countryside Act 1981 and the Bill, and given the amount of literature that we have received from wildlife organisations during those 19 years

[Mr. Brooke]

stressing the need for an update, will he tell us something about the possible legislative consequences of the review, and about the possible timetable?

Mr. Meacher: That is a fair question, although I am tempted to say that during 16 or 17 years of the 19 that the right hon. Gentleman mentioned, his own Government—

Mr. Brooke: I was not making a political point.

Mr. Meacher: I am sure that the right hon. Gentleman was not. His point is that countryside Bills, or Bills dealing with wildlife, are relatively infrequent.

I obviously need to look at how far the matter can be dealt with through secondary legislation. If it requires primary legislation, for the reasons that I have given I do not see how I can advance the issue in the course of proceedings on this Bill, which are due to move to another place, or in the course of the year.

9 pm

I do not think that a gap of some 20 years between Bills such as this is inevitable. For example, a general Bill on the environment might well be able to deal with the matter, even though it would not be directly concerned with the countryside.

I do not say that in order to kick the matter into the long grass, which I think was the fear of the right hon. Member for Cities of London and Westminster. I intend to deal with it, but I cannot do so before next year's proper and balanced review is complete.

Mr. Green: I cannot say that I am heartened by the Minister's response, which closely resembles his response to a similar amendment in Committee.

I take his point that animals and plants are both included in schedule 9, but I urge him not to let the best be the enemy of the good in this matter. If complications arise owing to the existence of separate regimes for plants and animals, then so be it. The problem is clearly defined, and the Bill could deal with it, so this seems to be the optimal time to make it do so.

Like my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) and, I suspect, the Minister, I think that it may well be another couple of decades before a Bill such as this comes along again, regardless of what happens to party politics in the meantime. I hope that the Minister is right and that a proposal such as this can be added to another, more general Bill.

The Minister's argument about the review was not desperately convincing in Committee, and time has not improved it. The review will be based on the recommendations of the Joint Nature Conservancy Council, and will be conducted by the same people who conducted the previous review.

That review recommended the ban, so it seems overwhelmingly likely that the next one will too. All that will have happened in the intervening period is that a Bill that could have introduced the ban will have been passed, and we will have neglected to take the opportunity to do so. That does not seem an especially sensible way to proceed.

The Minister said that he did not intend to kick the matter into the long grass. If he fails to seize the opportunity presented by the Bill, he will be kicking it into the giant hogweed.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

New Clause 4

LOCAL SITES

'.—(1) It shall be the duty of every local authority to adopt and maintain a scheme for maintaining a series of sites in their area (in this section referred to as "local sites"), to ensure the conservation, restoration and enhancement of species, habitat, geological and geomorphological features of substantive nature conservation value.

(2) The Secretary of State and the National Assembly for Wales shall from time to time give guidance with respect to the exercise of the duty of a local authority under subsection (1), and a local authority shall, in adopting and maintaining such a scheme, have regard to that guidance.

(3) Such guidance shall—

(a) specify standards for the identification of sites, notification of owners, occupiers and others and the provision of adequate information and advice as to the management of local sites;

(b) provide for the involvement of voluntary organisations, landowners and others in the adoption and maintenance of the scheme.

(4) It shall be the duty of the Nature Conservancy Council for England and the Countryside Council for Wales periodically to report on the operation and effectiveness of each scheme.

(5) In the formulation and exercise of their functions relating to land under any enactment every Minister, government department, local authority and public body shall further the conservation, restoration and enhancement of local sites.'.—*[Miss McIntosh.]*

Brought up, and read the First time.

Miss Anne McIntosh (Vale of York): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss new clause 6—*Species Action Plans and Habitat Action Plans*—

'.—(1) It shall be the duty of the Secretary of State and the National Assembly for Wales to ensure the preparation, maintenance and revision of lists of species and habitats in respect of which special measures shall be taken to monitor their population status in view of their vulnerability or international importance, and to determine—

(a) which species listed are priority species and require the development of Species Action Plans; and

(b) which habitats listed require the development of Habitat Action Plans.

(2) It shall be the duty of every Minister, government department, local authority and public body, so far as it is consistent with their primary functions, to further the objectives of Species Action Plans and Habitat Action Plans.'.

Miss McIntosh: New clause 4 would give local authorities a duty to adopt and maintain a scheme for maintaining a series of sites in their areas. The corollary of the duty is that they would be provided with the means and resources to do so.

Sites of special scientific interest are covered at some length in this Bill and other legislation, but areas of outstanding natural beauty and other wildlife sites are not. The new clause would promote the better protection and management of wildlife sites outside the SSSI network.

In managing, maintaining and resourcing such sites, local authorities should have regard to striking a balance between visitors' enjoyment of the sites, the interests of members of the farming community, and those of others on whose land those sites are situated. The interests of the farming community need to be recognised, given the depths of the crisis in which its members still find themselves.

Is it not surprising that at present there is no statutory provision covering such sites, not even in the Wildlife and Countryside Act 1981? The Minister may be surprised to hear that until now there has been no legal definition of what constitutes a wildlife site. I can see that the Minister shares my amazement and is hearing that fact for the first time. There is currently no legal definition of what constitutes a wildlife site, and that is a serious omission from the Bill and the Wildlife and Countryside Act 1981.

The aim of the new clause is to oblige all local authorities to ensure that they maintain a wildlife site system that follows common standards. The processes are in place in most of England and Wales already, but they need to respect commonly laid down standards. Wildlife sites would not create the equivalent of more SSSIs, because they would not have the same legal status.

Although I welcome the fact that the Bill makes improvements to rights of way legislation and wildlife protection, it fails adequately to protect those local wildlife sites. Such a scheme would not be too onerous for local authorities, or for the owners of the land on which the wildlife sites are situated. Local authorities could include policies to protect wildlife sites in all local plans, and advise on the effective implementation of the policies. Adverse development proposals would not be allowed or approved if they would damage or destroy the wildlife sites. Advice and support should be made available to the owner or manager of every wildlife site, and incentives should be offered to owners of such sites to maintain and enhance their value.

When common standards for wildlife site systems are recognised, sites should be identified using locally determined criteria, developed within a national framework. All wildlife site systems should be operated to common standards, and sites should be selected on the basis of sound adequate information. The owners and managers of sites should also be kept well informed of all stages of the process of identifying and protecting sites.

The common standards should be agreed by statutory environmental organisations, local authority bodies, relevant Government Departments and voluntary bodies. The conservation of local sites is crucial if declining wildlife trends are to be reversed and national biodiversity action plan targets are to be achieved.

The creation of a framework in law under which a local system of conservation is implemented will help to alleviate regional differences that currently exist. A legal framework should also reflect adequate resourcing for the system and provision of information and advice to landowners and the public.

Late last year the Government established the local site review group, which reported to Ministers in March this year. The new clause would directly enact the recommendations of that group and would deliver a concrete conservation gain for endangered species and habitats on the ground.

In moving new clause 4, I recognise that my constituency has only six SSSIs, because so many special sites have already been lost to agriculture, which is the most important industry in Vale of York. Areas of outstanding natural beauty, such as the Howardian hills, are also not adequately covered by the Bill. Therefore the best places for wildlife in Vale of York are local sites, which need better protection. A system such as I have outlined in new clause 4 needs to be developed, with common standards for local authorities. It should be backed by the Government so that local authorities know where the sites are and have a presumption against developments that would destroy their interest.

The Government recognised the issue by referring to the importance of local sites in its consultation paper on SSSIs, which led to the Bill, and by setting up the local sites review group. Will the Minister agree this evening that the issue will be rigorously pursued by the Government so that we will see action to protect wildlife sites properly in the future, and will he accept the new clause?

Mr. Brake: I speak in support of new clause 6, in my name. The Minister will know that the proposal to place biodiversity action plans on a statutory footing is a much debated subject. It has been one of the key topics of debate during the Environment, Transport and Regional Affairs Committee inquiry into biodiversity. I am sure that when he appears in front of the Select Committee, he will already have prepared and rehearsed his answer to the question whether BAPs should be put on a statutory footing.

So far, the view of the non-governmental organisations that have given evidence to the Committee is that BAPs should be provided for in legislation. The Government, however, continue to believe that they should not be. The Government's principal argument against doing so is that it would destroy existing partnerships and voluntary agreements. I do not, however, understand why legislation should necessarily have that effect.

The NGOs' argument—that biodiversity action plans are not always implemented—is more convincing. In Northumberland, for example, although the county council is pushing ahead with work on biodiversity action plans, district councils do not think that they are a priority. Across Yorkshire, progress on BAPs has been slow because no public body has taken a lead on them.

Another reason why BAPs should be provided for in legislation is that the Government are relying very heavily on them not so much to feed the world as to save it. In Committee, in replying to the debate on an amendment moved by my hon. Friend the Member for Somerton and Frome (Mr. Heath), the Under-Secretary of State said:

the best route for dealing with the issue is to use the current biodiversity action planning process.—[*Official Report, Standing Committee B*, 18 May 2000; c. 720.]

In response to another amendment moved in Standing Committee, the Minister reaffirmed that the best route is through the biodiversity action planning process.

The Government are therefore relying heavily on BAPs. However, I think that they may have some unrealistic expectations about what BAPs can achieve without being provided for in legislation. There is no point in heaping responsibilities for the environment on to BAPs when, as we have heard, they are not being implemented in places such as Northumberland and Yorkshire.

[Mr. Brake]

I urge the Minister to grasp the opportunity provided by the new clauses.

Mr. Kidney: I recognise the wording of new clause 4, because in Committee, I moved an amendment containing the self-same wording. On that occasion, the Minister, having listened to the arguments, gave a most encouraging reply—saying not only that there should be action, but that the Government, with some time to reflect, would act. I therefore did not seek to table an amendment similar to new clause 4 or to support the hon. Member for Vale of York (Miss McIntosh) in tabling it.

Mr. Green: I am delighted that the hon. Gentleman has made that clear. May I therefore assume that he will be supporting new clause 4 in the Lobby?

Mr. Kidney: The hon. Gentleman would have had to wait only another 30 seconds to hear me say that—for the reasons that I have given, and such is my faith in the Minister to deliver on his word—I shall not vote for new clause 4.

A great network of systems of local wildlife sites has been established in the United Kingdom. As the hon. Member for Vale of York said, that network has developed entirely in the absence of supporting legislation. Great thanks are owed to landowners, the Wildlife Trust, local authorities and others who, through their own efforts, have created the network.

I am indebted to the Wildlife Trust for providing me with some information on a survey that it is conducting, before it has completed or published the full results. The emerging results of that nationwide survey show that the Wildlife Trust is the lead partner in more than half the current systems of wildlife sites. The system is so extensive that throughout the whole country only about 10 local authority areas are not already covered by some kind of system. In total, there are more than 100 systems of wildlife sites, incorporating an astonishing 40,000 or so sites.

9.15 pm

That would not have been possible without the dedication and application of people of good will, especially among local authorities, the Wildlife Trust and landowners. Great thanks are due to landowners who co-operate and become involved in the selection, assessment and management of sites.

I am sure that all those people would agree that the protection of biodiversity outside protected areas—sites of special scientific interest, for example—is essential. Wildlife sites need to be identified and maintained at local level. They host some internationally and nationally important species and habitats, and contribute to biodiversity action plan targets.

The development of the systems that I have described has depended on voluntary effort. It is all going in the right direction—advisory services are being developed, links to agri-environmental and grant schemes are being developed, and some limited monitoring has taken place. It is exciting that so much has already been done through voluntary partnerships. I hope that the Government keep their word and give the support necessary to ensure that that commendable effort is sustained in the long term.

Mr. Paice: I rise to speak briefly to the new clause moved by my hon. Friend the Member for Vale of York (Miss McIntosh), to which I have added my name. As the hon. Member for Stafford (Mr. Kidney) said, he put forward a similar proposal in Committee. We want to give the Government another opportunity to tell us what they are planning to do.

The Minister said in Committee:

> the Government are prepared seriously to consider placing biodiversity action plans on a statutory footing.—[*Official Report, Standing Committee B*, 23 May 2000; c. 820.]

He went on to say that he gave no commitment, but on that basis he wanted the new clause withdrawn, which it duly was.

How long do the Government need to consider a number of matters? It is true that they were generous in Committee in agreeing to consider a whole range of issues that we proposed. I am the first to accept that yesterday and earlier today, the Government have moved a small number of amendments that met some of our concerns. We will cover some of the other areas on Third Reading.

This is a big issue. Local wildlife sites and the habitat action plans proposed by the Liberal Democrat party in new clause 6 are very important, and the Government should know by now what they intend to do. It is not as if they have had the opportunity to consider the matter only since the Bill's Committee stage—it came up in their documents published last year. They have been thinking about it for a long time.

It may be argued that it is unusual for my party to recommend a statutory basis instead of a voluntary approach. I am sure that the Minister would normally have pointed that out, as he did occasionally in Committee. However, this is an important pair of new clauses. As the hon. Member for Carshalton and Wallington (Mr. Brake) said, there is no doubt that many local councils are not doing the work that we wish them to do. Not all of it is their fault; they simply do not have the resources. That is why we believe that a statutory basis would mean not only that they had an obligation to do it but that they had a far better argument when asking the Government for the extra money.

I was astonished to read that only one person in this country has any legal responsibility for ensuring that biodiversity action plans are drawn up for the long-term survival of threatened or vulnerable species. That person—God help us—is the Mayor of London.

Sir Patrick Cormack (South Staffordshire): Newts, newts.

Mr. Paice: Indeed, that will probably ensure the survival of newts, although I was not aware that they were a threatened or vulnerable species.

Mr. David Heath: What about the great crested newt?

Mr. Paice: The great crested newt is certainly a threatened and vulnerable species—it holds up many planning developments.

More seriously, if it is right for the Mayor of London to be given that statutory obligation—the Government included it in legislation—why should it not be given to every local authority?

My final point is about credibility. The Government and their supporters have tried to portray my party as looking after only the interests of landowners. However, both the Country Landowners Association and the National Farmers Union oppose the new clauses. I make that point not because I agree with them, but to emphasise the fact that we do not always agree with them. We support the new clauses because of our real commitment to try to improve wildlife conservation both in local sites and under our national treaty obligations.

Mr. Brooke: I strike my second London note in our proceedings by speaking to the new clause so admirably moved by my hon. Friend the Member for Vale of York (Miss McIntosh). My hon. Friend the Member for South–East Cambridgeshire (Mr. Paice) reminded the House of the role of the Mayor of London. In an admirable Adjournment debate two nights ago, the hon. Member for Croydon, Central (Mr. Davies) provided a harbinger for the Mayor's role.

I claim dual, if vicarious, credit for that development. First, I served last year on the Standing Committee dealing with the Greater London Authority Bill, whose section 352 confers that unique power on the Mayor of London. That development was encouraging, not only to members of the Committee but to people outside, because I had seen minutes by members of Wildlife and Countryside Link that indicated concern that environmental considerations were fairly low in the priorities of the regional development agencies. That is a little surprising given the fact that the RDAs and this Bill emerge from the same Department.

Secondly, I am the parliamentary vice-president of the London Wildlife Trust, and played a reasonably significant role in securing the first tranche of £125,000 from the Bridge House Estates trust fund, in the City of London in my constituency, to launch the London Wildlife Trust's own biodiversity action plan. I am delighted to say that the same City of London source provided more than £200,000 in each of the following two years, making a total of more than £500,000.

That made a significant contribution. The transition from the biological recording project to local records centres is the next stage in the creation of a sustainable, long-term picture of London's natural heritage. Work is going on to ensure that a partnership approach is pursued, involving all organisations and individuals who generate data, and who need co-ordinated information on London's wildlife. Indeed, the trust has commissioned an independent study of the issues relating to a local records centre for London. That will be vital if the Mayor of London is to fulfil the statutory duty that has been bestowed on him.

I warmly support the new clause. More than 100 plants that had never been seen before in London appeared as a result of the second world war—frequently on bomb sites—which had a broadly beneficial effect on London's habitats. However, other global forces have the potential to cause an adverse effect. That is why statutory responsibilities—not least those in the new clause proposed by my hon. Friend the Member for Vale of York—should be enshrined, to ensure that a notable cause is further advanced.

Mr. Simon Thomas: I shall speak mainly in support of new clause 6, but in doing so I shall mention many of the virtues of new clause 4, which was moved by the hon. Member for Vale of York (Miss McIntosh). On biodiversity action plans, from the Welsh perspective I cannot paint a picture as optimistic as that painted by the hon. Member for Stafford (Mr. Kidney). As I understand it, the plans are the Government's main method of delivering conservation measures for endangered species and habitats outside sites of special scientific interest.

Unfortunately, in Wales there is a clear example of things not going right, and in that respect new clause 6 has a lot of virtue in it. We have 222 species and habitat action plan areas that are relevant to Wales; in other words, there are about 222 species and habitats in Wales that could be considered rare or endangered, and they are in need of urgent conservation action. The implementation of the action plans for these areas and these species would be the main contribution of the Countryside Council for Wales—the leading body in Wales on this—to the United Kingdom biodiversity action plan.

However, the Countryside Council for Wales, like other publicly funded bodies, has—or claims that it has—a chronic shortage of money. In a council meeting last December, setting the budget for this financial year, it made a commitment only to work on 120 of the 222 action plan areas. Therefore, hon. Members will understand why I do not take as optimistic a view as does the hon. Member for Stafford.

For the foreseeable future, all work on the 102 remaining biodiversity action plan areas is suspended. Although the staff of the Countryside Council for Wales obviously recognise the importance of those plans to Welsh biodiversity, resources are scarce and they prioritise their statutory duties, so what is discretionary goes by the board. I feel that that reveals a certain lack of joined-up thinking on biodiversity by the Government, when so much emphasis is placed on the voluntary side of things and so little is therefore placed on the Bill. New clause 6 provides an excellent opportunity to insert that legal underpinning into the Bill.

The result is that Welsh wildlife and habitats remain in danger, and that little or no action is being taken to conserve at least the majority of them. The individual species and habitat action plans will implement the UK's commitment under the United Kingdom biodiversity action plan and under the convention on biological diversity—the overall convention which, I believe, the Government are ratifying. The current approach to that ratification is based on voluntary and participatory methods, both of which are very welcome—they build partnerships, and I can concur with other hon. Members' views that such partnerships often work. However, in the long term they cannot sustain the whole process, especially in the light of the experience of the Countryside Council for Wales.

We must have a legislative foundation for biodiversity action plans. I understand that the Government want to preserve the voluntary approach and I believe that new clause 4 retains some of that approach, but it is important that the process has a legal underpinning.

[Mr. Simon Thomas]

I hope that the Government will consider new clause 6 and how it might be implemented, so that we may improve both the UK's and the Welsh aspect of implementing biodiversity action plans.

Mr. Desmond Swayne (New Forest, West): I support new clause 4, which was so ably moved by my hon. Friend the Member for Vale of York (Miss McIntosh). If we take recent history in the New forest in, let us say, the last 30 years, in every issue of development versus conservation, one or other of the local authorities—the county council, the district council or its predecessors—has been on the side of development, and conservation has been championed by the commoners of the New forest, especially the Court of Verderers. I do not necessarily criticise the local authorities for that; after all, local authorities do have priorities with respect to housing, traffic management, tourism management, jobs, development and so on, but this new clause strikes me as a powerful corrective to that, so that a new responsibility is laid upon them that might have changed the history of the last 30 years in the New forest.

9.30 pm

Equally, the Minister's intention is to turn the New forest into a national park shortly and he will know that the proposal has not been universally welcomed. In particular, it has not been welcomed by existing local authorities, which are not keen to see yet another precepting and planning authority created on their doorstep. Has the Minister considered that, with a little creative thought, he could use the provisions in new clause 4 to develop all the responsibilities that he seeks to lay on a new national park authority without creating yet another administrative authority? The new clause seems to be the solution to the problem. I hope that he will consider it.

Mr. Mullin: Let me make the position on new clause 4 clear. The Government are firmly committed to action on local sites, whether we decide to use legislative means or not. The Government's framework for action on sites of special scientific interest emphasised the commitment to developing proposals on locally important sites in consultation with local authorities and other parties. We set up the local sites review group and the group agreed on the need for action, but views differed on the means of delivering the recommendations.

There is enormous scope for action. Local authorities are already incorporating local wildlife sites into their biodiversity action plans and I believe that this is the best way of delivering them in a coherent way.

I can give the House a firm commitment that we will take forward work on local wildlife sites, seeking to progress the general thrust of the group's recommendations and drawing in other interests to the extent that that is necessary. The issue to be resolved is whether delivery is more appropriate through legislative or other non-statutory mechanisms. As I said, however, the local sites review group was not unanimous on that point.

On new clause 6, the Government are sympathetic to the intention to provide a firm statutory basis for the UK biodiversity action plan. The new clause would require all public bodies to further the objectives of the action plans for individual species and habitats in carrying out their functions. We understand fully that the aim is to ensure that the biodiversity process continues with a firm basis into the future.

It is very important for action on biodiversity to be taken at the local level through local action plans. It is important, however, that action is not seen as something separate from the day-to-day work of local councils. The Government want the work to be fully integrated into councils' wider responsibilities. The importance of biodiversity, including local wildlife sites, should inform the full range of a council's activity. However, that may not happen if we treat biodiversity as a discrete and separate function. There are many examples of service and specific local plans which, although they look good on paper, lead to little action on the ground or which remain at the periphery of what the council does.

Mr. Swayne: Will the Minister give way?

Mr. Mullin: I hope that the hon. Gentleman will forgive me, but I think that everyone is anxious to make progress and to move to Third Reading. He has not been with us much this evening, although I welcome his attendance now. Those Members who have been with us will confirm that my right hon. Friend the Minister for the Environment and I have been generous in giving way, but I detect that the mood of the House is to make progress. That is what I propose to do.

The Government propose that local biodiversity action plans, incorporating local councils' work on wildlife sites, should be integrated within the wider strategies that are being put in place in the current Local Government Bill. Part I of that Bill will require local authorities to prepare community strategies that contribute to sustainable development by promoting the economic, social and environmental well-being of their areas.

Draft statutory guidance published last week makes clear the Government's view that the strategies should become the overarching framework for other service or theme-specific plans, and that the priorities and activities in the community strategy should influence the range of actions of the council and its private, voluntary and community sector partners.

The strategies should bring coherence to service and specific plans, establish the links between them and the rest of local activity and, as far as possible, rationalise the number of plans, processes and partnerships that exist locally. There are already many of those, so the burden on local authorities is already considerable. We will make it clear in further statutory guidance that biodiversity should be an important element in community strategies, in delivering local authorities' new obligations on sustainable development and in improving local quality of life.

The conservation of biodiversity in the wider countryside is very important. We agreed in Committee seriously to consider whether any statutory underpinning would be appropriate. The Government's main objective is to ensure that the biodiversity process continues and effectively delivers the protection of our threatened habitats and species, using locally protected sites and other means. However, we have reached the conclusion that the commitments that we have given to take forward

the agreed recommendations of the local sites review group and the statutorily based community strategies give a strong basis for securing that objective at local level.

By making biodiversity an explicit factor in the new strategies, we will be giving substantial new impetus to the good progress that many local authorities have already made in protecting and enhancing local wildlife. We are firmly committed to implementing the biodiversity action plan at national level, and we have a solid and effective policy process in place which would not benefit from legislation. I hope that hon. Members will not press the new clause.

Miss McIntosh: My right hon. and hon. Friends and I are disappointed. I am grateful to the colleagues who supported the new clause, including my right hon. Friend the Member for Cities of London and Westminster (Mr. Brooke) and my hon. Friends the Members for South-East Cambridgeshire (Mr. Paice) and for New Forest, West (Mr. Swayne). The Government will not extend to authorities throughout the country the statutory duty imposed on the Mayor of London, although I specifically said that no onerous burdens will be placed on local authorities. I therefore urge hon. Members to support the new clause.

Question put, That the clause be read a Second time:—

The House divided: Ayes 153, Noes 288.

Division No. 233] **[9.37 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Allan, Richard
Amess, David
Arbuthnot, Rt Hon James
Ashdown, Rt Hon Paddy
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baker, Norman
Baldry, Tony
Bell, Martin *(Tatton)*
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Boswell, Tim
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brake, Tom
Brand, Dr Peter
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burnett, John
Burns, Simon
Burstow, Paul
Campbell, Rt Hon Menzies *(NE Fife)*
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Collins, Tim
Cormack, Sir Patrick
Cotter, Brian
Cran, James
Curry, Rt Hon David
Davey, Edward *(Kingston)*
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Forth, Rt Hon Eric
Foster, Don *(Bath)*
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
George, Andrew *(St Ives)*
Gibb, Nick
Gidley, Sandra
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Harvey, Nick
Heald, Oliver
Heath, David *(Somerton & Frome)*
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Kirkwood, Archy
Lait, Mrs Jacqui
Lansley, Andrew
Leigh, Edward
Letwin, Oliver
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
Maclennan, Rt Hon Robert
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moore, Michael
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Öpik, Lembit
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Rendel, David
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Rowe, Andrew *(Faversham)*
Ruffley, David
Russell, Bob *(Colchester)*
St Aubyn, Nick
Sanders, Adrian
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Simpson, Keith *(Mid-Norfolk)*
Smith, Sir Robert *(W Ab'd'ns)*
Soames, Nicholas
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Stunell, Andrew
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, John M *(Solihull)*
Taylor, Matthew *(Truro)*
Thomas, Simon *(Ceredigion)*
Tonge, Dr Jenny
Townend, John
Tredinnick, David
Trend, Michael
Tyler, Paul
Tyrie, Andrew
Waterson, Nigel
Webb, Steve
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Willis, Phil
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Young, Rt Hon Sir George

Tellers for the Ayes:
Mrs. Eleanor Laing and
Mr. Geoffrey Clifton-Brown.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Bermingham, Gerald
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brinton, Mrs Helen
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Cabom, Rt Hon Richard
Campbell, Ronnie *(Blyth V)*
Campbell-Savours, Dale
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Cooper, Yvette
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith

Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Dobson, Rt Hon Frank
Doran, Frank
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Fitzsimons, Mrs Lorna
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
Gerrard, Neil
Gibson, Dr Ian
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Mike *(Weaver Vale)*
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Heal, Mrs Sylvia
Healey, John
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
McNulty, Tony
McWalter, Tony
Mahon, Mrs Alice
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall-Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moran, Ms Margaret
Morley, Elliot
Morris, Rt Hon Sir John *(Aberavon)*
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian
Pendry, Tom
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Rammell, Bill
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sarwar, Mohammad
Savidge, Malcolm
Sheerman, Barry
Sheldon, Rt Hon Robert
Shipley, Ms Debra
Short, Rt Hon Clare
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tynan, Bill
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Robert Ainsworth and Mr. Jim Dowd.

Question accordingly negatived.

Schedule 11

REPEALS

Amendments made: No. 220, in page 97, column 3, leave out lines 8 to 42 and insert—

'Sections 61 to 63.
Section 88(1)(c).
In section 111A(3)(a), the words "61 to 63,".'.

No. 221, in page 97, line 43, leave out from beginning to end of page 98, line 17.

No. 222, in page 98, line 20, column 3, leave out "paragraphs 6 and 7" and insert "paragraph 6".

No. 223, in page 98, leave out lines 23 and 24.

No. 224, in page 98, line 27, column 3, leave out "paragraph 1(8) and (9)" and insert—

'in paragraph 1(8), the words "62(1) and".'.—*[Mr. Meacher.]*

Order for Third Reading read.—[Queen's Consent, on behalf of the Crown, and Prince of Wales's Consent, on behalf of the Duchy of Cornwall, signified.]

Mr. Deputy Speaker: I must inform the House that Madam Speaker has selected the amendment in the name of the Leader of the Opposition.

9.51 pm

Mr. Meacher: I beg to move, That the Bill be now read the Third time.

As we come to the end of our debates on the Bill, may I say again how much I have enjoyed them? Our debates have, on the whole, been positive and constructive, and all parties have improved the Bill in the process. I should like to thank the Clerks, the *Hansard* staff, and all the other staff of the House on whom we rely so much. I should like to thank parliamentary counsel, who have produced some complex provisions in a short time. I should also like to thank my Department's officials, who have dealt, as I well know, with amendments extremely promptly and efficiently and have provided comprehensive back-up support.

Making the provisions work well will involve a wide range of people, including the staff of the Countryside Agency, English Nature and the Countryside Council for Wales, and I am grateful to them for all the work that they have been doing to advise on the provisions and to prepare for their implementation.

My thanks go wider. There has been a tremendous input to the Bill—I cannot remember a similar impact on any recent Bill in my experience—from a large number of non-governmental organisations representing a wide range of interests concerned with the use, protection and enjoyment of our wonderful countryside. Even without the massive amount of correspondence with which members of those organisations have flooded my postbag, I know full well how strongly people feel about the issues dealt with by the Bill.

I pay a warm and genuine tribute to my colleagues, and extend that to right hon. and hon. Members on the Opposition Benches for the balanced and thoughtful manner in which they have represented their views and for the generally constructive approach taken throughout our debates.

It would, of course, have been impossible to satisfy everybody on every issue on which strong and opposing views are held, but I believe that we can claim that we have been a listening Government and that we have considered the issues carefully.

The Bill is, by any standards, historic. It increases everyone's ability to enjoy the countryside and enhances the protection of our hugely valuable natural heritage. Our debates have inevitably concentrated largely on areas of controversy, but there is a great deal in the Bill that is supported by everybody. This is a good Bill. It has something in it for everybody who loves our priceless countryside and wants to enjoy the many benefits that it brings to the nation. In that inclusive spirit, I commend it to the House.

9.54 pm

Mr. Green: I beg to move,

That this House declines to give a Third Reading to the Countryside and Rights of Way Bill because the Government has rejected proposals which would reduce the impact of the proposals for a right of access to open country upon land management and other users of the land, because the liability placed upon land owners arising from any man-made features of the land contains no exclusions for ancient or historical features, because there are no provisions for compensation for those affected by the Bill in this way, and because, whilst there are welcome improvements to rights of way legislation and wildlife protection, the Bill fails adequately to protect biodiversity, Special Protection Areas and local wildlife sites.

Let me start by being as generous as possible to the Government. The Bill is not as bad as it was when it started its journey from Second Reading. In a few particulars, it is less messy than it was when the Minister, incautiously but with devastating candour, so described it in Committee. While I am being generous, I thank the Minister and his colleagues for their unfailing courtesy and apparent willingness to listen to the many deficiencies that we pointed out during the Bill's progress.

Having said all that, I must also say that the Bill falls lamentably short of the Minister's desire, which he expressed on Second Reading and again tonight, to enact an historic measure. Its three parts contain serious deficiencies. I shall spend a short time detailing them.

On the access provisions in part I, let me say that we oppose unrestricted compulsory access to private land, but we recognise the reality of the Government's majority. We have therefore sought to make the regime as practical as possible. In doing that, we are selflessly trying to prevent the Government from digging themselves ever further into the hole of profound unpopularity in rural areas. However, the Government are determined to resist our efforts.

Mr. Edward Garnier (Harborough): Last night, we discussed one of the holes in the measure and in the Government's thinking: the complete absence of provision for proper compensation for those who will be adversely affected by the Bill. The Minister regrettably failed to understand, or respond to the arguments that we presented—

Mr. Deputy Speaker: Order. The hon. and learned Gentleman cannot make a meal of an intervention. That is my way of saying that he has finished.

Mr. Green: I am grateful to my hon. and learned Friend for his brief intervention. He is right about compensation. That affects not only those who own land in the countryside, but poses the question whether the Bill breaches the Human Rights Act 1998. I suspect that the measure will be tested in the courts before long.

The Government have determinedly resisted our efforts to stop them becoming ever more unpopular. Despite our efforts, part I constitutes further confirmation that those who live and work in rural areas are no priority for the Government. I shall list part I's manifold failures in no particular order. It is unfair. The penalties for transgressions by farmers and landowners are wildly out of kilter with those for walkers. Walkers can become trespassers, who are taken off land for a few hours, whereas farmers and landowners can be criminalised.

The Bill is impractical. The Government have insisted that access can be restricted for only 28 days and that the restriction cannot apply to weekends. We will therefore have to breed new sheep, which know not to have lambs at weekends. After we get used to that, we will have to train them not to lamb on bank holidays. I look forward to hearing the Government's strategy for achieving that.

The Bill is confusing for farmers. For what are they liable if walkers injure themselves on their land? If a walker is injured climbing over or through a hedge, the occupier is not liable. However, if a walker is injured while climbing over a wall, there is liability. Indeed, if a walker damages a wall when climbing over it, the farmer

[Mr. Green]

is responsible for repairing not only the wall but the walker. That is not sensible proposed legislation. *NFU News* stated:

> Gilbert & Sullivan would have enjoyed writing a satirical operetta about the absurdities . . . including the charming point that an occupier will not owe a legal liability to a visitor who falls in a natural lake—but would do so if it was a reservoir!

The restrictions on dogs are wildly inadequate. Dogs do not have to be kept under proper control for the right amount of time. That poses a severe threat to ground-nesting birds. Part I contains many other examples of the Government's signal failure to take the advice given in Committee, notably by several of my hon. Friends who have great experience in country matters, to make practical improvements to the Bill.

Part II, which deals with rights of way, is not as bad. However, although it has been radically revised, it still contains glaring errors. Members of the Green Lanes Environmental Action Movement—GLEAM—who wish to protect green lanes from the inappropriate use of motor vehicles, will be unhappy about the Government's rejection of the cross-party amendments that my hon. Friend the Member for Basingstoke (Mr. Hunter) moved. I think Ministers will also find that the horse world is not happy with them.

It being Ten o'clock, the debate stood adjourned.

Motion made, and Question put forthwith, pursuant to Standing Order No. 15 (Exempted business),

> That, at this day's sitting, the Countryside and Rights of Way Bill may be proceeded with, though opposed, until any hour.—*[Mr. Jamieson.]*

Question agreed to.

Question again proposed, That the Bill be now read the Third time.

Mr. Green: The many people who have problems driving to their own front door across a common will be fearful that the Minister's failure to give any commitment to rectify that problem in the other place will condemn them to years of uncertainty and misery.

Part III on wildlife protection should be the heart of the Bill. For many months, we argued that we would give a fair wind to a decent wildlife protection Bill. The SSSI protection is welcome, but it is not enough. We should have better protection for local wildlife sites, and proper backing for biodiversity action plans. We should also have proper protection for our wildlife outside the SSSIs. There should be better protection for areas of outstanding natural beauty. That is in many ways the most important area for Government action. The Government's response was to issue a press release yesterday.

While our deliberations on the Bill have been going on, I have been able to read on the Department of the Environment, Transport and the Regions website what the Minister proposes, and I have been able to read in the press what he proposes, but the one place I have not been able to get any information about what he intends is on the Floor of the House of Commons when we debate the very Bill in which he proposes to introduce these measures. That is a scandal, and it is not the way to promote decent legislation.

I am not clear why the Minister is so afraid of the House. On Second Reading, he referred to additional funding for areas of outstanding natural beauty and said:

> I promise to make a statement soon about further measures.—[*Official Report*, 20 March 2000; Vol. 346, c. 731.]

He has made that statement, but he has deliberately chosen not to make it to the House when we discuss the Bill. That is regrettable.

The Bill misses its most important targets. It is too timid when it should be bold on wildlife protection, and it is too dogmatic when it should be practical on access measures. If it is in any way historic, it is an historic missed opportunity.

10.2 pm

Dr. David Clark: I am pleased to take part in the Third Reading of this historic Bill. It may not be the Bill that certain Conservative Members would like, but it is historic because it charts new waters for this country and its people. I am indebted to the Minister for the Environment and to the Under-Secretary, my hon. Friend the Member for Sunderland, South (Mr. Mullin), for all their work and for the way that they have kept an open mind on many of these issues.

Everyone in this country who is interested in outdoor recreation, nature conservation or wildlife feels that the Bill is a step forward. Every 20 years or so we have such a Bill, we move forward and then events in nature overtake us and we have to take action once again. The measure in the Bill that pleases me most is that on access to open spaces.

Ever since I entered the House, almost 30 years ago to the day, alongside my right hon. Friend the Minister for the Environment, I have been pressing for such a measure. It was not only me: I was just one of a long line of socialist politicians. I am a politician, and I do not think that any of us, in this Chamber of all places, should apologise for being politicians. We believe in this measure, and, ever since the Labour party's inception, people have been striving to achieve it. We finally have a Labour Government who have done so. I am proud of the Labour Government and of the fact that they have delivered this manifesto promise. I am conscious of the fact that, in my constituency stretching back over 70 years, its three Labour Members of Parliament have all introduced private Members' Bills to achieve this measure. We all failed, but it looks like the Government may now be succeeding.

I shall move on from that issue to make a point about national parks, which were discussed by Conservative Members. I recognise that many of them have experience of the countryside, but I hope that they will recognise that many Labour Members have equal experience. Indeed, I might even suggest that our experience is more relevant than that of many Conservative Members as we live in, and represent, the upland areas, which will be particularly affected by the Bill's access arrangements.

I look forward to national park status being extended to the New forest, and perhaps to the downs, but we must take local people with us if we can. National parks have many pluses for them as well as for business and we must build a consensus and co-operation in that respect. National parks are not only areas of outstanding natural beauty, but places to go to enjoy quiet recreation. That makes them stand out. However, because of the

development of the internal combustion engine and of four-wheel drives, motorised vehicles represent an increasing threat to rural Britain, especially national parks and affluent areas.

Speaking from experience of the Lake district and with the consent of the Lake district planning board, I plead with my right hon. Friend the Minister for the Environment: I hope that we will reconsider whether we can do anything to alter the traffic regulations to allow us to control the use of motorised vehicles off the metallic roads in the national parks. That is very important, as is the issue of quietness in this modern world. Only last weekend, I came down off Helvellyn, looked over Ullswater to see the sailing boats there and quietly blessed the Under-Secretary, my hon. Friend the Member for Sunderland, South, for his decision to ban speedboats on Windermere.

The 10 mph speed limit on Windermere was long overdue. It was introduced by the local authority and the planning authority and then considered by the planning inspectorate, which upheld it. The previous Government could not go along with it, but my right hon. Friends called it in again and reconsidered. Most of those who know the Lake district will applaud that example of trying to get a bit of quiet in these areas.

During these two days of debate, it has been interesting to hear Conservative Members make a case against access, but they did so as if there was no previous experience. I do not want to repeat what I said yesterday, but there is 75 years of experience of open access in that huge area, the English Lake district. Of course there have been difficulties. The Lake district planning board has had problems, but it has learned to work with the farmers who keep the landscape as we want it. I shall not pretend that things will be easy, but we have to learn from that experience and transfer it to other parts of the country in which we have access.

In our debates, we inevitably cite extreme cases to make our points, but I say to Conservative Members that the situation will not be anywhere near as difficult as they think. I believe that, if we can work one side with the other, we can achieve what we all want: allowing all our citizens to enjoy more and more the beautiful countryside in our United Kingdom.

10.9 pm

Mr. David Heath: I join the right hon. Member for South Shields (Dr. Clark) and others in thanking everyone connected with proceedings in Committee, including the Clerks, our four Chairmen and the members of the Committee. It was a delight to serve because the Committee handled its business constructively. Most importantly, Members from both sides of the House engaged in the debate. Sometimes, Government Back Benchers do not have the opportunities to express their views. That did not happen in the Committee. They played an important and constructive role. I am grateful to them for that.

The right hon. Gentleman said that it was a good and perhaps historic Bill. I agree. It is potentially historic. It is certainly important. It is, in essence, a good Bill, but it is flawed. That has been my concern throughout the proceedings.

We have an important vehicle for conservation legislation. As has been said many times, such Bills do not come along very often, yet some areas of conservation reform have not found their way into the Bill. We have discussed biodiversity action plans, which are an essential element. No one is looking for a uniformity of approach, but we are looking for a commonality of intent. That is missing.

We still await the proposed changes on areas of outstanding natural beauty. I agree with the hon. Member for Ashford (Mr. Green): we in the Chamber should have been told what the Government intended. By all means let it then be considered in another place and returned to us, but the announcement should have been made here during consideration of the Bill.

There have been less important—although they are still important—areas of consideration, such as the hon. Gentleman's amendment on invasive aquatic species. That should be in the Bill.

Again, the provisions on rights of way are important. There are important improvements, but there is a lack of provision for recreational riding, which is a missing component. The proposals lack clarity. The most important element of all is the resources that will underpin effectiveness of the rights of way improvement plans, which we hope will succeed.

On access, the thing that has bedevilled the Bill is the expression "right to roam". It has raised the expectations of both those in favour of the Bill and those against—expectations that it does not for one moment meet. People have the idea that, as a result of the Bill, they will find people with bobble hats in their chrysanthemum beds. They will not. It is essentially a modest move to increase access to upland areas and open countryside. We wholeheartedly support that.

Where we differ from the Government is that we see that there are difficulties with the definitions within the Bill; with the effect on agriculture—there is an apparent lack of understanding of agricultural practice—and with clarity, which will be essential if the thing is to work properly in practice, so that walkers, landowners and those who work the land know what their rights are. The provisions on liability and compensation lack clarity. All those are essential elements that will need to be debated in another place. They will have to be resolved before the Bill comes back to us.

We have ranged wide in our discussions on the Bill. We have gone from the floating pennywort to the prevalence of llamas in Llanberis. It has been an interesting journey. We must decide today whether, on balance, the Bill sufficiently covers the various points that we have raised to give it support. The view of the Conservative Opposition is that it does not. They have tabled a reasoned amendment stating some of the deficiencies of the Bill; I agree that there are deficiencies. In their view, on that basis, they should reject the Bill tonight.

I do not take that view and will advise my right hon. and hon. Friends to support the Bill. However, that does not alter the fact that substantial improvements need to be made in another place before the Bill becomes law. We will seek those amendments elsewhere and when the Bill returns to the House.

10.14 pm

Mr. Kidney: I realise that the Bill has reached the halfway point, in that the whole process will now be repeated in the other place, but I think that I am entitled to talk of successes at this stage.

[Mr. Kidney]

There is the success represented by Labour's delivering on a manifesto promise, and translating the right of access to open countryside into legislation. There is the success involved in the attempt to modernise our complex law of rights of way, and the delivery of new entitlements for which landowners have waited for many years—entitlements to divert and close rights of way that, over many years, have become out of date and inconvenient, and have got in the way of businesses that want to make money. All those developments are welcome, although the subject is so complex that further refinements will be needed before the Bill completes its passage.

The Bill has achieved a further success in protecting wildlife. It has strengthened the protection of sites of special scientific interest, strengthened police powers to gather evidence of crimes against wildlife, and strengthened the powers of the courts to punish those who are caught committing such crimes. Nevertheless, I hope that there will be further developments in part III before the Bill returns to the House of Commons.

The final success that I want to cite is one that many Members have already mentioned: the success of the parliamentary process. In that context, the Bill has given us a model to follow in future. Even before its publication, there was full consultation. As all Members who have taken part in our deliberations know, the Government received many responses, and responses of good quality. I think it fair to say that they developed policy and changed decisions as a result of some of those responses. We also conducted ourselves well in Committee. The official Opposition had a forceful, although principled, objection to part I. They presented their arguments with reason and certainly with vigour, but never with excess verbiage. I congratulate them on that.

Let me also draw attention to the contribution of the hon. Member for Somerton and Frome (Mr. Heath). Acting single-handedly on behalf of his party, he not only followed proceedings throughout the Committee stage but was one of the main movers in Committee. Despite having no support, he tabled detailed amendments, to the extent of proposing improvements in the wording of parts of the Bill. He spoke with authority about his amendments and those of others. I think that he can claim credit for improving the legislation.

The Government also deserve credit for the number of promises made in Committee that were redeemed on Report. That is thanks to the Ministers who have seen the Bill through this part of the parliamentary process.

Lastly, I give a pat on the back to myself and to my Labour colleagues who took part in the Committee stage. As both the hon. Member for Somerton and Frome and my right hon. Friend the Minister said, we were not silent. We were not mute. We did not simply vote at the right times when required to do so. We contributed fully to the debate; we spoke, and moved amendments. I have been pleased to note the number of amendments proposed and spoken to by me which, yesterday and today, have been translated into the Bill as a result of Government amendments.

So far, the whole thing is a success, although it has some way to go in the other place. I hope that Members of the other place will take account of the detailed process that has already taken place. I hope that they will respect what has happened so far, that they will interpret the clues they have been given about ways in which the Bill can still be improved, and that we shall end up with an Act of which the House of Commons can be proud and which will survive for many years.

10.18 pm

Miss McIntosh: Let me, in the same spirit as the hon. Member for Stafford (Mr. Kidney), congratulate those on both Front Benches on having conducted the Committee proceedings with such good humour. At least we all know now where Somerton and Frome and Merionnydd Nant Conwy are.

There is a certain irony in today's debate. In a week in which the introduction of the right to roam was introduced, it was also announced that the ancient right to hunt was to be abolished. There is a further irony. Why—the Minister has not satisfied me in this regard—is it appropriate to provide a statutory right of access when it is thought that a voluntary arrangement is not appropriate, when the Government fall short of providing statutory protection for local wildlife sites? There is a certain lack of logic in the Government's thinking.

I shall certainly find it very difficult to justify to my constituents night-time access, which will be the most difficult part of the Bill to administer. Equally, the lack of compensation for those who will be adversely affected will detract from the many positive elements of the Bill. I shall therefore support the reasoned amendment.

10.20 pm

Mr. Hogg: I support the reasoned amendment and shall concentrate on part I of the Bill, for whose provisions I very much doubt that there is a need.

I have been a walker all my life. Walking is my chief recreation. I have never felt constrained in my access to the countryside. The existing network of footpaths is largely adequate for the purpose. Where it is not, it can be improved by voluntary agreements.

Part I of the Bill is cavalier about private property. I deeply regret that. The business of the House is in part to defend private property, on which the Bill intrudes to an unwarranted extent. Moreover, the Bill imposes unreasonable costs and obligations on landowners and farmers. That is wrong in principle, and especially wrong at this time.

I deeply regret the absence of proper compensation. The Minister for the Environment yesterday referred the House to clause 33, but I shall remind him of what I told him last night. The compensation payments under clause 33 depend on the existence of a voluntary access agreement, in the absence of which there would be no payment. In any event, clause 33 does not entitle the landowner or others affected to require provision of payment to be incorporated into an access agreement. In reality, therefore, there are no statutory rights to compensation.

I am against part I of the Bill. It is wrong in principle, and I am sorry that it will become law. I hope that it is looked at further in the other place.

10.22 pm

Mr. Swayne: The reasoned amendment is cogent and sums up my feelings about the Bill, but I want to air one other issue very briefly—namely, the opportunity missed by the Bill in respect of national parks.

Under the National Parks and Access to the Countryside Act 1949, the Minister has power to create a national park without creating a national park authority at the same time. Ministers have received representations from the local authorities in the New forest asking for him to do precisely that. The Minister could have used the Bill to lay new responsibilities on local authorities to discharge the duties otherwise discharged by the national parks authority.

When I asked the Under-Secretary whether new clause 4 offered the appropriate vehicle for that, I did not even get an answer. I intervened on him later, and his response then was that I had not been in the Chamber for the debate. Perhaps he suffered a momentary lapse of attention when I made my contribution, or perhaps it was so unmemorable that he missed it. Strange though it may seem, he is uncharacteristically absent from the Chamber at the moment. However, I hope that the question will be revisited in the other place, as I think that it deserves proper attention.

10.23 pm

Mr. Gray: Those of us who live and work in the countryside, and who love it, have always been keen that as many people as possible can be found room for to enjoy the countryside as we do. It is for that reason that many people have worked so hard for so many years to arrange managed access to the countryside.

That was achieved successfully on the Templars Firs estate, just outside my constituency. Over a number of years, everything possible has been done—including redirecting rights of way and promoting horse riding—to encourage people from Swindon and Bristol to visit the estate. The Royal Society for the Protection of Birds and the Ramblers Association have acknowledged the estate as an exemplar of all that should be done to open up access.

However, the Templars Firs estate has succeeded because it has achieved a balance between, on the one hand, the rights and interests of the landowner and of the farmers who grow our food, and of the walkers on the other. That is a very delicate balance and only by getting it right could the Bill possibly work. In a variety of areas, the Bill fundamentally upsets that delicate balance.

Instead of providing a way in which landowners and walkers can get together to arrange proper access to the countryside, the Government have set up a confrontational approach. The walkers' approach is to say from the start that they believe that landowners will prevent access, and the walkers want access despite the fact that landowners have their farming interests at heart. What is more, the walkers want that right by law.

There is no requirement for a provision that will allow walkers to do what otherwise they would not do. I am not aware of vast hordes of walkers ready and determined to go on to the moorlands, uplands and commons mentioned in the Bill and I would be very surprised if they existed.

Mr. David Lepper (Brighton, Pavilion): If there are no vast hordes, why have Opposition Members made such a fuss about the provision on access?

Mr. Gray: If there are no such vast hordes, why are we wasting parliamentary time passing a law to allow them access? There is no demand for that right. The Bill is more about ideology. It is about saying, "These landowners will not give us what we want, so we will show them." This week, the Government have taken steps towards banning fox hunting, but that has nothing to do with animal rights or the countryside. It is about saying, "We are going to show the landowning classes that we are still the old Labour party." That is also what lies behind the Bill. If that were not the case, the Government would have considered various issues more carefully, such as the 28-day exceptions, which appear wildly inadequate to anyone who knows anything about the countryside. They would take the lambing season more seriously, but they have dismissed it airily. It is in fact vital, but it will be disrupted in the areas involved. The Government would also consider how we can keep our uplands going through shooting. They do not understand shooting, but it is the only way to preserve the uplands as they are at the moment. *[Interruption.]* Labour Members find that humorous, and the Minister laughs, but it is true.

The Government do not understand the countryside. They do not understand the areas to which they will give people access. The Bill is driven by ideology. For example, several hon. Members have described this as a historic day. If what we were talking about was a few people going for a walk in the countryside, it would not be historic. Labour Members say it is historic because they view it as an ideological triumph of the left over the landowner.

The Bill is badly drafted and the Government have missed opportunities in what has been the first countryside Bill for many years. The Minister has also admitted on several occasions that much more work needs to be done on the Bill, and I hope that that will happen in the other place. The reasoned amendment makes sense because it shows up the Bill for what it is. It has nothing to do with encouraging people to enjoy the countryside and much to do with an ideological hatred of those of us who are lucky enough to live there.

10.28 pm

Mr. Paice: I am always pleased to follow my hon. Friend the Member for North Wiltshire (Mr. Gray), because it makes me seem so moderate. However, I do not disagree with some of his views. I concur with all the thanks and plaudits that have been expressed, but nobody has yet mentioned the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd), who astounded me and many others in Committee with his incredible knowledge of countryside issues and legislation. He was of great benefit to the Committee.

From the outset, we have welcomed the changes to the rights of way legislation, and I was interested to note that the hon. Member for Stafford (Mr. Kidney) referred to outdated legislation and the need for the ability to divert footpaths. I agree with him, although his view was not shared by all his hon. Friends or the organisations which have supported the Bill. They feel that every footpath should be sacrosanct for ever and a day, and that no account should be taken of changing needs.

As my right hon. and learned Friend the Member for Sleaford and North Hykeham (Mr. Hogg) said, it is part I that has caused immense concern in the countryside.

I suspect that the Minister for the Environment regards the Bill as his big political memorial, but I do not criticise him for that. The Bill is his great opportunity to put a

[Mr. Paice]

significant piece of legislation on the statute book, and it is right that he should take credit for it. It is just a great shame that the Government did not seek to create a much more comprehensive network of footpaths across the country. Such a network would have been closer to people's homes, and would have increased accessibility for them much more than open access will.

In Committee, the Minister asserted—he has kindly done so again today—that the Opposition have approached the Bill constructively. At times, so did he, and I am grateful to him for that. I make it clear that the Opposition do not want to deny any responsible person the opportunity to enjoy the countryside. However, we believe that that could have been achieved in a different and better way, making access more convenient for constituents such as mine and those of many other hon. Members representing constituencies in the south-east who do not live close to open country.

There is a great difference between linear access and open access. Many problems that do not result from linear access—such as landowners' liability—most certainly will result from open access.

Many Labour Members have demonstrated a mindset that is against the interests of landowners and land users, and which is indifferent to the legislation's impact on agriculture, on wildlife—especially ground-nesting birds, including our waders in the uplands—and, as my hon. Friend the Member for North Wiltshire said, on sporting use and landowners' ability to use their own land without encumbrance.

As I said in earlier debates, there are also serious clashes between the Bill's provisions and the Government's own action plan for farming policy document.

Many amendments were tabled to the Bill. In Committee, many amendments were supported by all the Opposition parties but were rejected. My noble Friends will have to address the issues dealt with in those amendments in the other place. Yesterday, my hon. and learned Friend the Member for Harborough (Mr. Garnier) moved an amendment on the issue of compensation, but the Minister dismissed it as legalistic. Not only would I expect an eminent lawyer to make a legalistic speech, but we are talking about making a law. It seems odd to say that one should not be legalistic in passing legislation.

The Bill's most serious default—on top of all those described by my hon. Friend the Member for Ashford (Mr. Green) in opening our first debate today—is perhaps its failure to provide for information to walkers. Much information will have to be conveyed to those who want to use the rights provided to them in the Bill—such as which parts of a moor are closed, and, for those who do not have an appropriate map, the limits to the open country.

Walkers will also have to know the boundaries of land owned by different individuals, as they will be subject to the absurd notion that, if they transgress schedule 2 provisions, they would have to leave that specific land for 24 hours. As those who are familiar with open country will know, the boundary between the land of different owners may not be easy to perceive. People may also have to know the rules on dogs, such as the dates on which they have to be on leads. The Government, however, rejected the eminently sensible approach of creating access points to the open country at which such information could be displayed.

Labour Members seem to think—the attitude has come through again in the past two days—that all walkers are responsible people and that all landowners will seek to thwart the legislation. I do not believe that either group can be so characterised. Sadly, some people will try to abuse the rights being provided to them, and some landowners will probably—because of the Bill's compulsory elements—be less than enthusiastic about those rights.

Despite what the right hon. Member for South Shields (Dr. Clark) said—with respect to him, he has not been in the Chamber for most of the debates—in our consideration of the Bill, including in Committee and in the past two days, we have seen at best an ignorance of countryside and land management activities, and at worst a barely concealed contempt on the part of some Labour Members for those who earn their income from the land or enjoy their sport, quite apart from those who own the land. It is not just the wealthy landowners who will be affected, as Labour Members have sought to portray, but countless thousands of men and women who work on the land in the countryside, in all manner of ways, will find their occupations affected by these rights. Those effects have not been countered by measures in the Bill.

It should not surprise us that there is this ignorance and intolerance of farmers and landowners from a party which is essentially urban. Labour Members may claim to represent rural seats—they may, temporarily, actually do so—but there is a gulf between representing rural seats and the countryside, and understanding what it is all about.

I commend our amendment to the House.

10.36 pm

Mr. Meacher: Before we conclude our proceedings, I want to respond to the churlish and curmudgeonly reasoned amendment put down by the Conservative party. In my opening remarks on Third Reading, I rather unwisely praised Conservative Members for their thoughtful and constructive contribution to the debate. However, from their remarks on Third Reading, it is plain to all in the House that the mask is beginning to slip.

When I first made the statement to the House on 8 March last year, Conservative Members' reaction was one of spluttering rage and outraged repudiation. A further year of considered reflection, and the realisation that the Bill is hugely popular, have tamed their response. We are now down to four relatively small matters of outstanding difference between us. Even on these, their reaction is biased and unbalanced, as I will show.

I accept that the Bill does not do all that the Opposition would like it to do—for very good reasons. Were we to accept all the amendments tabled by the Conservative party on Report, open countryside could be closed for more than half of all Saturdays throughout the year, and would certainly be out of bounds at night, with people becoming criminals for the heinous offence of swimming in a lakeland tarn.

Conservative Members have chosen to overlook just how far the Bill goes in meeting the genuine concerns of those who own and manage the land. In the run-up to the

introduction of the Bill, we had many genuinely constructive meetings with representatives of landowners, particularly the Country Landowners Association. I do not for one moment pretend that they are happy with all the access provisions, but I know that we have reassured them on many important issues about how the right of access will operate in practice.

The Opposition's reasoned amendment complains that the provisions on occupiers' liability placed upon landowners arising from any man-made features contain no exclusions for ancient or historical features. It totally ignores the fact that the Bill already introduces a key change of principle by removing all liability of occupiers in respect of natural features of the land.

Mr. Paice *rose—*

Mr. Meacher: I think that the hon. Gentleman knows full well what I am saying. Although we had originally proposed that the liability owed to those exercising the new right would be the very low level owed to trespassers, we have agreed to lower it further still and to remove all liability. It would help if there were some acknowledgement of that in the so-called reasoned amendment.

Mr. Paice: Of course I acknowledge that there has been a change, but the fact is that is only to do with natural features. In open country there are countless features which, at some stage in history, were made by man. Iron age forts, ancient peat diggings, and dry stone walls which may have been there for hundreds of years cannot possibly be the responsibility of the land's present owner, yet landowners remain liable for an accident that may occur on them.

Mr. Meacher: The hon. Gentleman continues to refuse to acknowledge that we have removed all occupiers' liability in respect of natural features of the landscape—*[Interruption.]* Yes, he is referring to man-made features. We believe that a measure of liability in respect of farm equipment and other man-made features of the landscape is only right and proper.

The reasoned amendment complains of the absence of provisions for compensation. I repeat that the Bill includes a range of provisions specifically to safeguard the interests of landowners and managers. We do not expect the Bill to impose significant costs on landowners. My right hon. Friend the Secretary of State for the Environment, Transport and the Regions signed a certificate of compatibility with the Human Rights Act 1998, after careful consideration and based on legal advice.

The hon. Member for South-East Cambridgeshire (Mr. Paice) said that part I was controversial. I acknowledge that. However, we have gone out of our way to put in place management arrangements that will ensure that the right of access and the proper use of land can co-exist. A short time after the new right has come into effect, people will look back and wonder what all the fuss was about.

On part II, the reasoned amendment welcomes the rights of way provisions of the Bill. The Opposition should remember that they cannot cherry-pick. Certainly, those provisions stand in their own right, but they form part of the measure's overall package. We have done much that the Opposition welcome, but my concern throughout was to benefit everyone involved—users and landowners alike—and not just the narrow sectional interests that the Opposition have been promoting.

Finally, I recognise and welcome the general support throughout the House that the wildlife provisions of the Bill have received. We can justly claim that the strengthening of the protection and management of sites of special scientific interest represents a major step forward in the conservation and enhancement of our wildlife. The Bill forms only part—although a vital and essential one—of the steps we are taking to demonstrate our commitment to biodiversity and nature conservation. That commitment will continue.

We will ensure that we fully comply with our obligations under the birds and habitats directives—including the completion of our contribution to the Natura 2000 network; we will develop the agreed recommendations of the local sites review group that we discussed this evening, so as better to deliver wildlife conservation locally; and we will continue to give our fullest support to the delivery of the UK biodiversity action plan.

To sum up, the reasoned amendment is distinctly churlish in its response to the Bill; it looks solely and excessively at the sectional interests of only one of the many groups of people who will be affected. The Bill will benefit all who love our beautiful and priceless countryside and our rich natural heritage. I urge the House to reject the amendment and to send the Bill on its way.

Question put, That the amendment be made:—

The House divided: Ayes 130, Noes 323.

Division No. 234] **[10.43 pm**

AYES

Ainsworth, Peter *(E Surrey)*
Amess, David
Arbuthnot, Rt Hon James
Atkinson, David *(Bour'mth E)*
Atkinson, Peter *(Hexham)*
Baldry, Tony
Beggs, Roy
Bercow, John
Beresford, Sir Paul
Blunt, Crispin
Body, Sir Richard
Bottomley, Peter *(Worthing W)*
Bottomley, Rt Hon Mrs Virginia
Brady, Graham
Brooke, Rt Hon Peter
Browning, Mrs Angela
Bruce, Ian *(S Dorset)*
Burns, Simon
Cash, William
Chapman, Sir Sydney *(Chipping Barnet)*
Clappison, James
Clark, Dr Michael *(Rayleigh)*
Clifton-Brown, Geoffrey
Collins, Tim
Cormack, Sir Patrick
Cran, James
Curry, Rt Hon David
Davis, Rt Hon David *(Haltemprice)*
Day, Stephen
Donaldson, Jeffrey
Dorrell, Rt Hon Stephen
Duncan Smith, Iain
Evans, Nigel
Faber, David
Fabricant, Michael
Fallon, Michael
Flight, Howard
Forth, Rt Hon Eric
Fowler, Rt Hon Sir Norman
Fox, Dr Liam
Fraser, Christopher
Garnier, Edward
Gibb, Nick
Gill, Christopher
Gillan, Mrs Cheryl
Gorman, Mrs Teresa
Gray, James
Green, Damian
Greenway, John
Grieve, Dominic
Gummer, Rt Hon John
Hamilton, Rt Hon Sir Archie
Hammond, Philip
Hayes, John
Heald, Oliver
Heathcoat-Amory, Rt Hon David
Hogg, Rt Hon Douglas
Horam, John
Howard, Rt Hon Michael
Hunter, Andrew
Jack, Rt Hon Michael
Jackson, Robert *(Wantage)*
Key, Robert
King, Rt Hon Tom *(Bridgwater)*
Kirkbride, Miss Julie
Lait, Mrs Jacqui
Lansley, Andrew

Leigh, Edward
Letwin, Oliver
Lidington, David
Lloyd, Rt Hon Sir Peter *(Fareham)*
Loughton, Tim
Luff, Peter
Lyell, Rt Hon Sir Nicholas
McIntosh, Miss Anne
MacKay, Rt Hon Andrew
Maclean, Rt Hon David
McLoughlin, Patrick
Madel, Sir David
Major, Rt Hon John
Maples, John
Maude, Rt Hon Francis
Mawhinney, Rt Hon Sir Brian
May, Mrs Theresa
Moss, Malcolm
Nicholls, Patrick
Norman, Archie
O'Brien, Stephen *(Eddisbury)*
Ottaway, Richard
Page, Richard
Paice, James
Paterson, Owen
Pickles, Eric
Portillo, Rt Hon Michael
Prior, David
Randall, John
Redwood, Rt Hon John
Robertson, Laurence
Roe, Mrs Marion *(Broxbourne)*
Ruffley, David
St Aubyn, Nick
Sayeed, Jonathan
Shephard, Rt Hon Mrs Gillian
Shepherd, Richard
Soames, Nicholas
Spelman, Mrs Caroline
Spring, Richard
Stanley, Rt Hon Sir John
Streeter, Gary
Swayne, Desmond
Syms, Robert
Tapsell, Sir Peter
Taylor, Ian *(Esher & Walton)*
Taylor, Rt Hon John D *(Strangford)*
Taylor, John M *(Solihull)*
Thomas, Simon *(Ceredigion)*
Townend, John
Tredinnick, David
Trend, Michael
Tyrie, Andrew
Waterson, Nigel
Wells, Bowen
Whitney, Sir Raymond
Whittingdale, John
Widdecombe, Rt Hon Miss Ann
Willetts, David
Winterton, Mrs Ann *(Congleton)*
Winterton, Nicholas *(Macclesfield)*
Yeo, Tim
Young, Rt Hon Sir George

Tellers for the Ayes:
Mr. Keith Simpson and
Mrs. Eleanor Laing.

NOES

Adams, Mrs Irene *(Paisley N)*
Ainger, Nick
Ainsworth, Robert *(Cov'try NE)*
Allan, Richard
Allen, Graham
Anderson, Donald *(Swansea E)*
Armstrong, Rt Hon Ms Hilary
Atkins, Charlotte
Austin, John
Ballard, Jackie
Barron, Kevin
Battle, John
Bayley, Hugh
Beard, Nigel
Beckett, Rt Hon Mrs Margaret
Begg, Miss Anne
Bell, Stuart *(Middlesbrough)*
Benn, Hilary *(Leeds C)*
Bennett, Andrew F
Benton, Joe
Berrningham, Gerald
Best, Harold
Betts, Clive
Blackman, Liz
Blizzard, Bob
Boateng, Rt Hon Paul
Borrow, David
Bradley, Keith *(Withington)*
Bradley, Peter *(The Wrekin)*
Bradshaw, Ben
Brake, Tom
Brand, Dr Peter
Brown, Rt Hon Nick *(Newcastle E)*
Brown, Russell *(Dumfries)*
Browne, Desmond
Buck, Ms Karen
Burden, Richard
Burnett, John
Burstow, Paul
Byers, Rt Hon Stephen
Cabom, Rt Hon Richard
Campbell, Rt Hon Menzies *(NE Fife)*
Campbell–Savours, Dale
Casale, Roger
Caton, Martin
Cawsey, Ian
Chapman, Ben *(Wirral S)*
Chaytor, David
Clapham, Michael
Clark, Rt Hon Dr David *(S Shields)*
Clark, Dr Lynda *(Edinburgh Pentlands)*
Clark, Paul *(Gillingham)*
Clarke, Eric *(Midlothian)*
Clarke, Rt Hon Tom *(Coatbridge)*
Clarke, Tony *(Northampton S)*
Clelland, David
Coaker, Vernon
Coffey, Ms Ann
Coleman, Iain
Colman, Tony
Connarty, Michael
Cook, Frank *(Stockton N)*
Corbett, Robin
Corbyn, Jeremy
Corston, Jean
Cotter, Brian
Cousins, Jim
Cox, Tom
Cranston, Ross
Crausby, David
Cryer, John *(Hornchurch)*
Cunningham, Rt Hon Dr Jack *(Copeland)*
Cunningham, Jim *(Cov'try S)*
Darvill, Keith
Davey, Edward *(Kingston)*
Davey, Valerie *(Bristol W)*
Davidson, Ian
Davies, Rt Hon Denzil *(Llanelli)*
Davies, Geraint *(Croydon C)*
Davis, Rt Hon Terry *(B'ham Hodge H)*
Dawson, Hilton
Dean, Mrs Janet
Denham, John
Dobbin, Jim
Donohoe, Brian H
Doran, Frank
Dowd, Jim
Drew, David
Eagle, Angela *(Wallasey)*
Eagle, Maria *(L'pool Garston)*
Efford, Clive
Ellman, Mrs Louise
Ennis, Jeff
Etherington, Bill
Field, Rt Hon Frank
Fisher, Mark
Fitzpatrick, Jim
Flint, Caroline
Flynn, Paul
Foster, Rt Hon Derek
Foster, Don *(Bath)*
Foster, Michael Jabez *(Hastings)*
Foster, Michael J *(Worcester)*
Foulkes, George
Fyfe, Maria
George, Andrew *(St Ives)*
Gerrard, Neil
Gibson, Dr Ian
Gidley, Sandra
Godman, Dr Norman A
Goggins, Paul
Golding, Mrs Llin
Gordon, Mrs Eileen
Griffiths, Jane *(Reading E)*
Griffiths, Nigel *(Edinburgh S)*
Griffiths, Win *(Bridgend)*
Grocott, Bruce
Grogan, John
Gunnell, John
Hall, Patrick *(Bedford)*
Hamilton, Fabian *(Leeds NE)*
Hanson, David
Harvey, Nick
Heal, Mrs Sylvia
Healey, John
Heath, David *(Somerton & Frome)*
Henderson, Doug *(Newcastle N)*
Henderson, Ivan *(Harwich)*
Heppell, John
Hesford, Stephen
Hill, Keith
Hinchliffe, David
Hoey, Kate
Hoon, Rt Hon Geoffrey
Hope, Phil
Hopkins, Kelvin
Howarth, George *(Knowsley N)*
Howells, Dr Kim
Hughes, Ms Beverley *(Stretford)*
Hughes, Kevin *(Doncaster N)*
Humble, Mrs Joan
Hurst, Alan
Hutton, John
Iddon, Dr Brian
Illsley, Eric
Jackson, Helen *(Hillsborough)*
Jamieson, David
Jenkins, Brian
Johnson, Miss Melanie *(Welwyn Hatfield)*
Jones, Rt Hon Barry *(Alyn)*
Jones, Helen *(Warrington N)*
Jones, Ms Jenny *(Wolverh'ton SW)*
Jones, Dr Lynne *(Selly Oak)*
Jowell, Rt Hon Ms Tessa
Keeble, Ms Sally
Keen, Alan *(Feltham & Heston)*
Keen, Ann *(Brentford & Isleworth)*
Kemp, Fraser
Kennedy, Jane *(Wavertree)*
Khabra, Piara S
Kidney, David
Kilfoyle, Peter
Kirkwood, Archy
Kumar, Dr Ashok
Ladyman, Dr Stephen
Lawrence, Mrs Jackie
Lepper, David
Leslie, Christopher
Levitt, Tom
Lewis, Ivan *(Bury S)*
Lewis, Terry *(Worsley)*
Liddell, Rt Hon Mrs Helen
Linton, Martin
Lloyd, Tony *(Manchester C)*
Lock, David
McAvoy, Thomas
McCabe, Steve
McCartney, Rt Hon Ian *(Makerfield)*
McDonagh, Siobhain
McDonnell, John
McGuire, Mrs Anne
McIsaac, Shona
McKenna, Mrs Rosemary
Mackinlay, Andrew
Maclennan, Rt Hon Robert
MacShane, Denis
McWalter, Tony
Mahon, Mrs Alice
Marsden, Gordon *(Blackpool S)*
Marsden, Paul *(Shrewsbury)*
Marshall, David *(Shettleston)*
Marshall, Jim *(Leicester S)*
Marshall–Andrews, Robert
Martlew, Eric
Maxton, John
Meacher, Rt Hon Michael
Meale, Alan
Merron, Gillian
Michael, Rt Hon Alun
Michie, Bill *(Sheff'ld Heeley)*
Milburn, Rt Hon Alan
Miller, Andrew
Mitchell, Austin
Moonie, Dr Lewis
Moore, Michael
Moran, Ms Margaret
Morley, Elliot
Mountford, Kali
Mowlam, Rt Hon Marjorie
Mudie, George
Mullin, Chris
Murphy, Denis *(Wansbeck)*
Murphy, Jim *(Eastwood)*
Murphy, Rt Hon Paul *(Torfaen)*
Naysmith, Dr Doug
Norris, Dan
O'Brien, Bill *(Normanton)*
O'Brien, Mike *(N Warks)*
O'Hara, Eddie
Olner, Bill
Öpik, Lembit
Organ, Mrs Diana
Osborne, Ms Sandra
Palmer, Dr Nick
Pearson, Ian

Pendry, Tom
Pickthall, Colin
Pike, Peter L
Plaskitt, James
Pollard, Kerry
Pond, Chris
Pope, Greg
Pound, Stephen
Prentice, Ms Bridget *(Lewisham E)*
Prentice, Gordon *(Pendle)*
Primarolo, Dawn
Prosser, Gwyn
Purchase, Ken
Quinn, Lawrie
Radice, Rt Hon Giles
Rammell, Bill
Rapson, Syd
Reid, Rt Hon Dr John *(Hamilton N)*
Rendel, David
Roche, Mrs Barbara
Rooker, Rt Hon Jeff
Rooney, Terry
Ross, Ernie *(Dundee W)*
Rowlands, Ted
Roy, Frank
Ruddock, Joan
Russell, Bob *(Colchester)*
Russell, Ms Christine *(Chester)*
Ryan, Ms Joan
Salter, Martin
Sanders, Adrian
Sarwar, Mohammad
Savidge, Malcolm
Sheerman, Barry
Shipley, Ms Debra
Short, Rt Hon Clare
Simpson, Alan *(Nottingham S)*
Skinner, Dennis
Smith, Angela *(Basildon)*
Smith, Miss Geraldine *(Morecambe & Lunesdale)*
Smith, Jacqui *(Redditch)*
Smith, Llew *(Blaenau Gwent)*
Smith, Sir Robert *(W Ab'd'ns)*
Snape, Peter
Soley, Clive
Starkey, Dr Phyllis
Steinberg, Gerry
Stewart, Ian *(Eccles)*
Stoate, Dr Howard
Strang, Rt Hon Dr Gavin
Stringer, Graham
Stuart, Ms Gisela
Stunell, Andrew
Sutcliffe, Gerry
Taylor, Rt Hon Mrs Ann *(Dewsbury)*
Taylor, Ms Dari *(Stockton S)*
Taylor, David *(NW Leics)*
Taylor, Matthew *(Truro)*
Temple-Morris, Peter
Thomas, Gareth *(Clwyd W)*
Thomas, Gareth R *(Harrow W)*
Thomas, Simon *(Ceredigion)*
Timms, Stephen
Tipping, Paddy
Todd, Mark
Tonge, Dr Jenny
Touhig, Don
Trickett, Jon
Truswell, Paul
Turner, Dennis *(Wolverh'ton SE)*
Turner, Dr Desmond *(Kemptown)*
Turner, Dr George *(NW Norfolk)*
Turner, Neil *(Wigan)*
Twigg, Derek *(Halton)*
Tyler, Paul
Tynan, Bill
Vaz, Keith
Vis, Dr Rudi
Walley, Ms Joan
Ward, Ms Claire
Wareing, Robert N
Watts, David
Webb, Steve
White, Brian
Whitehead, Dr Alan
Williams, Rt Hon Alan *(Swansea W)*
Williams, Alan W *(E Carmarthen)*
Willis, Phil
Wills, Michael
Wilson, Brian
Winnick, David
Winterton, Ms Rosie *(Doncaster C)*
Wood, Mike
Woodward, Shaun
Worthington, Tony
Wray, James
Wright, Anthony D *(Gt Yarmouth)*
Wright, Dr Tony *(Cannock)*

Tellers for the Noes:
Mr. Mike Hall and
Mr. Tony McNulty.

Question accordingly negatived.

Bill read the Third time, and passed.

Marine Aggregates

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jamieson.]*

10.56 pm

Mr. Anthony D. Wright (Great Yarmouth): I am grateful for the opportunity to raise this issue, which has been brought to my attention by a number of my constituents. I know that it is also of great interest to the constituents of many other hon. Members.

Aggregate extraction in the UK can be divided between land-based production and dredging from the sea bed. While land-based extraction goes back to ancient times, it is only in the last century that we have begun to look to the sea for materials, with a significant industry developing in the 1970s.

Sand and gravel extractions are mainly used in the UK construction industry, although about a third of marine-extracted aggregates are exported to the near continent. Marine sand and gravel amount to 15 per cent. of aggregates used for construction in England and Wales. In 1999, 23.7 million tonnes of aggregates were removed from the sea, of which almost 40 per cent. came from the east coast. About 10 per cent. of the total aggregates extracted were used in beach replenishment, with 20.9 million tonnes sold for commercial use.

Although the amount of marine aggregates dredged over the last 10 years has remained fairly constant, it has doubled as a percentage of UK production in the last 20 years, following concerns about the impact of land-based extraction.

I understand that the Government actively encourage the extraction of marine sand and gravel because it reduces the need for quarrying. I am also aware that the area licensed for extraction is only 1 per cent. of the sea bed. The area that is dredged is even smaller—less than 15 per cent. of the licensed area. That is largely due to the fact that useful sand and gravel deposits are not widespread, although the areas that produce the best aggregates are usually also the favoured home of the local marine life, and dredging companies often operate in areas that have previously been licensed to fishermen.

Although the area dredged is relatively small and the amount of aggregates dredged has remained fairly constant, I am concerned that the amount exported to other European countries has grown from 11 per cent., or 2.4 million tonnes, in 1988 to 34 per cent., or 7.2 million tonnes, in 1999. In fact, about 50 per cent. of the aggregates extracted off the east coast in 1999 were exported.

The regulation of aggregate extraction differs greatly between land and sea. Licensing for land extraction is carried out locally. The impact of aggregate production on land is easily quantifiable, and the main environmental impacts include heavy goods vehicle traffic—as aggregates are heavy and expensive to move—noise and dust nuisance and potential loss of heritage and amenities. The environmental impacts of land-based production obviously depend on the source, but they would be carefully monitored, with clear data available to assess each project.

Marine extraction is entirely different. Licences to allow prospecting for marine aggregates are generally given by the Crown Estate, which owns the sea bed out

[Mr. Anthony D. Wright]

to the 12-mile territorial limit, including the rights to explore and exploit the natural resources present. Local authorities, although consultees on any new licence applications, have no power to prevent dredging off their coastline.

Companies wanting to extract any useful aggregates are required to seek permission from the Department of the Environment, Transport and the Regions through the interim Government view procedure. I understand that the full statutory procedure will be introduced later this year for England, Wales and Northern Ireland, in line with the environmental impact assessment and habitats regulations. Scotland is making its own arrangements.

The Government view procedure is a lengthy process, involving an environmental impact assessment and a consultation, which includes the fishing industry, local authorities and the general public. Environmental assessment, consists of among other things, physical and biological surveys, cumulative impact studies and monitoring programmes. There is the provision to hold a public inquiry during the interim and statutory procedures if necessary. Once the Government are satisfied that the extraction will not cause any adverse environmental impact, permission to dredge is given.

There are further restrictions on licensees, such as zoning and seasonal restrictions to help reduce the impact on other sea users. However, despite the strict regulation of marine dredging, which I understand is shortly to become more clearly defined, the wider environmental impact of dredging for marine aggregates is largely unknown, and relatively few studies have been carried out on it.

Two main concerns are raised both by fishermen and by environmentalists about the possible harmful environmental impact of marine dredging. The first is the impact on the marine ecosystem, owing to the disturbance that dredging causes. The other cause for concern is the unknown effect of dredging on coastal erosion, which is a significant issue on the east coast.

It is perhaps easier to gauge the impact of dredging on the marine environment than on coastal erosion, although there are difficulties in assessing even these effects, and as yet there is very little conclusive research. A study was undertaken by the Crown Estate and the Ministry of Agriculture, Fisheries and Food in April 1992 off the Norfolk coast to assess the impact of dredging on animals living on the sea bed. The area was chosen because the sediment type was similar to the commercial marine gravel beds. There was an abundance of animals, suitable reference sites were available nearby, and the area was representative of undisturbed sea bed.

Dredging was conducted over a four-day period at the site, with 50,000 tonnes of material removed to a depth of about 30 cm. Samples taken before and after the dredging were compared with samples taken at nearby reference sites to ascertain what changes arose from the dredging activity and what could be put down to natural seasonal fluctuations. An immediate effect of the dredging was that the animal populations were reduced in numbers, variety and total weight. Although recolonisation for certain species went ahead fairly rapidly, full recovery had not been achieved by May 1994, more than two years after the dredging took place. The range, densities and total weight of the animal species were substantially lower than before dredging.

A further study in 1995 showed that the diversity, size and weight of animals in the dredged area were comparable with the reference site. However, although the number of animals had stabilised, they were at a level significantly below those at the reference site. The reason for this is not clear. Sampling will continue at the site to ascertain the longer-term effects.

The study also examined regional influences in the major dredging areas from the Humber to Liverpool bay, focusing on sediment type and the biological communities present. It found that the type of sediment and the prevailing conditions of waves and tides influenced animal communities. The Great Yarmouth bank, which has a high amount of physical disturbance due to the sea conditions, has relatively small populations in comparison with more sheltered sites such as Lyme bay. Animals in the more active sites are dominated by species that live for one to three years, while communities in sheltered areas are more mature. Consequently, stable areas take longer to recover from physical disturbance, as they are dominated by longer-lived, slower-growing animals.

Although the findings of the study seem to indicate that areas of the sea bed that are dredged will recover over time, related factors still have to be assessed. The cumulative impact around clusters of licensed dredging activity is unknown, as is the impact on fish populations, owing to the lack of knowledge about their feeding preferences. Those two issues will be considered as part of further research in the continuing study over the next three years, along with the effect of the sediment plumes created by the fine material disturbed during dredging. The plumes include industrial pollutants that have been discharged into the sea and settled over time on the sea bed. Environmentalists maintain that the marine ecosystem adapts to the introduction of the pollutants once they have settled, but when the sea bed is disturbed during dredging, the pollutants attached to the fine material are put back into suspension in the water, and become once again a substantial threat to sea life. Furthermore, once pollutants and other materials are put back into suspension, it becomes difficult to predict where they will settle.

Although scientists will be studying the impact of sediment plumes, I understand that there is no effective mechanism for tracing fine material that is put into suspension. Approaches have been made to both MAFF and the Department of the Environment, Transport and the Regions for funding to develop such a system, but none has yet been granted. One proposed method for analysing the drift of materials is to place a benign tracer in the area before dredging, which will show the movement of the plume. I await with interest the findings of those further studies, and hope that the movement of sediment plume will be addressed.

Although those concerned about the impact of dredging on the marine environment are mainly fishermen, trawling is responsible for similar disruption to the sea bed, and occurs over a larger area. The main difference is that sea bed material is not removed during trawling, but some environmentalists suggest that the impact of trawling must be considered alongside dredging to ensure the long-term survival of the marine environment—and, indeed, of the fishing industry.

The other major issue of concern over the impact of dredging relates to the unknown impact on coastal erosion. Great Yarmouth is a leading tourist resort in the United Kingdom, and our stretches of golden sandy beaches form a large part of our attraction. In recent years, that asset has been under increasing attack from global warming, and the Environment Agency estimates that sea levels are rising by around 6 mm a year.

Dredging takes place at least 4 miles offshore at Great Yarmouth, as the near-shore banks are considered to act as a buffer against strong tides and are an important component in the reduction of the wave energy that causes coastal erosion. However, many scientists believe that the offshore banks, too, play an important part in reducing wave energy and providing sediment for replenishing beaches. There is certainly a case for further research into the role that the banks play in the hydrodynamics of our costal waters before further dredging is undertaken. A case study of the banks off the Great Yarmouth shoreline would provide useful information for future policy.

I appreciate the fact that licensees are required to carry out studies on waves and currents in the area and draw up a model of the estimated impact on coastal erosion before dredging is allowed, and that even the slightest perceived threat would lead to the licence being denied. However, although research to date shows the effects on coastal erosion to be negligible, concerns remain among both environmentalists and local authorities, especially as the sand banks are not properly understood and it is known that they have changed and moved.

I also appreciate the fact that an element of aggregate extracted from the sea is used for beach replenishment and coastal defence—I have had that described to me as "doing nature's work for her"—but in 1999 that accounted for only about 10 per cent. of UK production.

Great Yarmouth borough council, the local authority responsible for coastal protection, has long been concerned about the impact of offshore dredging. The council believes that the offshore banks are closely related to the near-shore stability, given that they can influence wave action.

When they are consulted during the process of granting licences for extraction, both the borough council and Norfolk county council oppose applications on the ground that members have insufficient information that dredging does not have an adverse impact on navigation channels, marine life and coastal erosion. None the less, the view consistently taken by the Government and the Crown Estate is that there is no clear evidence that marine aggregate extraction has such effects. Consequently, licences that meet all other criteria are invariably granted.

It is unsatisfactory when the wishes of local authorities that have responsibility for the protection of their coastlines seem to have no effect on the licensing process. Although my local authorities wish to proceed with caution and allow time for proper research, the Government and the Crown Estate continue to issue licences on the ground that nothing has been proved.

I question the Government's position should research prove that dredging indeed has a sizeable impact on either coastal erosion or the marine ecosystem. One such study that should report early next year is the southern North sea sediment transport study, which is being undertaken by the Crown Estate, MAFF, the Humber estuary coastal authority group and the Anglian coastal authority group. I am pleased that Great Yarmouth is a project leader in that study.

The study, which is in its second phase, will look at sediment movement over a period of time, and will factor in the impact of dredging. The study region runs along the coast between Flamborough head and the River Thames. The research will consider sediment sources, transport pathways, volume of sediment, areas of deposition and offshore sea bed features.

Once the evidence is available from that study and from the research that I mentioned earlier on the biological effects of marine aggregates extraction, we should have a much clearer understanding of the marine environment off the east coast and the effects of dredging. Given the lack of conclusive evidence, I suggest that the caution shown by Great Yarmouth borough council and Norfolk county council is more sensible than proceeding, like the Crown Estate and the Government, on the basis that no news is good news.

I am aware that the marine aggregates production industry in the United Kingdom is an important provider of jobs and wealth to the economy. I have spent the past three years working to improve employment prospects in my constituency, so I do not want to jeopardise jobs. I appreciate the fact that to stop dredging for marine aggregates overnight would lead to a huge shortage in necessary materials in the UK, as well as placing further burdens on land-based production.

However, there is a way in which we can mitigate some of the concerns about dredging, as well as maintaining the industry while we wait for conclusive research. As I mentioned, the export market in marine dredged aggregates has grown substantially over the past 10 years and now represents a third of the market, although overall production has remained more or less stable. By far the largest market for such aggregates is Holland, although they are also sold to France, Belgium and Germany.

Although I recognise that dredging companies must remain commercially viable, I do not believe that a shortfall in demand in the UK market should be made up by export, when the environmental cost to the UK has yet to be ascertained.

The income generated by the Crown Estate through royalties on production provides a sizeable income to the Exchequer, which can only increase after the introduction of the proposed aggregate tax. However, exports are exempt from the tax, which will make them even more appealing to producers and could lead to even higher exports. I am not sure that that will achieve the desired effect of the aggregate tax, as it will undermine the environmental reasons for imposing the levy in the first place.

In conclusion, although the marine extraction of aggregates has undoubtedly helped to lessen the impact of land-based production, it is clear that the environmental impact on the marine ecosystem remains unproven.

I hope that the Government will carefully consider the research that is continuing on the subject, and also consider further research, so that we have a strong body of data on which to base future policy decisions. I ask my hon. Friend the Minister to consider carefully whether it is in the UK's best interest to continue to export our marine minerals at the present levels while the environmental

[Mr. Anthony D. Wright]

impact is not proven, and also whether consideration has been given to the impact of the aggregate tax on the export market.

11.12 pm

Dr. George Turner (North-West Norfolk): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on securing the debate, and on the excellent and balanced way in which he expressed the main argument, which I will not attempt to repeat in the few minutes that he has kindly granted me, for which I thank him. I agree almost entirely with my hon. Friend's remarks.

In the Wash area, there has been a marked decline in fishing, especially for shellfish, over the past decade. The lack of scientific certainty to which my hon. Friend referred means that it is a moot point whether the fishermen are right in blaming the dredging for aggregates for the decline in their catch, or whether the Government scientists are right in saying that other natural forces are at work.

From my many discussions with officials in the Ministry of Agriculture, Fisheries and Food, it is clear that as a scientist one must conclude that there is much to be learned, especially about the life cycle of shellfish and the effect of the environment on them. When we know very little, we must proceed with caution, as my hon. Friend urged. We must be careful about the volume of aggregates that we extract and the attitude that we take to those livelihoods that may have been affected by the consequences.

Almost three years ago, shortly after I came to the House, I went with fishermen from the King's Lynn area to complain about the dredging. One of the reasons for the dredging, as my hon. Friend noted, is beach replenishment. Having made their case that the dredging would damage some of their fishing grounds, fishermen in King's Lynn were confident that if beach replenishment went ahead at Mablethorpe up the Lincolnshire coast, one of the other remaining major shrimp fisheries would be dramatically affected for the worse.

The responsibility does not lie with the Minister who is responding to the debate, but, in the spirit of joined-up government, I hope that she will ensure that the Ministry of Agriculture, Fisheries and Food will consider the matter with greater urgency. The fishermen predicted that they would lose their catch. When they lost it, they found themselves arguing with scientists about the reasons for that. The scientists claimed that natural forces had caused that loss.

When we do not know the reasons, we have the responsibility to be generous to those whose livelihoods have been affected. I hope that the Minister will take back the message from me on behalf of fishermen in King's Lynn that they have waited far too long for a reasonable settlement to their reasonable claim for the way in which dredging and beach replenishment affected their careers.

11.16 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Ms Beverley Hughes): I congratulate my hon. Friend the Member for Great Yarmouth (Mr. Wright) on initiating the debate. I shall do my best to address as many as possible of the points that he and my hon. Friend the Member for North-West Norfolk (Dr. Turner) made. Both displayed considerable knowledge about the issue. We would expect that because of their great interest in their constituencies.

I shall begin by explaining the reasons for the Government's support in principle for the extraction of sand and gravel from the sea bed before considering ways in which to prevent unacceptable damage to the marine environment and coastal areas, or to the interests of other users of the sea, such as those in the fishing industry whom my hon. Friend the Member for North-West Norfolk identified in relation to King's Lynn.

As my hon. Friend the Member for Great Yarmouth acknowledged, the greatest use of sand and gravel extracted from the sea bed is aggregate by the construction industry. Clearly, aggregates are essential for that industry. They are needed to build houses, roads and other infrastructure, which is important in all parts of the country. The way in which the requirements for aggregates should be fulfilled is important in social, economic and environmental terms. We must have construction minerals, but I agree that they should be obtained without undue effects on the environment and quality of life.

Land-based sand and gravel resources can often be found close to centres of population. They often underlie the best and most versatile agricultural land or existing development. There is therefore frequently a conflict between safeguarding our natural heritage and quarrying. There is pressure to contain aggregate extraction from the land.

Clearly, there are extensive deposits of sand and gravel beneath the sea that can be dredged at coastal wharves. Marine dredging has long made a useful contribution to supply. As my hon. Friend the Member for Great Yarmouth acknowledged, approximately 13 million tonnes of marine-dredged sand and gravel were consumed in Great Britain in 1998. That is approximately 6 per cent. of the total consumption of aggregates. In the south-east of England, which is an area of particularly high demand, approximately 32 per cent. of natural aggregates was from the sea.

I know that my hon. Friends would acknowledge that material dredged from the east and south coast has supplied many important developments, such as the Thames barrier, the QE2 bridge at Dartford, the Jubilee line extension and Canary wharf. The use of marine sources has potential benefits such as reducing road haulage, especially in areas of high demand and limited supply such as London and the south-east.

As my hon. Friend the Member for Great Yarmouth acknowledged, marine-dredged materials are also needed for coastal defences and beach nourishment schemes to replace material lost from the beaches through erosion. It is particularly suited to that use because it is similar to materials that are found naturally on beaches.

My hon. Friend mentioned coastal erosion. He cited a national figure of 10 per cent. of extracted materials being used for beach nourishment. I am sure that he will be aware that the east coast of England, more than any other area, relies on such materials for beach nourishment. Between 1994 and 1998, the east coast used more than 60 per cent. of the total material used nationally for beach nourishment—about 23 million tonnes.

As well as being an issue of concern for that area of the country, especially around the coast, extraction is also an enormous benefit because of the use of such material for beach nourishment schemes and for the protection of beaches from erosion.

My hon. Friend raised the issue of the export of materials. It is true to say that about 30 per cent. of material currently extracted is being exported. Exports of sand and gravel from the sea bed have increased in recent years for use in countries such as the Netherlands and France.

A ban on the export of such material raises two issues. First, as my hon. Friend will know, it is not possible under the treaty of Rome to ban the export of such material. That makes it all the more important to ensure that the extraction of marine aggregates does not have unacceptable effects on the environment. Secondly, there are competing interests. A ban would have an impact on the dredging industry, which is estimated by the Quarry Products Association to be in the region of 60 per cent.—it would affect up to 60 per cent. of people currently employed in the dredging industry. Although I appreciate my hon. Friends' concerns, there are competing interests in the dredging industry.

My hon. Friend the Member for North-West Norfolk mentioned the effects on fisheries. The current authorisation procedure includes an environmental impact assessment and a coastal impact study before any licence is granted. Fisheries interests are covered by the environmental impact assessment. In recent years, use has been made of data from the Ministry of Agriculture, Fisheries and Food on areas fished and on fish landing statistics to identify the importance of dredging application areas for fishing.

I acknowledge that it is recognised that various other activities, including trawling, can have an impact on the marine environment. My Department's role to protect the environment from unacceptable harm arising from activities for which it is responsible is taken seriously. I shall give my colleagues in MAFF the message from my hon. Friend the Member for North-West Norfolk about the concern of people in the fishing industry in King's Lynn.

My hon. Friend the Member for Great Yarmouth mentioned research. We fully recognise that there are gaps in our current understanding of the marine environment. The Government and the Crown Estate have commissioned two major research studies. The first, funded by MAFF and the Crown Estate, is examining the potential for cumulative effects and the impact of dredging and of successive licences on marine activity over a period. That is a real issue. The study is trying to address the concerns of fishermen that aggregate extraction is affecting the fisheries by removing an important source of food for fish.

Research has also recently been commissioned by my Department to examine the recovery of the sea bed following aggregate dredging. That is a follow-up to an existing study that was undertaken by MAFF and the Crown Estate at a site off the north Norfolk coast, which showed that recovery had begun shortly after dredging ceased, and that within three years of dredging ceasing the area had fully recovered both in respect of the stability of the sediment and the range of species present. We shall certainly consider the results of those studies. There would be no point in undertaking the research unless we were minded to take the findings into account.

Finally, although my hon. Friend the Member for Great Yarmouth extensively outlined current procedure, I want him to understand fully that the Government are soon to introduce a new regulatory regime that will bring marine extraction under statutory control. Under the new regulations, my right hon. Friend the Secretary of State for the Environment, Transport and the Regions rather than the Crown Estate will become the competent authority for the control of marine dredging in English waters. Applications will be assessed only once an environmental impact assessment has been undertaken. The regulations will make it a criminal offence to dredge the sea bed without dredging permission, except in those areas already licensed. I can assure my hon. Friend that we take the points that he has raised very seriously and that the new regulations will bring a new dimension in terms of balancing the need for dredging and the need to ensure adequate protection of all the environmental issues that he outlined.

Question put and agreed to.

Adjourned accordingly at twenty-six minutes past Eleven o'clock.

House of Commons

Thursday 15 June 2000

The House met at half-past Eleven o'clock

PRAYERS

[MADAM SPEAKER *in the Chair*]

PRIVATE BUSINESS

LONDON LOCAL AUTHORITIES BILL *[LORDS] (BY ORDER)*

Order for consideration, as amended, read.

To be considered on Thursday 22 June.

MERSEY TUNNELS BILL *(BY ORDER)*

Order for Second Reading read.

To be read a Second time on Thursday 22 June.

Oral Answers to Questions

TRADE AND INDUSTRY

The Secretary of State was asked—

Granada

1. **Ms Hazel Blears** (Salford): What assessment he has made of the report from Manchester business school on the impact of Granada on the north-west; and if he will make a statement. [124579]

The Minister for Competition and Consumer Affairs (Dr. Kim Howells): I understand that the report commissioned by Granada provides a positive picture of the company's contribution to the economy of the north-west.

Ms Blears: I am grateful to the Minister for that reply. The Department is on record—somewhat courageously perhaps—as acknowledging that there is a real difference in the performance of our different regional economies. It is a fact that gross domestic product in the north-west is only two thirds of that in London and the south-east. Granada supports 4,000 jobs in the region, and has invested £1 billion in production facilities. It is a flagship for success in our region. Will the Minister take into account the strong feelings of many hon. Members that if there were to be a merger between United and Carlton it could damage the regional diversity of the ITV network? It is crucial that regional diversity be maintained, and that we do not have southern domination, which could damage the industry as a whole. I ask my hon. Friend to take those feelings seriously into account.

Dr. Howells: As high-technology companies employ people with valuable skills, ITV companies are likely to have a significant impact on the economies of their regions, no matter where they are in Britain. We shall certainly take into account all the factors that my hon. Friend has outlined for us.

Mr. Graham Brady (Altrincham and Sale, West): May I further urge the Minister to take into account the importance of maintaining Manchester's position as the second city in the United Kingdom for the media industry? I stress that it is vital, particularly for news and regional programming, that the regional diversity of the ITV network should be maintained.

Dr. Howells: I can certainly give the hon. Gentleman that assurance.

Miners' Compensation

2. **Mr. Ronnie Campbell** (Blyth Valley): If he will make a statement on the legal costs retired miners can expect to face in respect of health-related compensation claims. [124580]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): The Department of Trade and Industry considers that miners and their families should not be paying any legal costs. We have made arrangements to ensure that the costs of solicitors and the cost to each claimant are met by the Department. We have put aside £100 million to cover those fees.

Mr. Campbell: I thank my right hon. Friend for that reply. It is a disgrace that these solicitors—these parasites—who are already getting paid are now charging those lads again. Someone in the Department should consider the legal position and stop them doing so. I thank the Labour Government for the compensation cases that are now coming to the fore. Miners are now getting paid. That started in 1998, whereas under the Tory Government they got absolutely no compensation. As chairman of the miners' group at that time, my hon. Friend the Member for Bolsover (Mr. Skinner) knows that they would not budge an inch on compensation cases. It was not until 1998, after the Labour Government came to power, that compensation was paid.

Mrs. Liddell: I thank my hon. Friend for making that point. We have made arrangements whereby solicitors can receive fees of between £500 and £1,750 plus VAT and any small costs that they may have incurred to allow them to help claimants to fill in the forms. I ask hon. Members to ensure that the Department is informed if solicitors charge contingency fees, and we will raise the matter. Solicitors should not be doing that, and if anyone has been charged any fees they should ask for them to be annotated so as to give true evidence of why they have been charged.

On the more general point, my hon. Friend is absolutely right. The first case, in 1990—the Tanner case—showed that chronic bronchitis and emphysema was an industrial injury, and that British Coal was liable. That case gave Conservative Members, who were then in government, the opportunity to act. In the following year, 1991, the Industrial Injuries Advisory Council said that coal pulmonary diseases were an industrial injury, but the

Tories turned their back on it. Seven thousand miners died and their widows have put in claims for that period. That is the record of the Conservative Government.

Mrs. Angela Browning (Tiverton and Honiton): As it is more than two years since the court judgment requiring the Government to start the process for those claims, why did the DTI require Healthcall to begin recruitment of respiratory consultants as late as November of last year? Was it not because the original contract, which was not tendered for, failed to carry out appropriate medical tests on former miners? What went wrong with the Government's plan to process 2,500 full medical tests a month?

Mrs. Liddell: The hon. Lady should do her homework. She has asked a series of questions, but she has not bothered to read the replies. We have not changed companies. We have processed the claims as quickly as we possibly can, and £60 million has already been paid out to miners and to their widows. We are currently paying £3 million a week in compensation, and £1 million a day will soon be matched in compensation. If men were too ill to complete the test, that does not prevent claims from being completed. To suggest otherwise is to spread anxiety in the mining communities which the Conservative Government decimated during their years in power.

The accusation made by the hon. Lady in a press release issued this morning—that is what this is all about—that widows' claims are being dealt with after those of living victims is utter nonsense. From 1992 to 1997, 7,000 miners died, and their widows are now claiming compensation. My Department has paid £180 million in compensation for vibration white finger and lung disease. The Government whom the hon. Lady represented did nothing. I challenge her to come to the Dispatch Box and apologise.

Mrs. Browning: The press release that the Minister is waving was issued yesterday. It was issued yesterday because, having tabled five named-day questions on behalf of ex-miners from all over the country who wrote asking me to assist them by speeding up the process—the way in which the Department is handling the matter is exacerbating their problems—I received, as usual, holding answers. The Department could not give answers on a critical issue for which it is responsible.

I received the answers last night. Three were of such a party political nature that I wrote to the Cabinet Office this morning asking for an investigation of the politicisation of the DTI—*[Interruption.]* The health of these miners and their widows, and the processing of the claims, do not constitute a subject for party political spin from the Minister or other Labour Members.

I issued the press release because of the inaction of the Minister and her Secretary of State, who were unable to answer questions about vital matters for which they are departmentally responsible. If the Minister believes that all is well at the DTI, and that her Secretary of State—*[Interruption.]*

Madam Speaker: Order. Those on both Front Benches must realise that we are not having a debate. This is Question Time.

Mrs. Browning *rose—*

Madam Speaker: Order. I must either hear brief questions and brief answers, or move on to the next question. May I hear a question to the Minister, please?

Mrs. Browning: If all is well, why does the Minister think the Nottingham *Evening Post* quoted a member of the Labour party—one of her MPs—as saying that the position was not acceptable? Other Labour MPs representing Nottinghamshire constituencies—*[Interruption.]*

Madam Speaker: Order. Will the Minister answer briefly? Otherwise I shall move on to the next question, because I have heard enough of this.

Mrs. Liddell: In fact, the press release issued by the hon. Member for Tiverton and Honiton (Mrs. Browning) is dated 15 June rather than yesterday.

As for the hon. Lady's points about Nottinghamshire, Members throughout the House have been working with miners in their communities to ensure that the necessary documentation is processed as quickly as possible. Labour Members are holding surgeries to help miners, while Conservative Members are issuing press releases. I note that the hon. Lady did not apologise to the House for misleading it, or for the actions of the last Government.

Mrs. Browning *rose—*

Madam Speaker: I hope that we are going to hear another question.

Mrs. Browning: On a point of order, Madam Speaker.

Madam Speaker: Order. I can take no points of order during Question Time. I understand that the hon. Lady wished to ask three questions. If she has a question, I will hear it.

Mrs. Browning: Why has the Nottingham *Evening Post* had to run a campaign—the word that it used—on behalf of former miners in its area to encourage the Government to speed up the processing of claims? Why should it be incumbent on local newspapers to make the Government do their duty?

Mrs. Liddell: Like all other coalfield newspapers, the Nottingham *Evening Post* is working with the mining community to process the claims as quickly as possible. It was my hon. Friend the Member for Sherwood (Mr. Tipping), the Parliamentary Secretary, Privy Council Office, who is present, who spoke to the newspaper.

What the hon. Lady says would be much more credible if she were prepared to go into mining communities and answer for the inaction of the Government whom she supported, and under whom she was a Minister. Labour Members have acted to ensure that within three years we shall have settled the biggest personal injury action in the country's history. It would have taken 15 years had we not acted. Some £60 million pounds is to go into miners' pockets, but had the last Government accepted liability, the money could have been in miners' pockets now.

Mr. George Stevenson (Stoke-on-Trent, South): I congratulate my right hon. Friend and her Department

on implementing the compensation scheme, in stark contrast with the record of the previous Government, but will she revisit the payments that are being offered on legal advice under the so-called fast-track system? I have constituents who are terribly affected by emphysema and lung disease as a result of their mining experience but who are being offered as little as £3,000 under the fast-track procedure. Will my right hon. Friend please revisit that important aspect of the scheme?

Mrs. Liddell: If a miner or his widow accepts compensation under the fast-track procedure, they can also opt to go into the medical assessment process. It is on the basis of that process that the excess damages are paid. If my hon. Friend has any specific cases that he wishes me to look at, I will be only too happy to do so. I commend him and my hon. Friends from the coalfields who are doing extra work with mining communities to try to move the claims along as quickly as possible. I know that their work is much appreciated in mining communities. It is certainly much appreciated by the Government.

E-commerce

3. **Mr. Nick St. Aubyn** (Guildford): If he will make a statement on the regulatory framework for e-commerce. [124581]

The Secretary of State for Trade and Industry (Mr. Stephen Byers): The Electronic Communications Act 2000, which received Royal Assent on 25 May, gives legal certainty to the use of electronic signatures and gives powers to amend existing legislation. It will ensure that the United Kingdom is the best place in the world for e-commerce.

Mr. St. Aubyn: The Home Secretary's Bill, the Regulation of Investigatory Powers Bill, which will regulate e-commerce in this country, is described in a *Financial Times* leader today as giving the Home Secretary

powers that Joseph Stalin would have used with relish.

It says that those powers

could seriously injure the attractions of the UK as a location for e-business.

Is the Secretary of State not aware that, earlier this week, the British Chambers of Commerce published a report by the London school of economics warning that our level of e-commerce business could suffer by up to 30 per cent. as a result of the Home Office Bill? A major company in my constituency with long experience of encryption development—

Madam Speaker: Order. Questions are getting out of hand today. We are getting into an Adjournment debate. If the hon. Gentleman has a constituency case, he should raise it on the Adjournment. Put the question to the Secretary of State.

Mr. St. Aubyn: Thank you, Madam Speaker.

When will the Secretary of State accept responsibility for the Home Office Bill's highly damaging effects on e-commerce business for my constituents and others?

Mr. Byers: It is agreed by business that we need to have a safe and secure environment for electronic commerce. The Regulation of Investigatory Powers Bill, which the Home Office is taking through another place, will provide that environment. However, we are aware that there are concerns in the business community about some of the Bill's proposals, which is why the Home Secretary, on behalf of the Home Office, has indicated that he is more than willing to consult business about its concerns. That is what he will do. If necessary, the Bill can be amended to reflect those concerns.

Mr. Andrew Miller (Ellesmere Port and Neston): The Electronic Communications Act paves the way for Britain to take a leading role in that important area; my right hon. Friend should take no notice of the carping from the Opposition Benches. Will he look carefully at encouraging companies to work together to kitemark their products, so that they can sell to the rest of the world with an underlying support mechanism among themselves—which will be self-regulated—to ensure that goods and services are delivered? That would help. Secondly—

Madam Speaker: Order. The hon. Gentleman has put a question. Will the Secretary of State answer? We are moving on in questions today. Come along.

Mr. Byers: It is true that business-to-business transactions over the internet are proceeding very quickly and developing rapidly. However, my hon. Friend raises an important issue, which is about transactions with individual consumers over the internet. There is some merit in the idea of an e-mark to brand the validity of transactions. It is one of the issues that my hon. Friend the Minister for Small Business and E-Commerce is considering.

Dr. Vincent Cable (Twickenham): As the Home Secretary has apparently bet his annual salary that the estimates of the British Chambers of Commerce are grossly exaggerated, could the Department of Trade and Industry, as the Department responsible for e-commerce, give its own estimates of what the Regulation of Investigatory Powers Bill will cost industry? Could the Secretary of State also calm industry's anxiety by giving a categorical assurance that the compliance costs of meeting national interests will be fully reimbursed by the Government?

Mr. Byers: The Home Office, as the Bill's sponsor, has done its own assessment of the business cost. I repeat the point that I made earlier: if business has genuine concerns—I know that it has expressed some recently—about the measure that the Home Office is taking through the House of Lords, we are prepared to listen to those concerns. That is exactly what we did with the Electronic Communications Act 2000. I believe that we were able to ensure that that measure was very effective by listening to the views being expressed, and I am sure that we shall do exactly the same with the Regulation of Investigatory Powers Bill. That assurance is there. If business wants to discuss the matter with the Home Office, the Home Secretary has invited it to do precisely that.

Mr. Nick Gibb (Bognor Regis and Littlehampton): It was thanks to Conservative Members that the over-regulatory first draft of the Electronic Communications Bill was shaken up and whittled down to the light-touch

approach that we finally saw. Now, however, it seems that all those excessive, interventionist regulations were simply sent down the road through St. James's park to the Home Office, and included in the *RIP Bill*. There seems to be a complete absence of joined-up government.

More important, the Secretary of State himself seems to have completely abandoned the DTI's role within government as the protector and promoter of business and enterprise. What liaison has he himself had—it is all very well for him to talk about the Home Secretary doing this or that—with the Home Office in the formation of the RIP Bill? Or is he completely content with a Bill that puts yet more burdens on to business and is likely to cost British business £46 billion in lost business?

Mr. Byers: I replied to that question a little earlier. The hon. Gentleman has not reflected on the answer that I gave to the hon. Member for Guildford (Mr. St. Aubyn), in which I made it clear that if business is concerned about the Bill's contents, we shall consult with business. That is exactly what we shall do. The Home Office is providing a secure and safe environment for e-commerce.

We are going to take no lessons on e-commerce from a party that supported key escrow—which got the whole of business up in arms against it. Conservative Members know very well that that was the Conservative party's exact policy. The Conservative party was the party of key escrow, and business opposed it totally. Our proposals are ones that business actually supports.

Regional Selective Assistance

4. **Mr. Archy Kirkwood** (Roxburgh and Berwickshire): When he will publish the map agreed by the EU for eligibility for regional selective assistance; and if he will make a statement. [124583]

The Minister for Trade (Mr. Richard Caborn): As soon as possible, once the map has been agreed with the Commission. I hope that that answer is in compliance with your desires, Madam Speaker.

Madam Speaker: Absolutely. Perfect.

Mr. Kirkwood: Will the Minister of State give special consideration to those areas seeking eligibility for inclusion on the map and which were on it in July 1999 but have lost that position in the most recent proposals? Will he consider those cases sympathetically? Will he also acknowledge that, now that the United States Trade Department has proposed trade sanctions against the importation of cashmere jerseys, state aid will be more important than ever in developing the local economy in areas such as my own, in places such as Kelso? Will he undertake to get the map's details resolved as soon as possible, and try to impress on the European Commission the urgent need to sort out the underlying trade dispute with the United States?

Mr. Caborn: On the first point, yes, we shall try to move the Commission on the matter as quickly as possible. I understand the hon. Gentleman's desire, which is shared by many other hon. Members, to clear up the matter as quickly as possible. We have a number of indicative offers out for regional selective assistance, but they have been held up because of non-clearance of the map. I hope that the Commission will deal with the matter sooner rather than later.

We are making very strong representations on cashmere and the United States's new approach on the carousel. The European Commission knows our position on those issues, on which we shall be making separate representations.

Mr. Dale Campbell-Savours (Workington): In relation to West Cumbria, the gross domestic product figures that the European Commission uses as the basis on which it calculates regional selective assistance levels are simple, plain rubbish. They do not reflect what is going on in reality, as we lose substantial numbers of jobs in various industries. Can we have an inquiry into the make-up of those statistics and a review of the whole arrangement?

Mr. Caborn: I cannot comment in detail on the issues that my hon. Friend has raised, but the statistics are consistent across the Community. If specific areas have problems with the statistical analysis, we will consider them. The statisticians, both here in the United Kingdom and in the European Union, are professional people of integrity. If there are fundamental mistakes or flaws, we will consider them.

Mr. Ian Bruce (South Dorset): What role will the regional development agencies play in deciding how money will be spent in regional assisted areas? Will the Minister consider carefully what is happening in the south-west, where the RDA looks after Cornwall? The RDA has shown an appalling lack of activity, especially in my constituency, in leaving the best site in the south-west empty because of its inaction in getting the Portland naval site freed up. Will he please get a grip on that awful organisation?

Mr. Caborn: Perhaps the hon. Gentleman should have a meeting with Sir Michael Lickiss, the chairman of the RDA. If he has complaints beyond that meeting, we will discuss them. The strategy presented by the south-west RDA was a bottom-up process and was the subject of wide consultation in the south-west. The business community in the area accepted that strategy, and so did the Government, and that is what we will work towards. We will look into the specific point that the hon. Gentleman raised.

Ms Joan Walley (Stoke-on-Trent, North): I thank the Minister for the work that he is doing to get the objective 2 map agreed, as well as the regional state aid map. It is important that we balance the money available for communities across the country, but I ask him to do all that he can to get a decision by the summer. In the interim and in respect of North Staffordshire, can he confirm that his officials are giving advice that conditional offers can be made, pending agreement by the Commission? In other words, can he confirm that everything that can be done is being done to benefit the North Staffordshire community?

Mr. Caborn: The answer is yes, and we have been giving out indicative offers since 1 January this year, to ensure some stability for the process, but we cannot make decisions until the European Commission makes decisions on the map. By the way, if the Staffordshire newspaper *The Sentinel* was as supportive of its area as other regional

newspapers, it could promote the area instead of running it down all the time. It is disgraceful that an official of the Commission has actually had to write to the editor about its inaccurate reports, which affect the area's industrial base. The letter stated:

Moreover, the quotes in question are insulting to a UK Cabinet Minister and his Department.

Aerospace Industry

6. **Mr. John Wilkinson** (Ruislip-Northwood): How much launch aid from his Department for aerospace companies over the last 10 years has been devoted to projects which have dual civil and military applications. [124586]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): Launch aid, which is now referred to as launch investment, is available to assist only in the design and development of civil aerospace projects.

Mr. Wilkinson: Notwithstanding the Minister's reply, is it not the case that the EH101 helicopter received substantial investment aid from the Department, before this Government came to power, as did the RTM322 power plant and helicopter engine? Is it not therefore important that the Department recognise the industrial implications of the procurement in future by the Royal Air Force and the Royal Navy of amphibious and support helicopters to replace the Puma and the Sea King HC4? That is necessary to ensure that the British helicopter industry remains, as it is now, at the forefront of European technology.

Mrs. Liddell: The hon. Gentleman knows that we will do what we can to support the British industrial base as much as possible. The EH101 began as a military aircraft and, in the mid-80s, my Department put resources into it to see whether it could be developed for civil purposes. We work with the Ministry of Defence, especially through the Civil Aircraft Research and Technology Demonstration—or CARAD—to ensure that any synergies that can be developed out of military research capability are also available for civil capability. However, the launch aid recently given to British Aerospace for the A3XX represents a considerable opportunity to help the British aerospace industry and will benefit both the civil and military aspects of that industry.

Mr. Barry Jones (Alyn and Deeside): May I thank my right hon. Friend, her Department and the Government for the £530 million launch aid for the A3XX, and for the £133 million launch aid for the A340, the stretch version? That aid is massively important for my constituency, but how can my right hon. Friend help me prise out of the Welsh Assembly a £25 million regional grant for the Airbus 3XX? That grant would guarantee 1,400 jobs for a generation. If we do not have those jobs in my constituency, they will be exported—perhaps to Hamburg, or even to the English regions.

Mrs. Liddell: Matters relating to regional development assistance in Wales are for the Welsh Assembly, but my right hon. Friend is right to point out the job-creating potential of that assistance. The assistance that we have been able to give to British Aerospace for the A3XX will create 22,000 jobs, and preserve 60,000 others. That very considerable investment will have very considerable benefits for the British economy.

Mr. Nigel Evans (Ribble Valley): I welcome the launch aid for the A3XX, and the two big contracts for Meteor and the A400M. However, BAE Systems today announced a total of 3,800 job losses. I have BAE Systems Samlesbury in my constituency, and the plant at Warton, where 750 jobs have been lost, is nearby. A number of smaller companies supply and contract to BAE Systems and may suffer job losses that have not yet been identified.

Will the Minister have talks with the Secretary of State for Defence to see whether the two big projects could be brought forward to alleviate some of the job losses that have been announced? What will her Department do to give direct assistance to workers who will lose their jobs over the coming months in an area that has been hit already by a number of manufacturing job losses?

Mrs. Liddell: I very much regret the decision and the job losses that have been announced today. I understand that the job losses arise largely from the merger of British Aerospace with Marconi and from the consequent rationalisation and restructuring process that is aimed at improving BAE's global competitiveness. I know that BAE has acknowledged the support that it has received from the Government.

The Government, especially my Department and the Department for Education and Employment, will certainly react in the most positive possible way to give necessary assistance to people losing their jobs. We will do what we can to allow the process of change to go ahead as painlessly as possible.

Regional Selective Assistance

7. **Mr. Bob Blizzard** (Waveney): What preparations his Department is making for implementation of the new assisted areas map. [124587]

The Minister for Trade (Mr. Richard Caborn): As I said earlier, my right hon. Friend the Secretary of State announced on 21 December last year that we would be giving indicative offers of regional selective assistance. We have done that, and we hope to make that assistance available as soon as the European Union clears the map.

Mr. Blizzard: My constituents are delighted that the Government have designated Lowestoft for assisted area status—unlike the previous Government, who did not seem to know where Lowestoft was.

However, in the expectation that the European Union will soon clear the map, and given the length of time that has passed since the original announcement, will my right hon. Friend authorise a relaunch in the region? He will know that a number of the assisted areas on the east coast contain fabrication yards that are having to adjust to the smaller scale of the North sea oil and gas industry. Does he agree that it is essential that those businesses get help

from assisted area funds, to enable them to restructure and diversify? Will he ensure that the Government regional offices and the RDAs recognise that as a priority?

Mr. Caborn: First, I congratulate my hon. Friend and those colleagues who represent that part of the eastern region on the exhibition in the Upper Waiting Hall about oil and gas industry exploration, which I had the privilege to open on Monday. I suggest to my hon. Friend that it would be far better if the companies that want to get involved in applications for RSA put their plans forward so that we can evaluate them. I hope that they will be part of the reconstruction of a sector of the economy that has been neglected for many years. I think it is now coming round, and restructuring will allow it to have a very bright future.

Mr. Owen Paterson (North Shropshire): How much has the presentation of an ineligible map to the EU cost the British taxpayer?

Mr. Caborn: I cannot reply to the hon. Gentleman now, but I shall find out the answer and write to him. I can assure him, however, that seven years ago, when the previous Administration carried out this exercise, they did so in a far more party political way. That is one thing that the present Government cannot be accused of, as we have conducted wide consultation through the regional development agencies and the Government offices for the regions. Indeed, we had to withdraw the July map because it was said that we had tried to get more than our fair share. We then went back to consultation, in which many people participated. The process has not been part of a political fix, as it was under the previous Administration seven years ago.

Mr. John Cryer (Hornchurch): My right hon. Friend will know that Rainham, in my constituency, has been removed from assisted area status. Rainham is bang next to the Ford Dagenham factory, and since that decision was taken, the management of Ford have decided to end car production at Dagenham, with the potential loss of thousands of jobs. Will my hon. Friend reconsider that decision and reverse it?

Mr. Caborn: As my hon. Friend knows, we have set up a working party to look at Dagenham. However, once the map has been cleared—we are asking the Commission to clear it as speedily as possible—it will apply for the next seven years. The point that my hon. Friend has raised will be taken on board by the working party that has been set up to look at the fallout from Dagenham.

Diesel Manufacturers

8. **Mr. Bob Russell** (Colchester): What assistance he is giving to United Kingdom diesel manufacturers to increase sales in the UK and overseas. [124589]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): The Department works in partnership with the UK diesel engine industry to help improve its competitiveness and thereby increase sales in the UK and internationally. Our activities include support for the development of diesel engine technology and the extensive export promotion services offered by British Trade International.

Mr. Russell: I am grateful to the Minister for her reply, as far as it went, but does she not agree that diesel engine manufacturers feel that they are not getting the support that they need? In particular, may I draw her attention to Paxman in my constituency, now owned by MAN? Does she agree that her Department, and the Government in general, should encourage the Ministry of Defence and the privatised rail industry to purchase British-made diesel engines?

Mrs. Liddell: I know of the hon. Gentleman's interest in this matter. Indeed, he has raised it before on the Floor of the House. As for promoting diesel engine development, I have just come from a meeting with the Department of the Environment, Transport and the Regions that brought together the refining industry, the downstream oil industry and motor manufacturers. One of the first issues that we discussed was the emergence of new forms of diesel engine technology.

Indeed, through the Engineering and Physical Sciences Research Council, we support projects that are focused on the diesel engine sector. Eight grants have been awarded, amounting to some £1.3 million, specifically to support the development of diesel engines. Whenever the Government carry out procurement exercises for defence vehicles, they are aware that that is a matter of considerable importance to the industry, and do everything that they can to assist British industry.

I am conscious of the fact that the company in the hon. Gentleman's constituency has recently been taken over. I believe that that is viewed positively as an excellent opportunity to enlarge its potential, not just in the United Kingdom but internationally.

Mr. David Chaytor (Bury, North): Is not the difficulty for diesel engines the fact that as the years go by, they are likely to become less important for private cars? That is because of the inevitable exhaustion of the world's oil reserves, which will reach their peak of production in a few years time, the inevitable rising price of oil, and the need to reduce carbon emissions by about 60 per cent. by the middle of this century. Would not the best support for diesel engine manufacturers be to encourage them to diversify into alternative sources of fuel, such as hybrid engines, gas-powered vehicles and fuel cells?

Mrs. Liddell: My hon. Friend makes an interesting point. It has to be said that this is not an either/or situation, or a question of solely developing new diesel technology at the expense of other technologies. Automotive manufacturers, and, indeed, diesel manufacturers, are looking at other aspects of powering vehicles, but some big issues have to be addressed.

Many of us associate diesel engines with the diesel engines of the past, and think of the London buses that belched out black fumes. New diesel technology is improving considerably, but we must still strike a balance—we must understand the extent to which these engines have an impact on the environment. My hon. Friend is right to say that it is essential to look at every

new technology that comes along. As demand for cars increases, we must be sure that we have the fuels to drive them.

Mr. Geoffrey Clifton-Brown (Cotswold): If the Minister is so concerned about the competitiveness of the vehicle manufacturing industry, will she make representations to her colleagues in the Treasury to drop the £1 billion energy tax to which the Labour party is committed, and to stop increasing the duty on diesel way in excess of inflation through the fuel duty escalator, which hits motorists so hard, particularly in rural areas?

Mrs. Liddell: I think that it was the Deputy Prime Minister who accused Conservative Members of wanting the country to have collective amnesia. I seem to recall that it was the previous Government who introduced the fuel duty escalator.

As for the climate change levy, Governments across the world are having to consider means of reducing emissions into the atmosphere. That is why the Government are taking action in a coherent focused way, by contrast with the behaviour of the Conservative party, which introduced the fuel duty escalator when it was in power.

Textile and Clothing Industry

9. **Judy Mallaber** (Amber Valley): If he will make a statement on his Department's response to the textile and clothing strategy group's report published on 6 June. [124591]

The Secretary of State for Trade and Industry (Mr. Stephen Byers) *rose—*

Hon. Members: Show us the jacket.

Mr. Byers: The Government welcome—

Hon. Members: He's got style.

Mr. Byers: Thank you very much.

The Government welcome the report of the strategy group on the textile and clothing industry. At its launch last week, the Government announced as a first step measures to help firms strengthen their position in world markets, raise added value, improve skills levels and diversify into new markets. The Government's response has been widely welcomed by the industry.

Judy Mallaber: I thank my right hon. Friend, and welcome his comment that his statement last week was just a first response to that report, which is so essential to making sure that the industry has a future and can compete in world markets.

In view of the current job losses and closures in the industry, will my right hon. Friend ensure that the special unit now set up in his Department acts very speedily on all the recommendations in the report, in conjunction with the industry, and that the necessary additional resources are allocated to back up that work? Will he instruct the Government offices for the regions to give assistance to clothing and textiles firms, including helping them access the grants that are available? Will he also urge regional development agencies to give priority to the industry and see what they can do to make sure that it has a future?

Mr. Byers: My hon. Friend is right to point out that last week we announced a plan that is really just the first step in our approach to the strategy group's report. A key aspect will be to address matters at a regional level. The regions of England—and, indeed, Scotland and Wales—are being affected in different ways, reflecting the diversity of the industry. The Government offices, the Scottish Parliament and the Welsh Assembly are looking carefully at how they can assist an industry through a period of quite radical change, which is what we are seeing in the textiles and clothing industry.

I happen to believe that, given the strengths that we have in the United Kingdom, textiles can be a real growth industry in the future. For that to be achieved, we have to arrest the present decline, and I think that the measures that we have put in place will begin to do precisely that.

Mr. David Tredinnick (Bosworth): Does the right hon. Gentleman accept that for many thousands of workers in the east midlands, including my constituency in Leicestershire, the report has come too late, and that there is very little in it for those who have lost their jobs? Does he further accept that some recommendations, such as those for improvements in training, mean little in a town like Hinckley, where the courses have just closed down?

What will the right hon. Gentleman do about reducing tariff barriers in markets overseas, now that the multi-fibre arrangement is being phased out? What is there in the report about his attempts to improve the trading situation for our hard-pressed companies abroad—companies that are in a worse situation under this Government?

Mr. Byers: As for the multi-fibre arrangement, we are ensuring that as we move into that situation, we can open up trade and markets that will benefit UK industry. That is what we intend to do, while recognising, as we do, that open trade is in the interests of the industry because there will be more markets to which it can export. That is one of the Government's key objectives.

I understand that the training courses that were held at Hinckley have not closed, but have been transferred to a neighbouring college, so the opportunities are still there. However, the hon. Gentleman is right to point out the importance of training for people who were involved in the industry. There has been a history of underinvestment in training and skills development. One of the key priorities raised in the strategy group's report was the importance of investing in skills and training—and that is exactly what we intend to do.

Dr. Brian Iddon (Bolton, South-East): A few days ago, Coats Viyella announced the closure of the Cawdor Street mill in my constituency in Farnworth, with the loss of 90 jobs. Will the recommendations in the report that are aimed at helping such workers be in place soon enough to assist those who will lose their jobs in Farnworth?

Mr. Byers: Through the initiatives taken by the Department for Education and Employment, tailor-made proposals will help individuals who have been affected by the announcement to which my hon. Friend referred.

In addition to the help that we can give individuals, it is important to look at the industry as a whole to consider what support the Government can give. As a result of the strategy group's report, that is what we are doing. The report includes a series of recommendations from the industry and its employees; that is why it is so strong and so practical in setting out an agenda for the future of the industry, and why we take it so seriously. Last week we responded to several of the recommendations, and during the period ahead, we shall give further consideration to how we can implement the review group's proposals positively.

Mr. Richard Page (South-West Hertfordshire): I assure the House that I am wearing a jacket that was made in England.

Why did the strategy group set up by the DTI take more than a year and a half to report? Every month during that year and a half, hundreds—thousands—of jobs were lost, culminating today, I understand, in 4,000 jobs at C&A. Is the Secretary of State not aware that he should have taken action to have the report produced sooner? Is he aware that the textiles analyst at Deutsche bank said that the initiative could not reverse the industry's fortunes? She said:

> This sounds like a lot of hot air. The government is just trying to avoid adverse publicity. It is willing to pour money into Rover, but the textiles sector is in far worse condition than the car industry—that's politics for you.

Is he not aware that in his own Department, a challenge initiative is under way with the apparel and textiles industry to carry out the main aspects of the report? That is in place, and it is funded by his Department. May we have an answer from the Secretary of State about the strategy? Why is the Department prepared to put money into Rover and not into the textiles industry? May we have a constructive answer, not a lot of spin?

Mr. Byers: The hon. Gentleman does no service to the Phoenix group, which has taken over Rover, by implying that it receives state support; it does not. The group has made it clear to its City backers that it is not asking for money from the Government. I hope that the hon. Gentleman realises that he has made a mistake. He is talking down the Phoenix group, and that will be bad news for Rover and for Longbridge. That is the reality: not a penny is going from the Government to the Phoenix group to support it in Longbridge. That is what Phoenix wanted, and that is how we are responding. He should not talk the group down; the City listens carefully to such comments.

The textiles and clothing strategy group was not run by the Department. We asked the industry to make recommendations, and the industry took 18 months. That was the decision that it took. However, it has made clear recommendations to the Government, and we are acting on them.

The Conservatives have no strategy for textiles and clothing. They were prepared to see the industry become the innocent victim of market forces. We are prepared to help it through a process of change and to diversify, raise skills and invest in the future—and that is exactly what we shall do.

In case the hon. Gentleman wants to ask about my labels, he will be pleased to know that, from top to toe, I am wearing Great British-built clothing.

Export Licences

10. **Mr. Eric Illsley** (Barnsley, Central): What plans he has to amend the procedures for application for export licences. [124592]

The Minister for Competition and Consumer Affairs (Dr. Kim Howells): Since March 1999, exporters have been able to apply for standard individual export licences on disc. About 90 per cent. of such applications are now made in this way. The aim is to build on that and to introduce a system that will enable exporters to submit their applications over the internet, subject, of course, to satisfactory assessment of security and other relevant issues. Every effort is made to give applicants a decision as quickly as possible, consistent with careful consideration.

Mr. Illsley: My hon. Friend will be aware of a company in my constituency that, even as we speak, is in danger of losing a $600,000 contract to supply a standard piece of equipment—a mine hoist—to a mine in Iran. It might lose the contract because of delays in obtaining an export licence, which it applied for as long ago as March. Will he consider the procedures involved in applying for such licences, and in particular, the inflexibility caused by the fact that the committee that considers the applications meets only once a month? After the approval of an application, delays are then caused by the requirement for approval by other Government Departments. Does my hon. Friend not agree that it might be better to have a single agency to deal with such licences, so as to speed up the process?

Dr. Howells: I take on board my hon. Friend's suggestion, but he must remember that United Nations sanctions are in place to govern the export of military or dual-use goods to Iran. I understand that the sanctions enforcement team was concerned that the hoist in question might have applications other than those specified in the application. That is why a careful examination of the application by the Ministry of Defence and the Foreign and Commonwealth Office is under way. However, I assure my hon. Friend that as soon as the matter returns to the Department of Trade and Industry, it will receive swift and careful attention.

Miss Anne McIntosh (Vale of York): Although I welcome the Minister's announcement, will he join me in regretting today's announcement by British Aerospace of the closure of its avionics plant at Sutton-on-the-Forest in the Vale of York? One reason for the closure is the merger with Marconi, but another is that the company is finding it increasingly difficult to compete in a major internationally competitive market. Undoubtedly the strength of the pound has harmed the company, so what do the Government propose to do to aid exports in that market?

Dr. Howells: I, too, regret the announced job losses, but I am absolutely sure that British Aerospace, like many other companies in this country, has made the necessary adjustments to compete worldwide. It is a successful company in world wide competition, and I as a Minister will not stand here and talk it down. I know that we have measures in place to help the workers who are being

displaced to retrain and find other work. I hope very much that that will happen quickly, but I have every confidence in British Aerospace as a world competitor.

Ms Julia Drown (South Swindon): A number of export licence issues were raised in the Scott report, and they cannot be addressed without further legislation. Is my hon. Friend's Department ready to get that legislation on to the statute book, and is it pushing to find parliamentary time to do that as soon as possible?

Dr. Howells: I assure my hon. Friend that we are busy at work on drafting appropriate legislation, and that we shall fight our corner to make sure that it appears on the statute book.

Car Manufacturing Industry

11. **Mr. Michael Fabricant** (Lichfield): If he will make a statement on car manufacturing in England. [124594]

The Secretary of State for Trade and Industry (Mr. Stephen Byers): In 1999, we saw the highest total number of cars produced in the United Kingdom since 1972. Although we recognise that in a dynamic economy there will be changes in the sector, we are confident that it will remain a major employer.

Mr. Fabricant: We all welcome the initiative to introduce cheaper cars, but does the Secretary of State realise that by announcing the initiative without saying when or how the aim will be achieved, he has caused a real problem for manufacturers and distributors, as John Towers of the Phoenix group said only yesterday?

Will the right hon. Gentleman admit, in a moment of honesty, that perhaps he made the announcement a little too soon? There is a hiatus in the sale of cars, which is causing problems both for distributors and suppliers. When will the Government learn the lesson that they should think first of the consequences before announcing new initiatives merely for the sake of political spin?

Mr. Byers: It was the hon. Member for Tiverton and Honiton (Mrs. Browning), who speaks for the Opposition, who urged me to respond quickly to the Competition Commission's report. She is now complaining that that was six months ago, and that I delayed too long. That is the reality; Opposition Members need to get some consistency in their arguments.

I responded to the commission's report. On Monday I put out an order for consultation, and the industry has 30 days to comment on it. We shall then reflect on the matter and make a decision accordingly. How long the process will be, and when implementation will take place, will be decided in the light of the consultation process. That is exactly how it should be done.

We are not prepared to tolerate a situation in which the consumer in the United Kingdom, as the report showed, is paying on average £1,100 too much for each car purchased. The Conservative party in government did nothing about that, but we will.

Electricity Trading Arrangements

12. **Mr. Michael Clapham** (Barnsley, West and Penistone): What progress has been made with the new electricity trading arrangements. [124596]

The Minister for Energy and Competitiveness in Europe (Mrs. Helen Liddell): The new electricity trading arrangements are on target for implementation in the autumn.

Mr. Clapham: I am grateful to my right hon. Friend for that answer. Does she agree that the pool system, as introduced when electricity was privatised by the Tories, worked artificially to increase the price of electricity because of the marginal pricing system that was part of the pool? That was bad for industry, bad for the consumer generally and bad for British competitiveness. Does she further agree that the new electricity trading arrangements should bring beneficial reductions in electricity prices that should help in exporting electricity to continental Europe, which should help the British deep coal mining industry?

Mrs. Liddell: My hon. Friend is absolutely right. There is no question but that the electricity pool has distorted the market, especially to the disadvantage of flexible plant such as coal. The move towards the introduction of new electricity trading arrangements has shown that from a 1998 baseline there is a 25 to 30 per cent. real-terms cost reduction in electricity forward agreements. That is to the advantage of the consumer. Privatisation was bungled by the Conservative Government, and the consumer has paid the price. This Government will set things right.

Mr. Simon Thomas (Ceredigion): Does the Minister agree that the introduction of net metering would give a tremendous boost to renewables, especially in the domestic sector? When will the Government think again about such metering within the electricity arrangements?

Mrs. Liddell: The hon. Gentleman is aware of the action that the Government are taking to support the renewables industry. We have put in place a [illegible]r cent. obligation for electricity suppliers to take their energy from renewable sources, so as to move renewables from the margin into the mainstream. That is how the future will be.

The Utilities Bill, which is now in another place, is neutral on net metering. It may be that in future there will be an opportunity for such metering, both domestically and otherwise. The Department has brought together the embedded generation working group, which is considering the various aspects of embedded generation and renewables, including the difficulties of storing energy for access to the grid. Those matters are live for the Government. We are anxious to support the renewables industry because there is an opportunity for considerable competitive advantage for the United Kingdom.

Mr. Chris Pond (Gravesham): The Minister will be aware that trading in electricity is not the primary purpose of the Kimberley Clarke proposal for a combined heat and power plant in Northfleet in my constituency, but that it will considerably increase the productivity and efficiency

of that plant. It will underline the considerable investment there, and perhaps help to secure its future. Will the Minister say when we shall hear the result of the company's request for approval of that investment?

Mrs. Liddell: My hon. Friend has been active in pursuing that application. He will be aware that, because of the quasi-judicial position of my right hon. Friend the Secretary of State and myself, I cannot give him an answer, other than to say that the Government have done much to support combined heat and power, not only through the restricted gas consents policy, but through the climate change levy.

Business of the House

12.30 pm

Sir George Young (North-West Hampshire): Will the Leader of the House give us the business for next week?

The President of the Council and Leader of the House of Commons (Mrs. Margaret Beckett): The business for next week will be as follows:

MONDAY 19 JUNE—Debate on the royal commission report on the reform of the House of Lords on a motion for the Adjournment of the House.

TUESDAY 20 JUNE—Opposition day [14th Allotted Day]. Until about 7 o'clock there will be a debate on "US/UK Air Negotiations" followed by a debate entitled "The Government's Policy on Planning, House Building, Development of Greenfields and the Decline of the Cities". Both debates will arise on Opposition motions.

Second Reading of the Census (Amendment) Bill *[Lords]*.

WEDNESDAY 21 JUNE—Second Reading of the Children (Leaving Care) Bill *[Lords]*.

THURSDAY 22 JUNE—Debate on the Security and Intelligence Agencies on a motion for the Adjournment of the House.

FRIDAY 23 JUNE—Debate on policing of London on a motion for the Adjournment of the House.

The provisional business for the following week will be:

MONDAY 26 JUNE—Remaining stages of the Race Relations(Amendment) Bill *[Lords]*.

TUESDAY 27 JUNE—Remaining stages of the Learning and Skills Bill *[Lords]*.

WEDNESDAY 28 JUNE—Remaining stages of the Limited Liability Partnership Bill *[Lords]*.

Remaining stages of the Fur Farming (Prohibition) Bill.

THURSDAY 29 JUNE—Opposition Day [15th Allotted Day]. There will be a debate on an Opposition motion. Subject to be announced.

FRIDAY 30 JUNE—The House will not be sitting.

Sir George Young: The House is grateful for next week's business and an indication of the business for the following week.

When does the right hon. Lady expect the Prime Minister to make a statement to the House on the outcome of the European Council in Portugal?

I see that, on Tuesday, in Government time, the House is to debate a private Member's Bill—the Census (Amendment) Bill. If the Government are now finding time for private Members' Bills that are objected to on Fridays, when might we debate the Warm Homes and Energy Conservation Bill?

Will the Leader of the House find time to debate the Neill committee report "Reinforcing Standards", given the growing concern about the politicisation of the civil service, and the Government's failure to respond to the report's recommendations?

Following the appearance by the Secretary of State for Health on the "Today" programme, will time be found next week for a statement by the right hon. Gentleman on the Government's welcome change of policy towards the independent sector of medicine? The need for such a statement is reinforced by a parliamentary answer that revealed that expenditure by the national health service on that sector has risen by almost 50 per cent. since the general election.

There is mounting interest in the comprehensive spending review. When does the Chancellor hope to make a statement on the outcome? In addition, can we resolve soon the issue of the pattern of economic debates throughout the year?

Finally, last week I asked about the date of the summer recess, so that our staff and the staff of the House can plan their lives. I incurred the usual heckle from the hon. Member for Bolsover (Mr. Skinner), but did not receive the consolation of a reply from the right hon. Lady. Can she shed any light on the subject today?

Mrs. Beckett: First, as the right hon. Gentleman knows, it is the Prime Minister's custom to make a statement to the House after formal EU Councils, so I anticipate that one will be made. I cannot give a date, but I anticipate that it will be within the usual time scale.

Secondly, the right hon. Gentleman asks about the Census (Amendment) Bill. He will understand that the position is unusual: Governments do not usually find time for private Members' Bills. However, the Bill is believed to be uncontroversial, and it went through the House of Lords without any difficulty. The issue it addresses was raised after the main census legislation had gone through, and it is promoted by our former Speaker, who is now a Cross-Bencher in the Lords. Until the objection the other day, there was no reason to anticipate that there would be a difficulty in the House of Commons. The matter is one in which there is considerable public interest, and there is a degree of pressure arising from the fact that the next census will not be held for another 10 years. As the alternative was not to deal with the matter at all, it seemed sensible to the Government to deal with it now, in the context of the current census.

The right hon. Gentleman asked me about a debate on the Neill report. There has been no undue delay in dealing with the report, which made 41 recommendations, some of them with substantial constitutional implications. The Government are giving the matter full consideration. It was put forward as a package of proposals, and the Government will respond to it as a package. I do not see much point in having the debate before the Government's response, but I take on board the right hon. Gentleman's request for such a debate. Indeed, I welcome it, as it will give us an opportunity to remind everybody that we have given the Conservative party substantial extra sums of public money—a fact to which Conservative Members seem puzzlingly unwilling to refer.

The right hon. Gentleman asked about a statement from the Health Secretary. Since, as my right hon. Friend made plain, there has been no change of policy on the issue, there is little for him to say to the House.

I have already indicated that I have taken on board the right hon. Gentleman's request for a statement on the spending review and his request for a little more clarity about the pattern of economic debates.

With regard to the recess, I apologise for having overlooked what was, I think, question 8 last week. I fear that I have, as yet, no news for the right hon. Gentleman.

[Mrs. Beckett]

Given the huge demand from the Opposition for further debates, I anticipate that they will want the House to sit until well into August.

Mr. Andrew Miller (Ellesmere Port and Neston): May I draw my right hon. Friend's attention to early-day motion 773?

[That this House notes with pleasure the 10th anniversary of the elections on 27th May 1990 in Burma, in which the National League for Democracy, headed by Daw Aung San Suu Kyi, won 392 out of the 495 parliamentary seats; but regrets the action of the military regime in failing to respond to the democratic wishes of the country; condemns the regime for retaining in prison 55 MPs elected in 1990 and for detaining 1,000 political activists last year; further condemns the regime for its brutal and inhumane treatment of ethnic minorities, such as the Karens, who have suffered from a brutal campaign of murder, forced relocation and slave labour during this period; and calls upon the British Government to exert the maximum pressure on the regime, including pressing for international court action against those responsible for crimes against humanity.]

Unusually, the early-day motion has already been signed by 190 right hon. and hon. Members from eight parties. May we have an early statement from the Government on the important subject of democracy in Burma?

Mrs. Beckett: I am grateful to my hon. Friend, and I know that he, with others, has long campaigned on the issue and takes a great interest in the subject. I am pleased to know that there is such support across the House for the position that he has been advocating. I cannot undertake to find time for an early debate, and I am not sure how easy it will be for a statement to be made on recent developments, but I assure my hon. Friend that the Government will continue to work steadily at the issue, as I know he would wish.

Mr. Paul Tyler (North Cornwall): Will the Leader of the House urgently consider publishing the criteria by which Ministers decide whether to make a full and proper statement to the House on a change of policy, and when they simply use a planted question and a written answer? The right hon. Lady will recall that in the past Ministers seemed to avoid making a full statement only when an issue was causing embarrassment on the Government's Back Benches, as in the case of the contamination of crops with genetically modified seed.

There are two cases in the news today on which, I think, the Leader of the House would accept that a proper statement should have been made to the House. Reference has been made to the fact that the Secretary of State for Health made copious references to a change of policy on the "Today" programme this morning. To add insult to injury, he implied that there would be a written answer this afternoon, when no such question appears on the Order Paper. How are we to hear whether a U-turn has taken place with regard to the investment of national health service money in the private sector?

The Leader of the House will have heard in exchanges a few minutes ago that there are serious concerns in the textile and clothing industry, relating not just to C&A but, as I understand from rumours circulating in the past few minutes, to Bhs. When will we get a proper statement from the Secretary of State on the Government's policy on that very important industry?

Mrs. Beckett: First, the hon. Gentleman asked about the criteria determining when a statement is made and when a written answer is given. I entirely reject the notion that a written answer is given when the matter causes the Government some difficulty. Indeed, I well remember, as I am sure he can, many occasions on which that has clearly been disproved by the Government making a statement in just such circumstances. The practice varies from occasion to occasion.

One of the important criteria is that we do not allow statements to be made on an Opposition day, which I hope the hon. Gentleman would welcome. *[Interruption.]* There is no need for the hon. Member for Epping Forest (Mrs. Laing) to make a fuss. We screwed that concession out of the previous Government with considerable difficulty when she was engaged as a special adviser.

The examples given by the hon. Member for North Cornwall (Mr. Tyler) do not stand up. From memory—and it is from memory, I accept—my right hon. Friend the Minister of Agriculture, Fisheries and Food did come to the House to make a statement about contamination, but the issue arose, if I recall correctly, over a weekend, and there was some difficulty with timing. With regard to the textile industry, it is an important industry and there is concern about it, but we have just had Trade and Industry questions.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): My right hon. Friend will be aware that many of us came into politics to defend and improve the national health service. May I point out to her that private commercial health care, which is an industry, is not required to maintain the same ratio of doctors resident to patients, or of trained nurses to patients? If there is any suggestion of a reverse takeover of the NHS by private industry health care units, I hope that she will reconsider her decision not to hold a debate next week, because some of us may have rather a lot to say about the matter.

Mrs. Beckett: Of course I understand my hon. Friend's sensitivity, and her family has many links with the health service. However, I understand that my right hon. Friend the Secretary of State for Health made it plain that there has been joint working between the health service and the independent health care sector and that there is every determination to ensure that not only value for money but proper clinical standards will be maintained where there is reciprocal use of facilities.

Mrs. Dunwoody: No, no.

Mrs. Beckett: Well, that is my right hon. Friend's policy. Proper clinical standards will be maintained and those are the contracts that will be undertaken, but not at the expense of developing NHS services. Of course I share my hon. Friend's view. The whole House—well, most hon. Members—will share her view that it is extremely important that we modernise and expand the health service so that it can deal with all those who wish to use it. That is what the Government are doing.

Mr. John Wilkinson (Ruislip-Northwood): Will the Leader of the House allow time next week to hold a

debate on the White Paper "Smoking Kills", especially in the light of the damning report just published by the Select Committee on Health, entitled "The Tobacco Industry and the Health Risks of Smoking"? Will she ensure that the hon. Member for Leicester, East (Mr. Vaz) is present at that debate to explain why the Government still allow the European Union to subsidise the growing of tobacco in southern Europe at the British taxpayer's expense? Does she realise that subsidising tobacco growers in the EU is roundly criticised by the Select Committee in paragraph (zz) of its report?

Mrs. Beckett: Of course I understand the hon. Gentleman's concern. I congratulate him on his ingenuity in making even a health issue a matter of EU policy. I would simply say that it is a little harsh for him to blame my hon. Friend, who is today a Minister at the Department of Trade and Industry, given that the policy was pursued through all the years of the Government whom he supported.

Gillian Merron (Lincoln): Will my right hon. Friend find time to hold a debate on the future shape of the NHS so that the House can openly compare the recent, welcome announcement on an early-warning system to detect all adverse events that might take place in health care with the Conservative party's apparent policy, which seems to revolve around paying for operations, such as hip replacements, which can cost up to £5,000? That policy, if it ever came about, would be a tremendous worry and burden to people in my constituency.

Mrs. Beckett: I recognise, as does everyone, the importance of the moves that are being considered to produce an early-warning system so that people can learn from the mistakes of others in the health service, as happens elsewhere. It is unfortunate that such a system has not been in place previously, but it is to our credit as a Government that it is now being developed. My hon. Friend is right to contrast that with the policy of the Conservative party, which apparently wants no one to be able to have operations such as hip replacements on the NHS, thus persecuting pensioners yet again.

Mr. Michael Jack (Fylde): The Leader of the House may be aware that today BAE Systems has announced 3,800 job losses throughout the company. Some 750 of those job losses will affect the constituents of Fylde and those of my hon. Friend the Member for Ribble Valley (Mr. Evans) and other right hon. and hon. Members. As the Government are a major customer of the company, can she arrange for an oral statement, or some other communication from the Government, giving their views about the future prospects for supporting the company? There is great uncertainty and worry in the work force about the future, especially of projects such as the Eurofighter Typhoon, the joint strike fighter and the future offensive air system. The Government's attitude to those projects is vital to the company's future.

Mrs. Beckett: Of course I understand the concern that the right hon. Gentleman expresses on behalf of his constituents and those of other Members. There is always anxiety in the House when job losses are announced, but I believe that he recognised that the Government support the industry and will continue to do so. We will continue to do our utmost to work with it to make sure that it stays competitive and that it sustains the highest possible employment levels.

Dr. George Turner (North-West Norfolk): I know that most of my constituents will have been delighted by this morning's news that the Government are to allow for the effects of sparsity in the policing of rural areas. However, is my right hon. Friend aware that there is an impatience in rural constituencies such as mine for the delivery of the Government's major programme, which I understand is to be heralded in the rural White Paper? When does she expect the White Paper to be published and is there a realistic hope that the House might debate it before the recess?

Mrs. Beckett: At this moment, I cannot be absolutely certain when the recess will be or when the rural affairs White Paper will be published, so I fear that I cannot give my hon. Friend much more information. However, I can tell him that the Government will introduce a rural affairs White Paper and will continue, in line with what he and many other Labour Members who represent rural areas are urging, to do our utmost to improve the circumstances in which we found those areas.

Mr. Eric Forth (Bromley and Chislehurst): May we please have an urgent debate on the role of focus groups in government? The Prime Minister's very unfortunate remarks yesterday appalled the entire country with their flippancy and superficiality. [HON. MEMBERS: "Hear, hear."] Therefore, is it not time for us here in the House of Commons to get to the bottom of exactly how far focus groups decide Government policy and whether the Prime Minister has any views of his own at all? If so, please may we have some open government in this case and the regular publication of the focus group results so that we can relate them directly to his statements?

Mrs. Beckett: I certainly cannot find time for an urgent debate on the matter. I am very sorry if Conservative Members are a little sensitive about what the right hon. Gentleman called the Prime Minister's unfortunate remarks, but it is unfair to suggest that my right hon. Friend was being trivial and superficial yesterday. After all, it is clear from *Hansard* that he declined to talk about such matters and wanted to talk instead about the extra 1 million jobs, the fall in unemployment and the real issues; but the Leader of the Opposition said:

> We would be delighted if the Prime Minister read out the comments of his focus groups . . .—[*Official Report*, 14 June 2000; Vol. 351, c. 934.]

The Prime Minister then did so. Well!

Mr. Paul Flynn (Newport, West): When can we debate the extremely alarming increase in hospital-acquired infections? A documentary on HTV Wales this week claimed that the number of deaths from methicillin resistant staphylococcus aureus in Wales alone is running at 500 a year compared with only 30 a year in the Netherlands, which has five times the population of Wales. A reason for the improvement in the Netherlands is the enhancement of standards of hospital cleanliness and hygiene, which, sadly, have deteriorated in British hospitals over the past 20 years. Cannot we debate the need to elevate the role of nurses in our hospitals and to

[Mr. Paul Flynn]

restore the matron to her role as the most important element in our hospital services, which is what she was in the past?

Mrs. Beckett: My hon. Friend makes an important point. We must always be concerned when people come out of hospital with more diseases than they went in with. He is right to link that issue particularly to standards of cleanliness and hygiene and I share his view that the deterioration in those matters, which we have all seen in the health service over the past 20 years, is of considerable concern. However, he will know that my right hon. Friend has made it very plain that he shares that concern and that, as Secretary of State, he is discussing how we can restore standards, whether by the formal reintroduction of matrons or by some other means. Although I sympathise with my hon. Friend's question, there is no need for a special debate at this time because the matter is being addressed.

Mr. David Davis (Haltemprice and Howden): May I press the right hon. Lady further on the question asked by my right hon. Friend the Member for Fylde (Mr. Jack)? There have been 850 job losses in my constituency today, arising partly from the merger of BAE Systems, but also from the inability of the defence industry to compete in the modern world as a result of the level of the pound and other considerations. Will the Leader of the House provide time for a debate in the House on the British defence industry's competitive ability and what the Government should be doing to promote it?

Mrs. Beckett: We have made it clear that we certainly recognise that there are industries in which the level of the pound has caused difficulties. I understand that lately the shadow Chancellor has recognised that there is an upside as well as a downside to the strong pound.

I hope that the right hon. Gentleman is aware that the Government take seriously their responsibilities to manufacturing, whether in the aerospace industry or elsewhere. I fear that I cannot undertake to find time for a special debate on the matter on the Floor of the House in the near future, but, although the right hon. Gentleman might not welcome these words, some 200 extra opportunities are available in Westminster Hall to scrutinise the Government.

Mr. David Winnick (Walsall, North): I have asked my right hon. Friend before about the possibility of a statement before the summer recess on compensation to former prisoners of war of the Japanese. Is she aware that it would be totally inappropriate for the House to go into the long summer recess without such a statement and that there is overwhelming support in the House and certainly in the country for those former prisoners, who have suffered so much, receiving some compensation, bearing in mind the fact that the Japanese refused to pay when they should have done so?

Mrs. Beckett: I know that my hon. Friend has long taken a great and deep interest in this important subject. He will know that the Prime Minister discussed the matter with senior representatives of the Royal British Legion in April and undertook to consider it further with ministerial colleagues. That consideration is being undertaken. I cannot undertake today to find time for a further debate or statement on the matter in the near future, but I certainly undertake to draw my hon. Friend's remarks to the attention of my right hon. Friend the Secretary of State for Defence.

Mr. Edward Leigh (Gainsborough): Is there any chance of a comment being made in the early part of next week about the case of Mr. Gary Graham, who has served 19 years on death row and is due to be executed in Huntsville, Texas next Thursday for a crime that he is alleged to have committed when a minor of 17? He was convicted on the evidence of one witness who saw him for one second.

This is a matter of some international concern. Along with the chairman of the Bar human rights committee, I have requested an appointment with the Foreign Secretary who, unfortunately, is unable to see us, although he suggested that we could meet Baroness Scotland. Any kind of statement would be valuable. We have not executed minors alleged to have committed a crime for more than 150 years, but Gary Graham's case is now on the desk of Governor Bush.

If the Leader of the House cannot promise any comment next week, will she comment now? I do not wish to be referred to Foreign Office questions next Tuesday as there is no question dealing with US relations on the Order Paper. The first question that might be appropriate is Question 18 on ethical foreign policy, but that might not be reached. Any comment that the Leader of the House could make now would therefore be valuable in the campaign to save this young man's life.

Hon. Members: Hear, hear.

Mrs. Beckett: I understand and sympathise with the hon. Gentleman's concern, as it is clear that the whole House does. However, I am afraid that I cannot undertake to offer him a statement on the matter in the near future. Of course, I share the concern that he expressed; indeed, I believe that the whole House does, and it is a matter of record that we do.

I remind the hon. Gentleman, as I frequently have to point out in a more contentious context, that a written parliamentary answer is a form of statement to the House. I am sure that he has raised the matter by such means previously, but he may wish to consider the merits of doing so now or of seeking a letter from the Foreign Office. I regret that the Foreign Secretary, who has a full diary, is not available to see the hon. Gentleman and his colleagues, but the hon. Gentleman may wish to take up the offer of a meeting with Baroness Scotland.

Dr. Ian Gibson (Norwich, North): My right hon. Friend will be aware that today's Order Paper contains an item entitled "Environmental Liability White Paper" next to which, in parenthesis, are the words "No debate". That document, which was issued by the European Commission, goes way beyond the implications of the Countryside and Rights of Way Bill, which we debated this week. It includes matters such as the polluter pays principle, which could

affect some of our industries, as well as the precautionary principle and how that is to be interpreted. The Order Paper states that it is the Government's

intention to scrutinise the proposals.

Is it possible to change "scrutinise" to "debate in the Chamber"?

Mrs. Beckett: Of course, this matter has been examined on two occasions in the European Standing Committee. I accept that it has long-term implications, and I suspect that it will, in various forms, come before the House again. As my hon. Friend knows, it has long been the practice that most of these matters are considered in Committee and then a motion, such as that on today's Order Paper, is put to the House. I cannot undertake to find time for a special debate on the Floor of the House in the near future, but I see no reason why my hon. Friend should not seek to raise the matter in Westminster Hall.

Mr. Stephen Day (Cheadle): May I refer the right hon. Lady to the questions asked earlier by my right hon. and hon. Friends about British Aerospace? She will be aware that I have in my constituency, I am proud to say, the Woodford plant, known as Avro International, which builds civil airliners. I discovered this morning that, as a knock-on effect of the BAE situation, there will be a relatively small but no less serious number of job losses at Woodford. I am sure that the right hon. Lady will agree that however few the job losses at Woodford may be, this is a serious matter for the people who will lose their job. I therefore ask her to reconsider her programme. I understand that it is tight and that the Government have much business that they need to get through, but this is a serious matter and many hon. Members on both sides of the House would welcome the opportunity to debate it on behalf of their constituents and the industry in general, and to do so in this Chamber, where it really matters, not in the sideshow.

Mrs. Beckett: Of course I share the hon. Gentleman's concern on behalf of his constituents. He will know that the Government have done a great deal to work with BAE to secure its future. Some 4,000 jobs have been created and 9,000 have been sustained as a result of our support for the A3XX; 3,000 jobs have been created and 3,400 sustained as a result of the decision on military transport aircraft; and 1,200 jobs have been sustained by the decisions on the missile for the Eurofighter.

I completely accept the hon. Gentleman's point that that is not necessarily a consolation to the individuals who are affected, but BAE is continuing, over the next 18 months, to recruit some 2,000 engineers and, over the next two years, some 1,000 young people. The picture is mixed, although it creates difficulty for those affected.

I fear that I cannot undertake to find time for a debate on the Floor of the House. I am sorry that some Conservative Members seem to retain an almost ideological hostility to the notion of Westminster Hall. After all, as I pointed out earlier, that facility is covered by the reports of our proceedings, just as this Chamber is. It can be covered on television and it provides 200 extra opportunities to scrutinise the Government—something that hon. Members are always demanding but apparently do not always wish to take up.

There is also an Opposition day in the provisional business. If the hon. Gentleman and his colleagues are unwilling to look for the opportunity of a debate in Westminster Hall and want to seek a debate on the Floor of the House, I suggest that they take it up with their Front Benchers.

Mr. John Cryer (Hornchurch): Could my right hon. Friend find time for a debate on the Stewart report on telecommunications masts for mobile phones and the Government's response to the report? In my constituency, Orange is planning to put a mobile phone mast about 10 or 12 yd from Towers primary school. There are other such examples in my constituency and probably in every constituency in the United Kingdom. We should have the opportunity to draw attention to the way in which multinational cowboys are treating communities with absolute contempt by marching in, putting up mobile phone masts near hospitals, schools and houses and not even, in Orange's case, bothering to go to a public meeting to explain why it plans to do so.

Mrs. Beckett: I know of the considerable concern that my hon. Friend has expressed about this matter on behalf of his constituents. He will know that the Government recognised that concern by setting up the review last year, and we have welcomed the report. Further discussion and consultation on the specific elements of the report are under way. My hon. Friend might like to take the matter up with my right hon. Friend the Secretary of State for Education and Employment.

As I say, I understand and share my hon. Friend's concern, but at present, the Government's role and powers are limited. That is exactly the kind of area that is being discussed and explored. However, I suspect that the pressure that my hon. Friend is bringing to bear on behalf of his constituents will, in itself, have some effect. I fear that I cannot find time for a special debate on the Floor of the House, but he too may wish to seek a debate in Westminster Hall.

Miss Anne McIntosh (Vale of York): Will the right hon. Lady find time for a debate in Government time on the registration of doctors? I am sure that all hon. Members will join me in sending their sympathies to those lady patients who were operated on by Richard Neale, a number of whom live in the Vale of York. The Friarage hospital, in the constituency of my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), has an excellent reputation, but how could a doctor who had been struck off the Canadian register be allowed to continue to practise in north Yorkshire, causing grief and severe clinical and personal distress to those ladies? There remains the outstanding question, which the House could address in such a debate, of the claims to be made by the ladies once the General Medical Council has reported. Will the right hon. Lady agree to such a debate?

Mrs. Beckett: I cannot at this moment give the hon. Lady the assurance that she seeks, but she will know that the concern that she has expressed is widely shared throughout the House and within the Government. She is right to identify the fact that those concerns have been aired for many years now, including under the previous Government. There is an on-going and urgent discussion with the profession on how such matters can better be handled in future. My right hon. Friend the Secretary of State for Health is extremely concerned to see the matter tackled as early as possible, so I feel confident that he

[Mrs. Beckett]

will share the hon. Lady's wish for the matter to be discussed here. However, I cannot tell her when that might be.

Dr. Brian Iddon (Bolton, South-East): Last week, the all-party parliamentary drugs misuse group published the result of its investigations into dual diagnosis, the linkage between mental illness and the misuse of drugs, which reminds me to ask my right hon. Friend when the UK anti-drugs co-ordinator's annual report is likely to be published, and whether it is intended to have an annual debate on his consideration of the misuse of drugs, which began last July.

Mrs. Beckett: I cannot tell my hon. Friend offhand when the co-ordinator's report is likely to be published, but I shall ask for inquiries to be made and the answer to be given to him. I understand and sympathise with his request for an annual debate on the report, but he will know that hon. Members wish to discuss so many issues annually that the occupier of my post is always reluctant to give such an undertaking. However, I recognise my hon. Friend's concern and will draw it to the attention of my right hon. Friend the Home Secretary.

Mr. Simon Burns (West Chelmsford): Will the right hon. Lady consider the early-day motion, tabled earlier this week and signed by hon. Members from all the main parties in the House, expressing regret at the Prime Minister's decision not to grant a public holiday on 4 August to celebrate the 100th birthday of Her Majesty Queen Elizabeth the Queen Mother? That is perceived by many to be a somewhat petty decision, and it would give great pleasure if the Government were strong enough to reverse it.

Mrs. Beckett: I shall certainly draw the hon. Gentleman's remarks to the attention of my right hon. Friend the Home Secretary. The hon. Gentleman will know that a great many celebrations of the Queen Mother's 100th birthday are being undertaken, not least the presentation of an address from the House, which will be led by Madam Speaker. I understand the hon. Gentleman's argument, but, although it is an important anniversary, which will be very much marked in the country, the provision of a public holiday at a time when most people are on holiday anyway, while welcome, might be felt by many to be not as great a mark of affection as it might usually be taken to be.

Mr. David Chaytor (Bury, North): Ninety-three per cent. of young people are educated in state schools, and 66 per cent. of the top A-level grades are attained by young people in state schools, yet only 50 per cent. of Oxbridge places are filled by them. In view of that, and of the recently published research by the Sutton Trust, will my right hon. Friend find time to hold a debate on the wider issue of equality of opportunity and access to Britain's leading universities?

Mrs. Beckett: My hon. Friend makes an important point. I understand from remarks that I heard recently by the Minister for Education and Employment that the disturbing statistics that my hon. Friend cites are replicated in applications. As my hon. Friend knows, it has been suggested that the figures result from fewer applications. However, applications show the same pattern. I therefore share my hon. Friend's view that the position does not reflect a correct balance in judging between people who have the right qualifications. However, although the issue is topical, I cannot undertake to find time for a special debate on it in the near future.

Mr. Peter Brooke (Cities of London and Westminster): Does the Leader of the House believe that the comparative attendance at business questions reflects good Opposition morale, poor Government morale, or both?

Mrs. Beckett: I do not think that it has anything to do directly with morale. My distinguished predecessor, Lord Biffen, described business questions as the occasion on which an hon. Member can deliver the speech that he has been nurturing in his bosom all week and been unable to get out. I welcome great attendance at business questions, which is an opportunity for Opposition Members to raise any issue that they wish, with a time limit that is at the discretion of Madam Speaker.

On morale, I do not know how often the right hon. Gentleman has attended Opposition day debates recently, but the turnout on the Opposition Benches has not been high. That says more about morale than today's attendance at business questions.

Mr. Desmond Swayne (New Forest, West): In a written answer to me in column 586W of Tuesday's *Hansard*, the Under-Secretary of State for Health, the hon. Member for Birmingham, Edgbaston (Ms Stuart), reveals information that clearly shows that the change in Government policy on the private sector, which was announced this morning, was not a genuine change. For the past three years, the Government have been doing what they state that they have not been doing. The answer states that information was placed in the Library on Tuesday afternoon. Despite my agitation, and all the Government's spinning on the "Today" programme this morning, the information did not reach the Library until 10.45 this morning. That is disgraceful. Will the Government make a statement about their new policy on the private sector, and apologise about the misleading information in the written answer?

Mrs. Beckett: Of course I deplore it if the hon. Gentleman was told incorrectly that information had been placed in the Library. I shall ensure that that is taken up with the relevant Department. *[Interruption.]* I accept that the hon. Gentleman says that the information is in the Library now, but that it was not there when it should have been.

The hon. Gentleman claims that the written answer shows that the policy has not been changed, but that perhaps it is being developed in respect of standards. That is exactly what I said a little while ago.

Mr. James Gray (North Wiltshire): The public are increasingly worried about the explosion of spin doctoring over substance and the politicisation of the civil service. Both are a product of the many special advisers that the Government now employ. Is that because Ministers are of poorer quality and therefore need more advice, or because

the spin doctors are of poorer quality and we must have more of them? Whatever the answer, will the Leader of the House arrange for the Minister for the Cabinet Office to accept Lord Neill's invitation to come here soon to answer questions about the report and recommendations that he made as long ago as February?

Mrs. Beckett: Both the former and the current Cabinet Secretary have rejected with contumely the notion that some 70 or so political advisers can politicise a civil service of thousands.

Secondly, the hon. Gentleman alleges that everything is spin over substance. It is my observation and direct experience that journalists and the Conservative party want to talk about spin while Ministers want to talk about delivering. I shall give three simple examples. This week, 30,000 more applications for teacher training have been announced, but hardly reported. Tomorrow, my right hon. Friend the Prime Minister will open the Carlisle hospital—the first of the new hospitals to be built. People had been waiting for that hospital to be built under the previous Government since about 1987. Yesterday, unemployment returned to the level that it last reached in February 1980. It was above that level for all the years of the Government whom he supported—during which I understand he was a special adviser—whereas it has taken us three years to get it back to that level. We want those issues to be discussed, and it is a pity that they are not reported instead of the comments of the Conservative party, which are frankly not very exciting.

Mr. Graham Brady (Altrincham and Sale, West): The Leader of the House will be aware that, owing to lengthening NHS waiting lists over the past three years, some 150,000 people have been forced to pay for private operations out of their own savings without having the benefit of health insurance to cover the cost.

In the light of that, is not it particularly welcome that the Government are now looking into ways of funding the cost of those operations for people who think that they deserve treatment at the expense of the national health service? That would be welcome to my constituent Mr. James Hickson, a pensioner who had to pay out of his life savings for a private operation because the NHS waiting list was so long.

I welcome moves that will mean shorter waits for people who are in pain and suffering. It is time the Government were prepared to allow that to be debated on the Floor of the House, so that those of us who want to urge them on in their intelligent moves to encourage private sector health care have an opportunity to do so.

Mrs. Beckett: Of course I sympathise with the hon. Gentleman's constituent in those circumstances. The Government are determined to ensure that, if the private sector is used to ease any pressures on the health service, it is done applying the right standards. As I understand the policy enunciated by the shadow Secretary of State for Health, under a Conservative Government anyone who needed an operation such as a hip replacement would be forced to do precisely the same as the hon. Gentleman's constituent.

Mr. Dennis Skinner (Bolsover): Is my right hon. Friend aware that during questions to the Department of Trade and Industry, five Tories sought to intervene, and during business questions another six Tories have already intervened? Could I accordingly give it the spin: "Horror, shock, Tories abandon market forces"?

Mrs. Beckett: My hon. Friend is entirely right to draw attention to the sharp contrast between the Conservative Members' ideological approach and their ceaseless demand for more spending and more intervention at the same time as they claim that they want tax cuts. I fear that, as they proved spectacularly during the late 1990s, arithmetic is not their strong suit.

Mr. Geoffrey Clifton-Brown (Cotswold): Will the Leader of the House give time for an important debate on the work of the Select Committee on Standards and Privileges, and in particular on Lord Neill's annual report, which said that the committee's work crucially depends on its independence of the Government of the day? There are strong concerns that that may not always be the case. Could she find time so that we can debate this matter?

Mrs. Beckett: I have not had chance to study Lord Neill's remarks in depth, but I remind the hon. Gentleman that the Government widened the remit of the Neill committee and gave it the capacity to scrutinise, among other things, party political funding. That was always resisted by the Conservative party. I share the view that it is important to have proper standards and independent scrutiny of how these matters are developing. However, I utterly reject the contention that any complaint can be made about the Government.

Mr. Owen Paterson (North Shropshire): Following a ruling by a coroner in the south-west, it will no longer be possible for police forces to use emergency powers to close streets for parades or fetes. In order to stay within the law, they will have to request a road closure order from the local authority, which requires the futile exercise of charging the fete or organisation £210 in the case of Shropshire for an advert in the back of a local newspaper that no one reads. I have written to the Minister in the other place, Lord Whitty, asking that this be changed immediately, because the cost in Shropshire alone for events with a turnover of under £5,000 is £31,500. The consequences for girl guides, scouts, remembrance day services, fetes, carnivals and parades across the country will be devastating unless this ridiculous, bureaucratic nonsense is changed quickly. Will a Minister from the Department of the Environment, Transport and the Regions make a statement to the House?

Mrs. Beckett: I understand the hon. Gentleman's concern, although I gather that that is common practice in some parts of the country. He has raised an important issue. I fear that I cannot undertake to find time for a debate or a statement in the near future, but I will draw the hon. Gentleman's remarks, and the fact that he raised the matter on the Floor of the House, to the attention of my right hon. Friend the Secretary of State for the Environment, Transport and the Regions.

Mr. Bob Russell (Colchester): Will the right hon. Lady make time for a debate—or, failing that, a statement from the Secretary of State for Culture, Media and Sport—about the loss to the BBC of coverage of important

[Mr. Bob Russell]

football matches? Following the advice of the hon. Member for Bolsover (Mr. Skinner), does she agree that Government intervention is required? The football authorities have shown themselves to be incapable of looking at the long-term interests of football. Surely the people's sport should be on the people's television. Football on television should be for the many, not the few.

Mrs. Beckett: I agree that football on television should be for the many, not the few. As the hon. Gentleman will know, the Government have taken steps to ensure that important sporting events can be seen by many members of the public. However, as my right hon. Friend the Secretary of State for Culture, Media and Sport said this morning, such issues are a matter for commercial negotiation and discussion involving the BBC and others.

I understand the hon. Gentleman's regret that the football "industry" has taken such a stand, in the context of the revenue that it seeks to raise, and I have no doubt that my right hon. Friend the Secretary of State will continue to look at the effects of such a policy. I fear that I cannot undertake to find time for a special statement in the near future, but I am sure that the hon. Gentleman and, indeed, the whole House will want me to wish England well in the forthcoming match with Germany.

Mr. Michael Fabricant (Lichfield): May we have an urgent debate on the future of recruitment in the national health service? In Lichfield and across the land, hospitals are under threat. They stand under the sword of Damocles. People are not prepared to go into hospitals when area health authorities are reviewing whether those hospitals will continue to exist.

Is the right hon. Lady aware that, although a review instigated in south Staffordshire was supposed to take only three months, Victoria hospital is still under threat 12 months later? Does she realise that it is that situation—which, as I have said, applies throughout the United Kingdom—that produced the slow handclap that the Prime Minister received when he said, "We have not abandoned the NHS"? He got a very slow handclap indeed from those in the know.

Mrs. Beckett: No one in the know would have reacted in that way. Those in the know would be aware of the resources being made available. Of course, the situation described by the hon. Gentleman did not come about overnight; it came about under the Government of whom he was such a strong and fulsome supporter. Moreover, those in the know would be aware that the Government have approved some 38 major hospital building projects, and have substantially improved the staffing of the health service.

Of course it is taking time, and will continue to take time, to turn around the problems that we inherited, but given Conservative Members' propensity to complain about spin over substance, let me apprise them of some facts of which they are almost certainly unaware. There are some 30,000 extra jobs in education, some 8,000 extra jobs in health, and fewer jobs in central Government. When the party that the hon. Gentleman supports said that it would fund its programme by cutting jobs in the public sector, it was talking about sacking exactly the people more of whom he wants to be employed.

Mr. Nigel Evans (Ribble Valley): In the light of the British Aerospace job losses, will the Leader of the House consider bringing forward the defence procurement debate that we normally have? The matter is urgent. Will she also consider a debate on the importance of manufacturing generally to the regions? As well as the 750 job losses that have taken place at British Aerospace in the past few weeks, Lancashire has experienced more than 400 manufacturing job losses in Burnley, and 550 in Accrington.

This is an issue that interests all hon. Members, on both sides of the House. I know that the hon. Member for Hyndburn (Mr. Pope) has worked closely with the Department of Trade and Industry, and, indeed, with the Conservative leader of Hyndburn council, in an attempt to alleviate the worst effects of the job losses. The loss of 750 jobs to date will have an enormous impact on communities. Whole families work in some of the industries involved, and whole families have lost their jobs.

Mrs. Beckett: Of course I understand the hon. Gentleman's concern. It gives me a pang to hear Conservative Members expressing the concern for manufacturing that all of us tried to instigate in them during the years when they were in government, but never mind. We are the Government now, as he rightly says. We share his concern, which is why—as he knows and will, I think, acknowledge—the Government have given considerable support to British Aerospace, not least in the field of defence procurement. I understand his suggestion that a vehicle for that concern to be aired might be the defence procurement debate. I cannot at the moment give him the assurance that he seeks, but I will bear his remarks in mind.

Mr. John Bercow (Buckingham): May we please have a statement on the criteria used by Government Departments in deciding when regulations that flow from legislation will be subject to the negative procedure, which does not allow debate, and when they will be subject to the affirmative procedure, which does? The right hon. Lady will no doubt wish to be aware that, on no fewer than three recent occasions, in proposing and seeking to push legislation through the House, Ministers have been unable to tell the House which procedure is to be used or why.

On a wholly separate matter, what assessment has the right hon. Lady made of the progress, or lack of it, in the other place of the Sexual Offences (Amendment) Bill?

Mrs. Beckett: I believe that the Sexual Offences (Amendment) Bill has had one debate in the other place. Further than that, I cannot call its present circumstances to mind.

On the criteria to decide when regulation should be subject to negative or affirmative procedure, I understand that the hon. Gentleman seeks greater clarity as to how those decisions are made. I am not sure that it is always as scientific as he might suggest. I am not aware of an occasion on which a Minister could not suggest what the pattern for a set of regulations would be, but it sometimes

depends on the outcome; it depends on the balance of the material which it is anticipated will be put in regulations, and the weight that is associated with the decisions that those regulations will enshrine. That is probably the nearest it gets to being scientific. As to why someone might have been unable to answer the hon. Gentleman's question, perhaps at that time the decisions had not been made.

Sir Patrick Cormack (South Staffordshire): Will the right hon. Lady give serious consideration to bringing the defence procurement debate forward? She has heard from many Conservative Members who have British Aerospace factories in their constituencies. They are asking not for intervention, but for a debate. I happen also to have such a factory in my constituency. Can we please have that debate at an early opportunity?

Will the right hon. Lady think further about the question of a public holiday to celebrate the 100th birthday of Her Majesty the Queen Mother? Such a holiday would have the support of the official Opposition and of the Liberal Democrats. I have consulted the hon. Member for North Cornwall (Mr. Tyler) and he, too, would welcome a positive response.

Mrs. Beckett: Of course I have taken on board the hon. Gentleman's remarks about the defence procurement debate and undertake to consider the matter. With regard to his remarks about a further special holiday to celebrate the Queen Mother's birthday, all I can do is repeat what I said earlier: I will undertake to draw the remarks to the attention of my right hon. Friend the Home Secretary.

EUROPEAN COMMUNITY DOCUMENTS

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

ENVIRONMENTAL LIABILITY WHITE PAPER

That this House takes note of European Union Document No. 6230/00, a Commission White Paper on Environmental Liability; and supports the Government's welcome for the publication of the White Paper, its endorsement of the general principle of environmental liability, and its intention to scrutinise the proposals in order to establish implications for existing domestic arrangements and assessment of the full Regulatory Impact Assessment on UK businesses.—*[Mr. Sutcliffe.]*

Question agreed to.

Motion made, and Question put forthwith, pursuant to Standing Order No. 119(9) (European Standing Committees),

BROAD ECONOMIC POLICY GUIDELINES

That this House takes note of European Union Document No. 7828/00, the Commission's Recommendation for the Broad Economic Policy Guidelines for 2000; and supports the Government's welcome for this draft as giving operational content to the conclusions of the Lisbon summit, reflecting the importance of structural reform in tackling successfully the challenges of globalisation and competitiveness, and in promoting employment and social inclusion.—*[Mr. Sutcliffe.]*

Question agreed to.

European Affairs

[Relevant documents: Seventeenth Report from the European Scrutiny Committee, on The 2000 Inter-Governmental Conference, HC23–xvii;

No. COM (00) 34, European Commission's Opinion on adapting the institutions to make a success of enlargement;

No. COM (00) 109, Additional Commission contribution to the Inter-Governmental Conference on institutional reform: reform of the Community Courts;

No. COM (00) 114, Supplementary contribution of the Commission to the Inter-Governmental Conference on institutional reform: qualified majority voting for single market aspects in the taxation and social security fields;

Developments in the European Union, July-December 1999 (Cm. 4762);

Minutes of Evidence taken before the Foreign Affairs Committee on 7th June, HC 68–ii; and

Eighth Report from the Defence Committee, on European Security and Defence, HC 264.]

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Sutcliffe.]*

Madam Speaker: I have had to limit Back-Bench speeches to 15 minutes.

1.24 pm

The Secretary of State for Foreign and Commonwealth Affairs (Mr. Robin Cook): Thank you, Madam Speaker.

When the Government took office, we gave a commitment that we would make Britain a leading player in Europe. In the three years since then, we have taken Britain off the sidelines of Europe and made it one of the leading players in the team.

The British Government no longer go to European Councils in the undignified position to which the previous Government were reduced—being the back-seat driver complaining about the direction in which those in charge were going, but never determining it. Britain is now in the driver's seat on the big issues before the European Council. *[Interruption.]* Hon. Members simply do not want to confront the reality of Europe. At Helsinki, we were in the driving seat on enlargement. We were in the driving seat, at Lisbon, on economic reform. We will again be in the driving seat, at Feira, on European security.

European security is a British initiative. The British Prime Minister launched it at the Pörtschach summit, and we took it forward in alliance with France and with Germany. Two years later, we can look back with satisfaction on how well that initiative has prospered and at the consensus within Europe that we have built around what was a British idea.

The European Union has helped to make possible half a century of unprecedented peace between its members—*[Interruption.]* The right hon. Member for Bromley and Chislehurst (Mr. Forth) sighs. Most of the rest of Europe is grateful for half a century of unprecedented peace.

Integration between our economies has made unthinkable war between our countries.

Mr. Desmond Swayne (New Forest, West): Will the right hon. Gentleman give way?

Mr. Cook: I shall in a second.

[Mr. Cook]

A common commitment to democracy and to the rule of law has promoted stability and placed a barrier in the way of extremism.

Mr. Swayne: Is it not the reality that the Government have conjured up the security agenda because of their lack of progress on leadership on economic matters in Europe, and is not that agenda itself very damaging to NATO—which is precisely the guarantor of the peace in Europe that he has described?

Mr. Cook: There is no conflict between Europe and NATO. Indeed, at Feira, we shall be approving the agreement with NATO.

Mr. Michael Fabricant (Lichfield): Feira?

Mr. Cook: If the hon. Gentleman does not even know where he can find Feira in Europe, I am not sure how he hopes to shape the debate at the European Council at Feira.

Mr. Fabricant: I thought that pharaohs were in Egypt.

Mr. Cook: We know that Conservative Members seem to think that Norway is a member of the European Union, but it is a new one that they think that Egypt is a member.

At Feira, we shall be agreeing to detailed arrangements for co-operation between Europe and NATO. Particularly, we shall approve the basis for participation in European crisis management of the six members of NATO who are European countries but not European Union members. They will have the right to be consulted before the European Union initiates any crisis operation. They will have the right to participate in it, and they will have the same rights in its management as any other participants. *[Interruption.]*

The right hon. Member for Horsham (Mr. Maude) seems to be unconvinced about whether that is satisfactory. I met all those six countries, at Florence, at the NATO meeting, and they recognise that it is an excellent outcome for them. They also recognise that they would not have achieved that outcome if it had not been for the leading role that Britain played in the security mission.

I know that Conservative Members fret that European security and defence policy might result in conflict with NATO, and the hon. Member for New Forest, West (Mr. Swayne) has just helpfully pointed us to that anxiety. Conservative Members have done their very best to create that conflict with NATO. Their defence spokesman, the hon. Member for Chingford and Woodford Green (Mr. Duncan Smith), toured Washington trying to stir up conflict with NATO. That has, however, always been a misplaced concern. Territorial defence will remain a job only for NATO, and the European Union will launch an intervention only when NATO as a whole is not engaged.

Now that the European Union and NATO have reached a partnership on that, Opposition Members can relax. They can perhaps even—although I recognise that this may be a hope too far—welcome the results of our efforts to achieve stronger European security.

Last Thursday, I saw that the right hon. Member for Horsham claimed that European security and defence policy was inspired—I think that I have his words right—by "a chilling anti-Americanism." [HON. MEMBERS: "Hear, hear."] I see that he carries some of his hon. Friends with him.

Unfortunately for the right hon. Gentleman, in the same week, in the same country, President Clinton said:

> it is a very good thing. There is no contradiction between a strong Europe and a strong transatlantic partnership.

I put it to Conservative Members that there is really no need for them to be more pro-American than the President of America.

Mr. William Cash (Stone): Will the right hon. Gentleman give way?

Mr. Cook: Yes—the hon. Gentleman may well wish to try to be so.

Mr. Cash: Will the right hon. Gentleman acknowledge that, only yesterday, in conjunction with the European Scrutiny Committee, the Defence Committee presented a report in which it dealt with the matter of the relationship between the North American and European wings of the North Atlantic alliance, saying:

> This is not a new problem, but the new arrangements will create their own new set of tensions. There must be absolute transparency between the EU military element and NATO at all times and in all circumstances. There must be no secrets between them, but each must be able absolutely to rely on the other . . . ?

Will the right hon. Gentleman give us that assurance?

Mr. Cook: I am happy to assure the hon. Gentleman and the House that I absolutely share the call for full transparency between the European security policy and NATO. I am sure that the hon. Gentleman will be relieved to hear that that is why we will agree at Feira to four separate working groups with NATO structures to ensure that full transparency and co-operation.

Mr. Donald Anderson (Swansea, East): Is not it a little patronising of the Opposition, who are trying to be more papist than the Pope, to purport to know the interests of Turkey and Norway better than the Governments of those countries? The Opposition also purport to know the interests of the United States better than the US Government. That is part of a pattern of flitting from frightener to frightener in the European debate generally.

Mr. Cook: My hon. Friend makes his point, and I suspect that we will find during the debate that the fears have moved on, now that those particular fears are not shared by any of the other members of NATO.

Mr. John Wilkinson (Ruislip-Northwood): Will the Foreign Secretary give way on that point?

Mr. Cook: I have been generous in giving way so far. I am sure that the hon. Gentleman will try to intervene later and I shall give him priority if he allows me to continue now.

Our higher standing in Europe has not only enabled us to take forward proposals that are in Britain's interests, but it has enabled us to see off proposals that could be

damaging to Britain's interests. Last year, we were under pressure to agree to a withholding tax across Europe—one of the other fears that the Opposition have brought up. This year, we have won the argument. There is not going to be a European withholding tax. Britain has secured majority support for our view that the better way forward is through increased transparency and exchange of information. Now it is the few member states who still resist greater transparency who are under pressure to agree to our proposals. My right hon. Friend the Chancellor deserves credit for having turned round the argument and ensured continuing success for Britain's financial industries.

Mr. John Redwood (Wokingham): Is the Foreign Secretary arguing that he has decided to veto draft clause 93 in the treaty of Nice, which would allow the withholding tax—and many other tax proposals—through under a qualified majority vote which we had lost? If he is saying that, how can he say that the Government are at the heart of Europe and in full agreement with our partners? If he will not veto it, will not we end up with the withholding tax even though we do not like it?

Mr. Cook: I have repeatedly told the House—and since the right hon. Gentleman asks, I shall repeat again—that unanimity on taxation is one of our bottom lines for the IGC. We share that bottom line with several other countries. At present, there is unanimity about the introduction of qualified majority voting at the IGC on only three or four issues. Opposition Members should try to lose the fear they have that the IGC will produce a raft of agreement to QMV. I can tell the right hon. Gentleman—and he can take it as whatever relief and assurance he wishes—that we cannot hope to match his record in Government, when they approved 42 different articles for QMV.

The European Council will also confirm Greece as a member of the eurozone.

Mr. Cash: He must be joking.

Mr. Cook: I assure the hon. Gentleman that Greece has met the conditions for membership of the eurozone and will be confirmed as a member. That will reduce to three the member states outside the euro. Denmark will hold a referendum in September on whether it should join and Sweden may take the same decision in 2002. The enlarging membership of the eurozone is the background against which we should judge the designation of last Saturday by the Opposition as save the pound day. If the Opposition really want people to have a choice on the euro, they would join Labour in offering the public a real referendum, not a postcard on which to give their names and addresses to the Tory Party.

In truth, the Opposition are not committing themselves to saving the pound for all time. It would have been much more honest if they had declared last Saturday "Save the Pound for One Parliament" day.

Even the Opposition's leader-in-waiting, the shadow Chancellor, no longer describes himself as a never man when it comes to replacing the pound. The Opposition owe it to the public to come clean about where they stand on the issue of principle. At the moment, they are pretending that they are against the euro in principle, while reserving the right to change that principle after four years.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will my right hon. Friend make it totally clear that any decision to enter the euro would be carefully spelled out to the British people in a referendum? Will he then make clear the connection between common currency, common taxation and the right of decision making in a parliamentary democracy?

Mr. Cook: I can assure my hon. Friend that there will be a clear commitment, as there has been for the past three years, that the British public will decide the matter in a referendum. Indeed, Labour is the only one of the two major parties that is giving that commitment. In that referendum my hon. Friend will be free to express all the views and arguments in which she believes. With respect, those of us who take a contrary view will be free to express those views as well.

Mr. Christopher Gill (Ludlow): Will the right hon. Gentleman give way?

Mr. Cook: No, I must make progress.

Plainly, Britain can join the euro only if the economic conditions are right, but we will be ready for that event only if we prepare now and if, when the time comes, we decide on the basis of the economic tests. As my right hon. Friend the Chancellor said in his statement to the House:

> The potential benefits for Britain of a successful single currency are obvious in terms of trade, transparency of costs and currency stability.—[*Official Report*, 27 October 1997; Vol. 299, c. 583.]

The benefits are obvious because the eurozone is the market for the greater part of our exports, and our access to Europe is by far the largest incentive for inward investment to Britain. If the hon. Member for Ludlow (Mr. Gill) wishes to challenge the laws of arithmetic, I am happy to let him intervene.

Mr. Gill: Is the Foreign Secretary aware that our trade with Europe in fact represents less that 12 per cent. of gross domestic product? The single currency might arguably benefit that 12 per cent., but there would be absolutely no benefit to the other 88 per cent. of our GDP, which will have to suffer the inordinate cost of conversion.

Mr. Cook: I am astonished that the hon. Gentleman can found his argument on the basis that only 12 per cent. of GDP would benefit. That 12 per cent. represents the jobs of more than 3 million people in Britain, and it accounts for 58 per cent. of our total exports.

Mr. Gill: Rubbish.

Mr. Cook: It is not rubbish: it is the true analysis of our exports of goods and services. If the Opposition can

[Mr. Cook]

wave aside as an inadequate consideration 58 per cent. of our exports of goods and services, the public will not listen to them when they come to make their choice.

Sir Richard Body (Boston and Skegness): Will the right hon. Gentleman give way?

Mr. Cook: I will give way to the hon. Gentleman, but the figure that I gave is perfectly correct.

Sir Richard Body: Does the right hon. Gentleman realise that the percentage export figure that he gave includes exports going to Rotterdam that are immediately re-exported to other parts of the world?

Mr. Cook: The hon. Gentleman is correct that Rotterdam is in Europe, and that our exports to Rotterdam count as exports to Europe. However, many of those re-exports go to countries of far less significance than the rest of the European Union. It is a matter of record that we export more to Denmark than we do to the whole of China.

Opposition Members want to talk about the United States, and I am aware that many of them would be happier if Britain were to join the North American Free Trade Agreement and leave the European Union, but they should reflect on the fact that we export to the United States only one third of the volume that we export to the other members of the European Union.

Our bottom line will be whether membership of the euro will assist in meeting our goal of full employment—a goal that we are on target to achieve in a way that the previous Government never did, through the creation of a million new jobs since this Government took office.

I have just returned from Damascus. I have come back to discover that the shadow Chancellor must also have been on the road to Damascus. He has experienced a dramatic conversion. He now tells us that he is committed to full employment. It is a pity that he did not discover that commitment when he was Secretary of State for Employment and that he did not do something about it then instead of busily plotting the demise of the Department for Employment.

Mrs. Cheryl Gillan (Chesham and Amersham): What has that got to do with it?

Mr. Cook: I shall tell the hon. Lady. If the Conservative party is serious about putting jobs first, it will need to drop its hostility to the European Union, membership of which is vital to the security of millions of British jobs.

Mr. Fabricant: Will the Secretary of State give way?

Mr. Cook: No. I will continue my speech. I am sure that the hon. Gentleman will have the opportunity to entertain us with his own speech.

My hon. Friend the Member for Swansea, East (Mr. Anderson) pointed to the frighteners that are held out to us. Of course, in the past three weeks the Opposition have discovered a new frightener—the declaration of fundamental rights, about which we shall hear a report at the European Council. The report will be given by Roman Herzog, the chair of the convention preparing the charter. His comments last week in *Die Welt* provide a refreshing dose of realism to the excitable comments of some Opposition Members. He said that the charter would create no new powers for the EU over its member states, that it would apply only to EU institutions without imposing new rights on member states and that the charter was not the kernel of a future European constitution.

Nevertheless, last week the right hon. Member for Horsham denounced the charter of fundamental rights as "steel handcuffs". It is a curious mindset that equates human rights with handcuffs.

There is absolutely no reason why Britain, of all nations, should run scared of discussion on fundamental rights. Britain is, after all, one of the cradles of European values of freedom and liberty.

Mr. Francis Maude (Horsham): Will the Secretary of State tell the House what human rights are being conferred by the declaration—which everyone else refers to as the charter—which have not already been conferred on British people by this Parliament?

Mr. Cook: The position of the Government is exactly in line with the rights conferred by this Parliament because what we argued for in the convention and in the Council and what we will argue for in Portugal next week is that the declaration should consolidate and bring together in one place those existing human rights. I do not think that Britain should in any way be afraid of that. After all, Britain took the lead in drafting the European convention on human rights and the universal declaration of human rights. We should not be afraid of seeing those represented in a European Union declaration.

Mr. Maude: Will the Secretary of State now answer the question? What rights are being conferred by the charter which have not already been conferred on the British people by the British Parliament?

Mr. Cook: I have already answered the right hon. Gentleman. We do not intend there to be any additional rights as a result of this process. We have said from the start that it is a consolidation of existing human rights.

Mr. Maude: If this charter confers no additional rights beyond what has already been conferred by this Parliament, what is the point of it?

Mr. Cook: At present, the existing European institutions are not signatories to the European convention on human rights. The Commission is not bound by any code of human rights. Technically, although the Council brings together member states, it is not a signatory or a party to the European convention on human rights. I see nothing to be afraid of in, and something to be gained by, a clear declaration that the European institutions are bound by those declarations. In other circumstances, I

would expect the Conservatives to complain that the European Commission has no limitations in respect of an obligation to respect human rights.

Mr. John Bercow (Buckingham): Will the Foreign Secretary give way on this point?

Mr. Cook: It cannot be the same as the three points that the hon. Gentleman has tried to intervene on already, but I will give way.

Mr. Bercow: I am grateful to the right hon. Gentleman for his uncharacteristic generosity. How does he square his complacency on the charter with the verdict of the House of Lords European Union Committee report in May this year, at paragraph 123, that the charter could indeed be enshrined in the treaties and made legally binding on member states; and how does he square it with the fact that the Minister of State for Europe has not ruled out such a prospect?

Mr. Cook: My hon. Friend the Minister of State has ruled it out, my right hon. Friend the Prime Minister has ruled it out and if the hon. Gentleman is in any doubt, I am happy to rule it out. Europe already has in the European convention on human rights a legally binding code for member states. We want to make sure that it remains the sole legal guarantee. A separate legal text could provide an undermining, not a strengthening, of that system of human rights. That view is shared by a number of other member states—Britain is not alone on this issue. That is why, at the European Council, we will together be making it clear that there is no consensus for the charter becoming a legally binding text. I hope that the hon. Gentleman is sufficiently relieved to be able to carry himself in silence throughout the rest of this speech.

At Feira, we will also take stock of progress on enlargement. The Portuguese presidency has maintained steady progress on enlargement. Negotiations have been launched with six more candidates, and the original six candidates are advanced in the negotiation on almost all chapters of the European legislation.

For central and eastern Europe, enlargement will provide assurance of political security and economic opportunity. For the European Union, it will provide a membership of 500 million people—a market twice the size of the United States and four times the size of Japan. It will give Europe, and Britain, extra leverage in international trade negotiations.

Mr. Fabricant: Will the Secretary of State give way?

Mr. Cook: No, I will not.

It is a rich prize, but if we are to grasp it, we must reform the European Union to make it ready for enlargement. That is why it is important that at the forthcoming European Council we maintain the momentum of the intergovernmental conference on enlargement and keep it on schedule for completion by the end of the year.

I see that the Conservative party is now committed to a referendum on the treaty that will result from the enlargement IGC. That certainly appears to unite the forces opposite. However, it is real cheek for Conservative Members to pose now as the champions of referendums. In their long years in office, they never once had a referendum on anything. They took Britain into Europe without even a by-your-leave of the public.

The right hon. Member for Huntingdon (Mr. Major) signed the Maastricht treaty on behalf of Britain. That was a dramatic treaty—his signature launched sweeping changes on Europe. He built two whole new pillars of the European Union. He laid the foundation for the single currency. He signed away 30 further articles to be decided by majority voting. Curiously, while the right hon. Gentleman was agreeing to those bold changes, it never occurred to him to put them to the British people in a referendum. Indeed, the current Leader of the Opposition actually voted in the House to prevent a referendum on the Maastricht treaty.

With a record like that, it seems curious that the right hon. Member for Horsham (Mr. Maude) should now have done a cartwheel. Of course, we know why—it was to get the millions of Mr. Paul Sykes out of the Referendum party and into the Conservative party. *[Interruption.]* The hon. Member for Chesham and Amersham (Mrs. Gillan) says, "Cheap". I rather suspect that it is anything but cheap when it comes to Mr. Sykes and his millions.

Paul Sykes makes no bones about where he stands on Europe. He does not just want a referendum on the next treaty—he wants a referendum to get Britain out of Europe. It is a measure of how far the Conservative party has lurched to the right that an extremist like Mr. Sykes can feel at home in it. He even claimed to the "Today" programme that the vast majority of Conservative Members agree with him and judging by the noise that they have been making during this speech, he is absolutely right.

As I understand it, that is not the position of the right hon. Gentleman. If he does reject the view that we should be edging out of Europe, I hope that he will take the opportunity this afternoon to put it right. I am sure that he would not want to receive Mr. Sykes's millions under false pretences. We will listen with attention for a clear passage in his speech that tells us that Mr. Sykes has misunderstood the position of the Conservative party, and tells Mr. Sykes to keep his millions out of the Tory party bank account. I do hope that he will not disappoint us when he comes to speak.

Mr. Ian Taylor (Esher and Walton): Will the right hon. Gentleman give way?

Mr. Cook: The hon. Gentleman has already expressed a view, and I am happy to let him do it again.

Mr. Taylor: I am grateful to the Foreign Secretary for giving way. He is quite right—we want nothing to do with Paul Sykes and all the nonsense about a referendum and our position in Europe because that is not the position of the Conservative party.

On an earlier point, is the right hon. Gentleman saying that at Feira a timetable will be laid down as to when enlargement will be achieved? There have been worrying signs that the European Commission and the member states have been backing off from providing such a timetable.

Mr. Cook: I can assure the hon. Gentleman that at Feira we will be approving a timetable for the IGC.

[Mr. Cook]

Yesterday we received a report that the Portuguese presidency intends to put to the European Council on the progress in the IGC. That report will call on us to agree a timetable to complete the IGC by the end of this year.

Mr. John Maples (Stratford-on-Avon): What about enlargement?

Mr. Cook: The matter is of course about enlargement; it is the part that the EU can play in preparing for enlargement.

We shall also take forward negotiations with the applicant countries. The speed with which that can be done must depend on the speed of those countries in reforming themselves.

Mr. Ben Bradshaw (Exeter): Will my right hon. Friend confirm that the policy of vetoing any treaty change would stop enlargement? Does he know of any mainstream political party in the whole EU—including the neo-fascists in Austria—that has such an extreme policy on Europe as does the British Conservative party?

Mr. Cook: I agree with my hon. Friend that it is important to take forward the IGC so as to secure enlargement; it is also important because the reforms that we want in the IGC are in Britain's interest. Our key objective is to achieve a re-weighting of votes in the Council of Ministers so as to give Britain a bigger vote. We want—

Mr. Michael Trend (Windsor): Will the right hon. Gentleman give way?

Mr. Cook: No, I shall come back to enlargement, if the hon. Gentleman wants to intervene.

We want to keep a fixed ceiling on the European Parliament so that it does not balloon with enlargement. We want to control the size of the Commission so that it does not become a mass meeting rather than a functioning college. We shall agree to majority voting only where it would remove obstacles to reforms that Britain wants.

So there will not be anything in the treaty of Nice that represents a threat to Britain or to the British way of life. It is not even a threat to the Tory party, unless its members feel that their prejudices are challenged by the prospect of a reformed and more effective European Union.

Much in the treaty of Nice will be of immense value to the candidate countries. They know that enlargement will be agreed only if those reforms are agreed first. If the right hon. Member for Horsham does not agree with that, he should listen to the views of the candidate countries, if he will not listen to mine. They all want the treaty completed on time.

Mr. Cash: The right hon. Gentleman is getting very close—I use the word with respect—to misunderstanding the position, or misleading the House. In recent months, I have visited some of the candidate countries; they are deeply concerned about the blackmail to which they are being subjected by having to accept the acquis communautaire without reservations in order to acquire the benefits—as they see them—of getting into the European Union. They are deeply concerned about the defence implications.

Mr. Cook: I have met the Governments of those—

Mr. Cash: So have I.

Mr. Cook: I shall inquire gently of my Foreign Minister colleagues what they made of the hon. Gentleman. I assure the House that every Foreign Minister of the applicant countries—especially those in NATO—is keen to play a part in the European security policy. All six were at Florence and they all agreed to our proposals there.

Candidate countries understand that, if we do not reach agreement at Nice on the IGC, enlargement will be deferred. It will not give them an opportunity to pick and choose, as the hon. Gentleman wants; it will mean that they will not have the opportunity of membership.

The right hon. Member for Horsham has promised "to campaign strongly" against the treaty of Nice. Nothing could do more to lose Britain friends from the Baltic to the Balkans. The right hon. Gentleman is in danger of making his party as unpopular among the dozen applicant members as it already is among the existing members.

Mr. Fabricant: The Foreign Secretary wrote that speech before the latest opinion polls.

Mr. Cook: It is true that I have made that observation before. It is even more true on this occasion, after the speech made recently by the right hon. Member for Horsham. All those applicant countries want to be full members of the EU; they want to be accepted as equal members—not second-class members of the type suggested by the hon. Member for Stone (Mr. Cash). That is why there was unease among them at the recent speech made by Joschka Fischer with its implication of a vanguard of member states providing an inner core of the EU.

I realise that some Opposition Members pounced on Mr. Fischer's speech as evidence that their fantasies are realities, and that a federal superstate is just around the corner. What I thought was revealing about the aftermath to Mr. Fischer's speech was the degree of resistance to it across Europe. I would not go as far as the Foreign Minister of Finland who described it as Leninist, but I share the fears expressed by the Swedish Foreign Minister about any federal structure that has the effect of

> dividing the EU into a core of nations and other countries with lesser status.

Even in France, the reaction has been, to put it politely, reserved. Hubert Vedrine set out last Friday a series of searching and intelligent questions about the problems of attempting to define an inner and an outer core and the difficulties of a federation co-existing with strong nation states.

The reality now is that the broader consensus does not seek a federal superstate but a union of free and democratic member states. As Chancellor Schröder has said:

> the nation state will be the centre of people's hopes and needs.

Or as President Chirac has put it:

> Europe's future is not a United States of Europe but a United Europe of States.

Last week, the right hon. Member for Horsham went to Germany to respond to Joschka Fischer's vision of a federal Europe with the distinctive Conservative vision for a disunited Europe—one that resembles a pick-and-mix counter. It is a curiously lop-sided vision that assumes that we can take the benefits of membership without accepting the obligations of membership.

Mr. Donald Anderson: The Conservatives do not care about anyone else.

Mr. Cook: The problem, I say to my hon. Friend, is that that approach might be shared by others. Conservatives assume that other member states will continue to observe their obligations to us while we stop observing our obligations to them.

Mr. Fabricant: I tried to intervene earlier and the Foreign Secretary has talked about enlargement, which most of us would welcome. He also said that there must be a restructuring of the European Union, and many of us would welcome that, too. However, a report from the Institute of Directors says that, taking into account all the benefits of the European Union, our membership costs the United Kingdom between $75 million and $100 each year.

The Foreign Secretary clearly has not read the report, but I advise him to do so. However, will his restructuring of the European Union and renegotiation result in a reduction in the amount of money that we pay net into the EU, taking into account all the benefits that we receive? That money could otherwise go into pensions, hospitals and schools.

Mr. Cook: I am alarmed at the degree of agreement that the hon. Gentleman has found in my speech. I shall try to ensure that that does not happen again before I conclude. I welcome the fact that he supports enlargement. However, if that is the case, he cannot campaign strongly against the intergovernmental conference that will make enlargement possible.

On the net payment, the outcome of the Berlin settlement should reduce the cost to the common agricultural policy, will reduce the cost to the structural funds and will reduce the extent to which Britain's contribution is in any way different from the contribution of many of the other larger states. We continue, as a result of Berlin, to preserve the rebate to make sure that we get back 70 per cent. of the funds that we pay in net.

In his speech last week, the right hon. Member for Horsham said that the Conservative party would reclaim the supremacy of national Parliaments over the European Court of Justice. That is flatly contrary to Britain's interests as a trading nation. As a trading nation, it is in our interests that the single market has rules that are enforced by an authoritative European Court of Justice. There are far more cases outstanding against most other member states than against Britain. France has more than two and a half times as many cases outstanding; Italy has twice as many; and Germany, Belgium, and Greece each has half as many again as Britain. It is in our interests to make the European Court of Justice stronger, not weaker.

Mr. Maude: The Foreign Secretary must know that he is deliberately misrepresenting my proposal. I propose that we should give Parliament supremacy over EU law where EU law is imposed by virtue of an extensive interpretation of the treaty by the European Court of Justice. That would give us precisely the same protection that the German and French have under their written constitutions. Is he opposed to that?

Mr. Cook: The right hon. Gentleman advances a proposition that is attractive so long as he can interpret the basis on which national supremacy is asserted. Other countries will take their own view of when the national parliament should be supreme. For example, we do not want France to decide that its national parliament will be supreme on food safety when we win in the European Court of Justice against its ban on British beef. We want to have a European Court of Justice that cannot be challenged by the unilateral decision of a national parliament, thereby undermining gains for our exporters and our economy.

In the spirit of trying to find as much common ground as possible, I accept that the right hon. Gentleman made a thoughtful speech in that he wrestled with the central problem. He wanted to sound positive about Europe, but he could not name one thing that Europe has done over the past dozen years of which the Conservative party approves.

Mr. Cash: Quite right.

Mr. Cook: I have that echoed. It underlines the right hon. Gentleman's dilemma that a Conservative Back Bencher says that I am "quite right" on that point.

Far from sounding positive about Europe, most Conservative Back Benchers perfectly fit the description of the previous Prime Minister, who said last week that people think that the European Union is a group of

> wicked foreigners out to do us down.

They cannot give a lead in Europe because the only place to which most Conservative Members want to be led is the exit door.

By contrast, we have been able to get reform in Europe. That is because our partners believe that we want reforms that will make Europe work better. That is why we made the running on economic reform at Lisbon. That is why we secured a programme to put Europe in front in the communications revolution. We are setting targets for the reform of the Commission. We have been so successful in setting the benchmarks for reform of the Commission that in Brussels there are complaints that it is being compelled to accept an Anglo-Saxon model.

We can go to Portugal, knowing that issues such as European security are top of the agenda because Britain put them there. We can be confident that we can get a good deal out of the intergovernmental conference because we have allies and partners. That is good for Britain, for the 3 million households whose income depends on our exports to Europe and for Britain's wider standing throughout the world. It is a good demonstration that the British people are best served by Britain being not semi-detached from Europe but a full and wholehearted member of a successful European Union.

2.2 pm

Mr. Francis Maude (Horsham): The debate is both timely and somewhat overdue. It is timely because of the upcoming summit and overdue because it is a pity that

[Mr. Francis Maude]

there has not been a debate specifically on the intergovernmental conference White Paper, which was published as long ago as February. That is regrettable, especially during the critical time when the IGC agenda is firming up. There is a huge opportunity and a necessity for Britain to lead the debate on that conference, and to fill what *The Economist* recently described as the "void in Europe".

The Government are sadly failing that test of leadership. Apparently, they are trailing timidly and sadly behind the Franco-German agenda for further and deeper political union. Where is the British vision for the sort of European Union that genuinely embraces the entire family of European nations? That is a European Union that can genuinely become flexible in how it develops. It is good that we are debating these issues because the public have a hunger for exploring them.

On the great divide in the Cabinet about whether to make the case publicly and wholeheartedly for scrapping the pound, we side with the Foreign Secretary and the Secretaries of State for Northern Ireland and for Trade and Industry in their desire to make the case publicly so that there can be a proper debate. We profoundly disagree with them on the substance, but it is an entirely honourable position for politicians to want to scrap the pound and join the euro at the earliest opportunity. There is certainly a case to be made for doing that. It is not a case that I accept, but the argument should take place openly and honestly. It is dishonourable and dishonest to pretend that there is no debate.

Our advice to the Foreign Secretary is that he should stoutly resist the Chancellor of the Exchequer's bullying in trying to suppress the issue and turning Britain into a do-not-mention-the-euro zone. We think that he should be encouraging an increasingly weak and vacillating Prime Minister to make the case in which Labour so passionately believes. The public expect and deserve to be treated as intelligent adults who can make up their minds on the issues and arguments.

I commend the Foreign Secretary for addressing some of those matters today. He spoke about the issues surrounding the euro and scrapping the pound, and I congratulate him on doing so. We disagree, but that is fine—airing disagreements is what Parliament is for. I only wish that we could see the Chancellor of the Exchequer at the Dispatch Box, ready to debate the issues in the forthright and open way demonstrated by the Foreign Secretary today. People expect to be treated seriously. As the right hon. Member for Birkenhead (Mr. Field) said recently:

> We should never underestimate the intelligence of the electorate. They don't need pagers to know what to think.

The public deserve a debate—they should not be pandered to with an insulting pap of spin, evasion, half-truths and simple lies.

The Foreign Secretary spoke about the Feira summit, to be held early next week. I am sure he recognises the degree of public cynicism about such events. In March, Heads of Government, the Foreign Secretary, and several plane-loads of their spin doctors and flunkies proceeded to Lisbon, to tell the world how Europe had changed. Lisbon was to be Europe's break point—the moment the old-fashioned and overweight continental model was unceremoniously traded in, swapped for a go-getting, can-do approach that would prize enterprise, attract investment and signal a welcome change of heart. The spin was that there would be a sea change. The Prime Minister asserted that Europe had shifted to

> a new direction—away from heavy-handed intervention and regulation, towards a new approach based on enterprise, innovation and competition.—[*Official Report*, 27 March 2000; Vol. 347, c. 21.]

That turned out to be nothing more than a tidal wave of waffle.

The Government talk about the big picture—the need to make both Britain and Europe competitive and to meet the challenge of electronic commerce; but everything they agree to runs counter to such aims. Now, even the Prime Minister admits that the working time directive, which the Government so enthusiastically implemented, was over the top, and he may now regret having taken advantage of the parental leave directive. Part-time workers are the most flexible section of our work force, but the directives to regulate such workers might make them less flexible in future.

We are conscious that all the directives, in theory, sound like universal motherhood; but in practice, they bring headaches to thousands of small firms throughout Britain. We are told that next week's summit will result in a charter for small firms. Unless that charter is essentially about rolling back some of the legislation that has been heaped on to small businesses, those who run the businesses will treat it with derision and contempt, as empty words and no action.

Mr. Fabricant: My right hon. Friend will recall that the Foreign Secretary said that the Government were in the driving seat in Europe. Is he aware that one of the Labour Government's first actions was to give way in respect of directions on building regulations, which resulted in not a small firm, but a large one—Armitage Shanks—having to be sold. *[Interruption.]* The Minister for Europe laughs—it is amazing that a Minister can laugh at the loss of 700 jobs. Those jobs were lost as a direct consequence of the Government's first caving in to European directives, yet they have continued to do so ever since.

Mr. Maude: My hon. Friend provides a vivid example of how giving in on such matters damages Britain's economy.

I challenge the Foreign Secretary to answer the following question: where are the changes—the actual changes, as opposed to changes in language and words—that emerged from the Lisbon summit? Where is the can-do, enterprise Europe that we were promised? Can he list three measures that have made the running of a small business simpler and eased the burdens on real entrepreneurs? That is what the language of Lisbon was all about, but where is the delivery? What has been done?

Does the Foreign Secretary believe that the directives on sex discrimination and racial discrimination, which reverse the burden of proof and make the employer entirely responsible, contribute toward the can-do Europe that he and the Prime Minister talked about? We ask that because the Minister of State for Europe made it clear before those directives were agreed that the Government would not accept them. Presumably, he was concerned

that the reversal of the burden of proof would mean an open season for all sorts of pressure groups to take action against law-abiding businesses. However, less than a fortnight later, the Government had signed up to the directive.

A web of reassuring verbiage is spun in Britain, but there is abject surrender when Ministers go to Brussels to negotiate directives. The Government have a veto—for the time being, at any rate. If they did not approve of the directive, as the Minister for Europe was forthright enough to say, why did they not use the veto? Is it because, behind the spinning and the tough words, there is no appetite among Ministers for standing up for British interests in Brussels?

So much could be done at the forthcoming summit, if only the Government had the will and the vision to attempt it. There are so many things that could make the European Union better for businesses and better for the people who live and work in it—reform of the budget, cleaning up fraud and mismanagement, and sorting out the way in which development aid, for example, is spent.

On development aid, one critic said recently:

> Anyone who knows anything about development knows that the EU is the worst agency in the world, the most inefficient, the least poverty-focused, the slowest, flinging money around for political gestures rather than promoting real development.

We agree with that. I am not sure whether the Foreign Secretary does—it was the Secretary of State for International Development who said that. Strong words, but she is right.

Where is the new broom that is coming in to sweep away the culture of back-handers and sweeteners that has corroded so much of what the Commission has done? Where is the evidence that Commissioner Kinnock's proposals for reform have done any good? The proposals contain many impressive-sounding words—"activity based management", the introduction of "a top level progress chaser", a "strategic planning and programming cycle" and, best of all, there is to be an "integrated resource management system". That will really make a difference.

What good has any of that done, other than boosting the sales of lexicons of third-rate management drivel?

Mr. Owen Paterson (North Shropshire): Commissioner Kinnock attended the Select Committee on European Scrutiny not long ago. I asked him whether he had fired one person, and he said that he had not.

Mr. Maude: There was one person who lost his job. That was Mr. van Buitenen, the brave Commission official who blew the whistle on what was going on. He lost his job, all right. He was moved out, but no one else—no one who was found guilty of bad practices, fraud and mismanagement. It was the whistleblower who lost his job.

That is carrying on. The National Audit Office recently investigated the state of the European Union's financial controls, in a report that received much less coverage than it deserved. The NAO concluded that

> it is a matter of serious concern that the high level of "substantive" errors found by the Court meant that it was unable to provide positive assurance on the transactions underlying payments for the fifth year in succession.

It went on to recommend that

> the Commission needs to design and simplify schemes to minimise the risk of fraud and irregularity.

The Foreign Secretary should listen to that. It is advice that the NAO is giving to the Government about what they can do to improve matters. It went on to urge

> the United Kingdom Government to press the Commission to make rapid progress in this regard.

Perhaps the Foreign Secretary will tell us what steps the Government have taken to press the Commission, as the National Audit Office recommended.

I fully accept that the Government cannot be blamed for all the problems, some of which are of long standing, although many have only recently come to light. However, I blame the Government for failing to take seriously a catalogue of error and abuse, responding with words when action is needed.

Mr. Geoffrey Clifton-Brown (Cotswold): I am grateful to my right hon. Friend for giving way. I was part of the Committee that went over to interview Mr. van Buitenen. We found a culture in which one Commissioner stood up for all the Commissioners and one civil servant stood up for another, whether or not they were guilty of mismanagement. It was not possible to get rid of individual Commissioners or members of staff because they had a contract for life. Is not such a culture of protectionism a disgrace, and should not Commissioner Kinnock have done something about it by now?

Mr. Maude: Commissioner Kinnock would have the wholehearted support of all Opposition Members and, I hope, the entire House if he set about making the changes that we know are needed and about which he spoke, albeit in language with which most of us would not be comfortable. We regret that the Government seem to be failing to respond even to the National Audit Office's recommendations to help the Commission to get matters right and to apply pressure. That is not happening.

Mr. Robin Cook: May I assure the right hon. Gentleman and his hon. Friend that the ability to dismiss an individual Commissioner rather than the entire Commission is one of the key changes to the treaty that is likely to come out of the treaty of Nice at the end of the IGC? Is the right hon. Gentleman still proposing to campaign strongly against that as well?

Mr. Maude: The right hon. Gentleman has clearly read my speech of last week extremely carefully, as he has quoted from it. I am delighted that he has done so; he will have found much food for thought there. Having read my speech, he will know that I said that we would campaign strongly against an integrationist treaty of Nice that transfers further powers from Westminster to Brussels. I make no apology for that. We will do that.

Mr. Cook: The right hon. Gentleman makes an interesting elision with what he said in Germany. So that Mr. Paul Sykes does not put his money in under false pretences, is the right hon. Gentleman saying that he now reserves the position to see the outcome of the treaty of Nice before the Conservatives commit themselves to holding a referendum? That is not what he is understood to have said.

Mr. Maude: It is clear that the Foreign Secretary's officials put my speech into his Red Box, but he did not

[Mr. Maude]

read it to the end. There is no change in my position. If the right hon. Gentleman had done his homework, as he claimed that he had, he would know that I said last week that we would campaign against a treaty of Nice and would demand a referendum on an integrationist treaty, which gave away powers—*[Interruption.]* That is precisely what I said. Let him check it. It may require a greater degree of diligence than that to which he is accustomed, but I commend it to him.

Mr. Cook: Let me get this entirely clear on the record: the right hon. Gentleman's party is not committed to a referendum on the treaty of Nice.

Mr. Maude: We are committed to a referendum—I say exactly what I said in my speech last week. We will campaign vigorously against a treaty of Nice that is integrationist, which gives powers from Westminster to Brussels. I set out exactly what we fear will be in that treaty. That was the position set out in my speech, which I commend to the right hon. Gentleman. There is a great deal more in it which he will find instructive if he reads it carefully.

The IGC is an opportunity to start to create a European Union that works and embraces the whole family of European nations. We should not just say the words, as though that is enough. It is a scandal that, more than 10 years after the fall of the Berlin wall, the countries of eastern and central Europe are still being told that they must wait in line.

The way in which the Foreign Secretary spoke about that was interesting. He spoke as though enlargement was a benefit for the present members of the European Union. It is more than that. It is our moral duty to embrace the countries of eastern and central Europe into the European family of nations. It is even more of a scandal that they are being told that they must accept every last sub-clause of every piece of over-regulation that the EU has produced in the past 40 years.

Worse still, the candidate countries are being told privately—this bears out the point that my hon. Friend the Member for Stone (Mr. Cash) made earlier—that if they make any fuss about such onerous requirements, they will be unceremoniously booted to the back of the queue. The IGC is meant to be all about enlargement.

Mr. Giles Radice (North Durham): I am glad to hear that the right hon. Gentleman considers it important to have the new countries of central and eastern Europe in the European Union. If that is so important, why is he advocating a veto on the treaty of Nice?

Mr. Maude: They are not new countries; they are ancient countries of Europe. They belong to the family of European nations, and we should generously and unstintingly embrace them into the European Union. The right hon. Gentleman asks why we shall veto the treaty. The treaty is only minimally about enlargement. In previous enlargements, matters such as the re-weighting of member states' votes and the number of commissioners and seats in the Parliament were decided after the completion of accession negotiations. It is not necessary to deal with them beforehand. If the IGC is all about enlargement, why are proposals on the European security and defence identity, the charter of fundamental rights and qualified majority voting all part of it?

There is an overwhelming roadblock on the path to enlargement, but it is not those narrow institutional issues to which the Foreign Secretary devoted so much attention; it is agriculture. It is clear that the common agricultural policy, in anything like its current form, cannot work in an enlarged European Union. It barely works with 15 members. How could it possibly do so with 20, 25 or 30 members? A centralised policy designed in the 1960s for a Common Market of six countries is simply inappropriate for a union of nearly 30 countries.

When the Prime Minister became leader of the Labour party, he promised that he would solve what he described as this "scandal of a food policy". Today's CAP is economic madness; it is an ecological folly, socially and environmentally disastrous, and morally indefensible. On top of that, it now prevents the enlargement of the EU, which is its moral duty and should be its historic destiny. Is not it clear that the right route is towards member states having greater power to decide the precise nature of agricultural support that is appropriate for each of them? Is not that the direction in which the Commission was beginning to go in Agenda 2000? Does not the IGC provide the ideal opportunity to introduce real reform? Why are not the Government demanding that?

If the Government are serious about enlargement, why are not they demanding reform of precisely the policy that is the roadblock to enlargement? Instead, they are busily engaged in an extensive spinning exercise that is designed to lull the public into a false sense of security. The Foreign Secretary was at it again today, in his most reassuring manner. We hear that the IGC will tidy up some loose ends—a bit of wrangling over how many commissioners each country has, the size of the European Parliament and the re-weighting of votes. However, the Government say nothing about the major developments on which decisions could be taken or the treaty changes that would end the veto by extending qualified majority voting in many areas. He has ruled out some of those—*[Interruption.]* Well, it is precisely because so much of the veto was given away in the past—

The Minister of State, Foreign and Commonwealth Office (Mr. Keith Vaz): The right hon. Gentleman did that—he signed Maastricht.

Mr. Maude: That is precisely why I am personally acutely conscious of the need to go no further. *[Interruption.]* The Minister for Europe is getting wildly excited about that notion. He has been touring the country in a coach—rather oddly described as Eunice—trying to make the case for membership of the European Union to the British public. Will he tell the House how many people he found who support giving up the legislative veto on further matters? Did he find any? I shall happily give way to him if he can tell us that a single person on his tour supported giving up the veto on any further matter. He is unusually reticent; he normally springs to the Dispatch Box with restless ease. If he will not respond, perhaps the hon. Member for Swansea, East (Mr. Anderson) will.

Mr. Donald Anderson: During what the right hon. Gentleman, in his wilder moments, might think of as the

near-treasonable years under Mrs. Thatcher when so much power was taken away from our country and given to those wicked Europeans, what was he doing to oppose it? Did he suggest that there should be a referendum then?

Mr. Maude: The hon. Gentleman refers to whether there should have been a referendum, but there were few precedents for holding referendums in this country at the time. In the past three years, referendums have been held on everything. For heaven's sake, we had a referendum on whether to elect a mayor of London. Given that we had a referendum on that, is it not reasonable to hold one on whether we should become a province of a single European superstate?

Mr. Cash: I hope that my intervention is thought moderately helpful. Does my right hon. Friend accept that the Single European Act referred particularly to competition, commercial matters and trade? The question of democratic consent at the highest level became paramount only when we moved into the area of government. Therefore, there should have been referendums on the Maastricht and Amsterdam treaties, and there should be one on the Nice treaty. Perhaps I live in hope that we will have a referendum on the treaty on European union.

Mr. Maude: My hon. Friend does indeed make a moderately helpful point, and I am grateful to him.

Mr. Bercow: My right hon. Friend will have heard, as I did, the Foreign Secretary assure the House that the charter of fundamental rights would not be incorporated in the treaties. Does my right hon. Friend agree that that assurance sits uneasily with the position of the Minister for Europe, who said, as recently as 5 April, that it would be premature to decide whether the charter should be so incorporated? Is not it time that the Foreign Secretary and the Minister for Europe talked to each other?

Mr. Maude: I was about to deal with precisely that point. The Foreign Secretary talked at length about the European security and defence identity, which is likely to feature in the IGC later this year. It is designed to sideline NATO. Again, for all the reassuring words that he speaks and the verbiage that he produces, the reality is that the driving motivation behind many such proposals is a desire to sideline NATO and reduce American influence. It runs the risk of reducing, not improving, the effectiveness and security of our defences.

I make no bones about the fact that we support greater European co-operation on defence. That is not the issue. We support a stronger European commitment to NATO. That has nothing to do with the defence identity, which is about politics and duplicating structures that already exist. It is designed by people whose primary consideration is ticking off yet another of the trappings of statehood, who say, "Flag? We have got that. Anthem? Yes, we have that. Currency? Got one of those. Government? Working on it day by day. Army? Well, we are getting there." Mr. Prodi says that the Commission is turning into more of a European Government. Mr. Prodi's ramblings about a European army were not needed to give the game away. In a speech last month, Mr. Jospin, the French Prime Minister, spoke of a "single European defence structure" and of the "pooling" of Europe's armies. He said that, if that were done, the EU would have

> crossed a milestone towards the creation of a united political Europe.

That is the truth about the defence identity.

It is time to think again about the project in simple terms of efficiency and effectiveness. The EU is the wrong body to be entrusted with European defence. There is already a structure devoted to European defence, which is composed of active members and committed by treaty to mutual co-operation. It is called NATO, and we believe in it. It should be built upon, not undermined.

The charter of fundamental rights, which in the Foreign Secretary's mouth has turned into a declaration of fundamental rights, runs the risk of turning British law upside down. It would be a licence to meddle for the European court and, if included, its social provisions would be a serious blow to precisely the economic and social reforms that the Prime Minister appeared to support not only in what he said in Lisbon, but in the *Financial Times* on Tuesday. In few areas is the gulf between what the Government here in Britain say and the statements of other European leaders so wide.

We should be clear about the fact that another piece in the integrationist jigsaw is being developed. The Government blithely assure the public that they do not need to worry as there will be, as the Foreign Secretary said again today, only a harmless restatement of existing principles and rights—nothing at all to be concerned about, and anyone who says otherwise is merely scaremongering or, as the Minister for Europe has said, paranoid. Well, a lot of people—not in Britain—are apparently paranoid. Let me refer to one or two of those who believe that the charter is another engine of political integration and union, and part of the motor of the single European superstate.

Commissioner Vitorino, who is in charge of the justice and home affairs portfolio, said:

> The drawing-up of the Charter is an extremely important issue for the European Union, because, if it is brought off successfully, it will mark a definitive change in the Community, which will move away from the essentially economic raison d'etre of its origins to become a full political Union . . .

The German Foreign Minister, Joschka Fischer, said that the charter is a stimulus, not only for human rights, but

> above all for the identity and legitimacy of the EU

as

> the essential basis for the process of further integration . . .

Gunter Verheugen, as a German Minister, said that its function was as

> the foundation stone of a European constitution . . .

According to the Minister for Europe, all those people are paranoid and scaremongering. It is odd that they have said what they have—there is a higher degree of honesty in the Governments of other European member states than in our own Government.

We are not the only ones to highlight the way in which the charter could eventually be used as a Christmas tree on which to hang all manner of so-called social and

[Mr. Maude]

economic rights that would destroy jobs. To quote someone else who is clearly paranoid, the French Minister for European affairs said that

> the aim is to engrave in stone not only the political, but also the social rights which form the matrix of our political project.

Little wonder that the Confederation of British Industry is "deeply concerned" by calls to extend the list of existing fundamental rights and to make it binding, describing it as a "Trojan Horse". An interesting, straightforward comment in the French newspaper *Libération* gave the game away on the agenda of many in that country:

> Any charter of this sort would be welcome in France because most European regulation is anyway less stringent than the French law, and anything that pushes up the regulation in other European countries is seen as a good thing here. Not even Eurosceptics in France would oppose this because they know that it would diminish the competitive edge of France's European partners.

We look for two guarantees on the charter from the Government. First, they must ensure that a new set of wide-ranging rights will not be created at European level. Secondly, they must guarantee that any charter of rights will not be incorporated in the European treaties, even as an annex—*[Interruption.]* Even as an annex, which is the plan. Nor must it be made in any way legally enforceable.

Four months ago, the Minister for Europe, who is burbling away on the Front Bench, seemed to agree with us on that point in a written answer. Someone else did the drafting and all he had to do was write his name on it—*[Interruption.]*

Mr. Deputy Speaker (Mr. Michael Lord): Order. Those on the Treasury Bench must not speak from a sedentary position.

Mr. Maude: I am happy to give way to the Minister for Europe if he wants to engage in the debate. I quote back to him what he said in a written answer carefully drafted by Foreign Office officials. All he had to do was sign his name to it. Here it is:

> We do not therefore favour the Charter's incorporation into the Treaties.—[*Official Report*, 1 February 2000; Vol. 343, c. 541W.]

On the point made by my hon. Friend the Member for Buckingham (Mr. Bercow), when questioned on the same issue by the House of Lords European Union Committee on 5 April, he said:

> I think it would be premature to decide now whether or not it should go into the Treaties . . .

What happened in those two months? Why did he have that change of mind, having been adamant in February that the charter was not to be incorporated in the treaties? To use the Foreign Secretary's phrase, why the sudden conversion on the road to Damascus? Why does he now think that it is appropriate to contemplate the charter being incorporated in the treaties?

Mr. Vaz: We have always made it clear that the charter will not be legally binding. The Prime Minister, the Foreign Secretary and I have repeated that in everything that we have said. Everything that the right hon. Gentleman has said about the charter of rights being a declaration of existing rights is what we have said from the start.

Mr. Maude: Perhaps the Minister for Europe can be tempted to his feet again to explain to the House what he meant when, in early April, he said to the House of Lords Committee:

> I think it would be premature to decide now whether or not it—

in case there is any misunderstanding, that means the charter of fundamental rights—

> should go into the Treaties . . .

What did he mean by that? Will he get to his feet?

Mr. Vaz *rose*—

Mr. Maude: Ah! Excellent.

Mr. Vaz: I have given the right hon. Gentleman the answer to his question. He knows a lot about signing pieces of paper, as he was one of the Ministers who signed the Maastricht treaty. I am sure that that was drafted for him as well and he just signed it. We have made it clear: the charter is a non-legally binding declaration or proclamation of existing rights. That is what we have always said.

Mr. Maude: The Minister claims that he answered my question. He did not. I specifically asked him what the words meant. He voluntarily said to the House of Lords Committee:

> I think it would be premature to decide now whether or not it—

the charter—

> should go into the Treaties . . .

I am happy to give way again because I am genuinely curious to know what was going through his mind. If he is so adamant that, at every stage, all Ministers have been clear that it should not be incorporated in the treaties, what was going through his mind two months ago when he uttered the words that suggest that the Government are still deciding whether the charter

> should go into the Treaties . . . ?

I am afraid that that will have to remain one of the great unsolved mysteries on which the House will ponder.

Mr. Bercow: Will my right hon. Friend give way?

Mr. Maude: I will not, if my hon. Friend will forgive me. I am keen to make progress.

Even if the charter does not start as a legally binding text, experience shows that that is how it may end up. Social laws started off as a social charter—a statement of general principles—and developed into a social chapter, complete with costly, binding regulations. Before the Minister for Europe gets excited about my having signed the Maastricht treaty—*[Interruption.]* I am aware of that; I remember it. That is not a staggering revelation, though the Minister will recollect that, as a result of our negotiations, the social chapter did not apply to Britain. That was the beginning of a model for a more flexible Europe, which he would do well to study.

Precisely because I know what tends to happen—the integration process goes ahead inch by inch, step by step—we are particularly concerned about the charter. There is a real danger that it will turn into a charter for interference in national law and for job-destroying regulation that will turn centuries of common law in this country on its head. This country's legal system is different from those of other countries and we must not allow that to be overset.

If the IGC contains elements that would transfer powers from Westminster to Brussels, which the loss of the legislative veto, the institution of the ESDI in anything like its current form and the charter of fundamental rights would clearly all do, the public should have the right to vote on them in a referendum before they are enacted. I would expect the Foreign Secretary to be a strong supporter of that because, like us, he wants the public to be brought into the argument. He favours talking to them like grown ups on these matters, as he wants to do on the single currency, though he is frustrated by the Chancellor.

Last Monday, it was decided that reinforced co-operation will be on the IGC agenda. Does the Foreign Secretary agree with the view of some formidable pro-Europeans on the continent that that should be taken seriously? He may remember that Giscard d'Estaing and Helmut Schmidt said:

> It is obvious that full integration is not a realistic goal for thirty countries that are very different in their political traditions, culture and economic development. To attempt integration with that many countries can only lead to complete failure.

Does he agree with the compelling analysis in an editorial in *The Economist* a few weeks ago entitled "The Void in Europe", which said:

> the EU's main modus operandi—that all should move together or not at all—looks unworkable. Different countries have different aims, and for perfectly good reasons, not the least of which is that their electorates feel differently about the whole process of European integration . . . A multi-system Europe, in which groups of countries proceeded to integrate and co-operate in different ways according to their different choices, would offer a more stable and viable way to run a large, liberal community of 30 or more countries . . . ?

The right hon. Gentleman said nothing about that issue which, we now know, will be on the table at the IGC later this year, and he did not say what the Government's view was. Does he agree that, while Britain should certainly seek to retain the veto, we should not, in principle, exclude others from proceeding with schemes of closer integration which we would not wish to join ourselves. Is that not the right way to draw the poison from the relationship, which, in reality, is the enemy of public support for Britain's continuing membership of the union?

The IGC comes at a crucial time. As I said, there is a fork in the road for the European Union and a choice has to be made. Only if there is the right vision will the right choice be made. One route at the fork leads to an open, flexible Europe that celebrates diversity and does not seek to suppress it. That could be a network Europe, made up of nation states co-operating closely—perhaps more closely than now. The British public so clearly want that that I wonder that Ministers should even try to contest it.

At the fork is another route, of uniformity and uniform integration, in which national vetoes are all but abolished. That is being proposed by the European Commission and is supported by some Governments. The European Union, with eyes bigger than its stomach, would start tasks but not complete them and a tangle of subsidies and protective practices would still be in place. There would be an unreformed budget and agricultural and fisheries policies from a bygone era. It would be an EU with its own Government, taxes, foreign policy, criminal justice system, constitution, citizenship and currency. We are being dragged further into that bloc Europe or single European superstate because of a pathetic failure of vision and will on the part of the Foreign Secretary and Prime Minister. It is time that they stood up for Britain.

Mr. Deputy Speaker: Before I call the next speaker, I remind the House that Madam Speaker has limited all Back-Bench speeches to 15 minutes, which will apply from now on.

2.42 pm

Mr. Terry Davis (Birmingham, Hodge Hill): As leader of the delegation to the Council of Europe Assembly and the Western European Union Assembly, I should like to raise three issues, all of which affect the European Union and either the Council of Europe or the WEU. I believe that I probably have the support of members of all parties in the delegation for doing that and for the views that I shall express.

One issue is the charter of rights or, as we are now being encouraged to call it, the charter of fundamental rights. I give the Government my complete support for their insistence that the charter must not be legally enforceable. If it were, it is inevitable that there would be conflict between it and the European convention on human rights. I remind hon. Members that the long-established European Court of Human Rights enforces the ECHR which, as my right hon. Friend the Foreign Secretary said, was the result of a major initiative by the British Government many years ago. It should not be replaced or superseded by some document produced by the European Union.

I have no objection to a declaration or charter, but, like other members of the Council of Europe Assembly delegation, I object to anything which is legally enforceable and leads to wasteful competition and duplication between the Council of Europe and the EU. However, it is not only a question of duplication resulting from the charter being legally enforceable. I remind hon. Members that all such activities involve expenditure and we cannot afford to spend European taxpayers' money on providing something that already exists.

Mr. Robert Maclennan (Caithness, Sutherland and Easter Ross): Does the right hon. Gentleman agree that there is a lacuna in the jurisdiction of the European Court of Human Rights and the ECHR, and that there is a need for EU institutions to be subject to those rules?

Mr. Davis: The answer is that we should make it possible for the EU to subscribe to the ECHR. I would support that as would all members of the delegation, I believe. However, that does not mean that we should have a separate convention and charter, each of which is separately legally enforceable. I regret that some Members of the European Parliament are pressing for that precise provision.

Mr. Bercow: Will the right hon. Gentleman give way?

Mr. Davis: No, I shall not, as there is a limit on Back-Bench speeches and I have two more issues to raise.

[Mr. Davis]

I generally support the Government's insistence that the new European security initiative should not involve the creation of a European army. It is accepted throughout Europe that, although some people in other European countries have the ambition of having a European army, all that is being discussed as a result of the initiative taken by my right hon. Friend the Prime Minister is a transfer of some important Western European Union responsibilities to the European Union, which leaves the whole subject of collective defence outside the European Union. I and my colleagues in the delegation support the Government in their insistence that collective defence is a proper subject for NATO.

The transfer of some responsibilities from the WEU to the EU is not to be opposed. The Petersberg tasks can be undertaken by the European Union, but there are some important, detailed points on which I hope that the Government will take a robust line.

What will happen to people who are currently employed by the WEU to deal with those responsibilities? I believe that hon. Members all thought that when those responsibilities were transferred, the staff who dealt with them would be transferred with the work. Would it not be sensible to transfer people with years of experience and expertise from the WEU in Brussels to the EU in Brussels?

My colleagues and I were surprised to learn that that is not the intention. Apparently, it is intended that about 100 people working for the WEU will be dismissed and new people will be recruited, trained and employed by the EU to undertake exactly the same responsibilities. That is an incredible decision. It is extraordinary that Governments in the EU should want to behave in that way and waste experience and expertise in such matters. That is what they will lose when they start again from the beginning. Presumably, if the EU decided to use wheels, it would insist on inventing them again.

However, things are worse than that. Is it not extraordinary that the Governments of the EU should wish to spend taxpayers' money on redundancy compensation for employees of the WEU and then spend more taxpayers' money on training other people to undertake that work? That is the intention, although I find it hard to believe. Mr. Solana, the Secretary General of the WEU and Mr. Common Foreign and Security Policy, admitted it last week in the WEU Assembly. When my colleagues and I raised the matter, Mr. Solana made a slip and said that he intended to obtain the most generous compensation that he could. That was a dead giveaway, as there would be no compensation if people moved with their work. However, Mr. Solana encouraged us to raise the matter in our national Parliament when we returned to Westminster this week and encouraged our colleagues in other countries to take similar action.

It follows that the EU is going to waste experience and expertise, damage European security, waste money on redundancy compensation, destroy people's careers and spend more money training other people. That would be extraordinary in itself, but what example does it set in industrial relations? What would the European Commission, the European Parliament and the governmental bodies within the EU say if private sector employers behaved like that? If one company took over another, sacked all the staff—if it was that foolish—and recruited more people to do the work, would not a Labour Government protest? Of course they would. Would not the European Union protest? Of course it would. I ask only that the European Union practise what it preaches. If a member Government behaved in that way, I would expect criticism to come from the EU. I find it extraordinary that we should go along with the decision.

I am most disappointed with the correspondence that I have received because it indicates that the Government accept the decision. I simply ask why. The Foreign Secretary has told me that it is not possible to transfer the staff with the work. I hope that when the Minister replies to the debate, he will explain why it is not possible.

Another detailed point in the development of the European security initiative is the role of Parliaments. I support the Government in their insistence that national Parliaments are pre-eminent and that this is not a subject to be discussed by the European Parliament, but there is another issue. At present, we have the WEU Assembly. I do not pretend that it is perfect; it could be improved in many ways. However, it is proposed that when the transfer is made, there will be no scrutiny, except that by national Parliaments, of the responsibilities that are at present scrutinised by the Assembly.

I insist that the Government are accountable to Parliament, but there is a need for another body to co-ordinate and liaise between national Parliaments, to exchange information between Members of national Parliaments and to provide parliamentary scrutiny of common responsibilities and institutions. Apparently, however, a vacuum is to be created and there is to be an increase in the democratic deficit. I hope that our Government will think again on that issue and insist that it is wrong to scrap the Assembly and lose parliamentary, democratic scrutiny. NATO, after all, eventually found it necessary to establish the North Atlantic Assembly. Will we not have such an institution for Europe, as we should?

We should also ensure that such an Assembly includes representatives of national Parliaments outside the European Union. It is all right for my hon. Friends to say that the Governments of Iceland, Norway, Turkey and other associate partners, members and observers throughout Europe—a total of 13 at present—who participate in the WEU have accepted that they will be consulted in future. I hope that the Minister will tell us not only that there will be consultation, but that those countries that are involved in WEU discussions at present—month in, month out—will continue to enjoy exactly the same rights of consultation and involvement in future. It is believed that they will have fewer rights than they do at present.

I must tell my hon. Friends that if countries such as Iceland, Norway and Turkey have less involvement and participation and fewer rights, Members on both sides of the House will regret it very much. It is not enough to say that the Governments concerned accept that situation, because there is widespread concern among Members of Parliament from all parties in those countries about what is happening and what their future involvement will be.

I turn now to one of the most important issues in European affairs—the situation in Russia with particular reference to Chechnya. This has caused a great deal of discussion among the public, the media and the politicians

of Europe. It is not surprising that the matter has been discussed several times in the Parliamentary Assembly of the Council of Europe.

I remind all hon. Members that Russia asked to join the Council of Europe and was admitted in 1996 on the basis of commitments that must be honoured. Russia agreed not only to join the Council of Europe and to be involved but strictly to respect the provisions of international humanitarian law, including in cases of armed conflict on its territory, and to settle internal and international disputes by peaceful means.

I do not need to detain the House by describing what has happened in Chechnya recently. I speak as someone who would defend the territorial integrity of the Russian Federation, and as someone who condemns terrorism and the appalling human rights abuses committed by Chechens in Chechnya. I do not defend what the Chechens have done. However, we are talking about the Government of a member state of the Council of Europe, and the hard truth is that their means of dealing with this most difficult problem have not been proportionate. That is the almost unanimous view of Members of Parliament from the 41 member states of the Council of Europe or, perhaps I should say, 40 member states because, not surprisingly, most Russian Members do not agree with us.

In January, the Assembly condemned what was happening in Chechnya as totally unacceptable. It condemned the conduct of military operations there, the indiscriminate and disproportionate use of force and its effect on innocent civilians, and the violations of fundamental human rights, especially the rights to life, to liberty and to security. The Assembly overwhelmingly adopted a recommendation that called for an immediate and complete ceasefire, an end to disproportionate military action and an immediate start to political dialogue, with a view to achieving a comprehensive political solution. It called also for the fundamental human rights of the civilian population to be respected.

I must tell my hon. Friends that, unfortunately and deplorably, there has been little progress on those important points since January. When the Assembly returned to the matter in April, as we had promised to do, we came to the conclusion, not surprisingly, that there had been very little response. We then called on the Governments of the 40 countries to recognise the situation, and, if there was not substantial, accelerated and demonstrable progress immediately, to face the inevitable and to suspend Russia from the Council of Europe.

I am deeply disappointed by our own Government's response to those recommendations, including the recommendation that they should bring an interstate action against Russia under article 33 of the European convention on human rights, as they are entitled to do. The Government have apparently co-ordinated their response with the other 14 members of the European Union. We are therefore told that the 15 members of the EU will not respond to the recommendations from the parliamentarians of some 40 countries in Europe. Instead, the British Government will, unfortunately, continue to rely on pressure.

I have always been a strong supporter of dialogue between us and the Russian people, parliamentarians and authorities, but after the months that have passed without any sign of progress on these important requests by the Assembly of the Council of Europe, I am deeply disappointed that the Government's only response is, "Continue talking." Many of us regret and deplore that weak and feeble response. That is not what we would call an ethical foreign policy, and I have to say to my right hon. and hon. Friends that they make the Council of Europe's Committee of Ministers look all bark and no bite.

2.57 pm

Mr. Menzies Campbell (North-East Fife): The final remarks of the right hon. Member for Birmingham, Hodge Hill (Mr. Davis) were extremely powerful and found sympathy in many corners of the House, not least with me because I was one of those who had reservations about the alacrity with which Mr. Putin was received in No. 10 Downing street and taken to see Her Majesty the Queen.

This debate has the avowed purpose of focusing on the Feira Council, but it has become clear that in all debates about Europe, right up to and including the general election, there will inevitably be some focus on the single currency. I was trying to characterise the difference in view on the single currency here in the House, and it seems to me that it has some of the characteristics of the dispute over transubstantiation. That is to say that those who firmly believe in its virtues are unlikely to be persuaded of any vice, and those who are firmly of the view that it is something with which the United Kingdom should not be associated are unlikely, in this debate or any other in the House, to change that view.

Let me make it clear that my view and that of my right hon. and hon. Friends is that membership of the single currency would bring great benefit to the United Kingdom economy, protect existing employment and help to create new jobs. However, we have consistently said that we should join the single currency if, and only if, the conditions are right. My right hon. Friend the Member for Yeovil (Mr. Ashdown) was the first to say that this was a decision of such importance that it should carry the endorsement of the people of the United Kingdom before there was any entry into the currency. It would be folly indeed to join the currency regardless of economic circumstances, and it would be folly to join the currency if the convergence arrangements had not been properly fulfilled.

My complaint is that a Government who have agreed in principle to join the single currency, as the Prime Minister repeated only yesterday afternoon, should now be actively pursuing policies which have as their purpose the achievement of convergence between British and continental economic cycles. Simply waiting for convergence to happen will not do. The Government should have a published strategy to achieve the conditions for entry, including a competitive exchange rate.

Mr. Redwood: What might that competitive exchange rate be? I am sure that the right hon. and learned Gentleman will concede that, if one believes in that policy, getting the entry rate right would be important. What is the right hon. and learned Gentleman's preferred rate, how would he get there, and how would he persuade our partners to allow us to go in at that competitive exchange rate?

Mr. Campbell: The right hon. Gentleman made an interesting point in his last comment, which is that the

[Mr. Campbell]

longer we delay, the more those who are part of the single currency may have reservations or anxieties about the extent that they will willingly admit us. It would be foolish for anyone to speculate on the level at which we should enter. Conservative Members in government had some experience of levels of entry, which in the end proved extremely, shall we say, exhilarating. Few of us can forget that day in September 1992.

Mr. Maude: The Liberal Democrats supported that.

Mr. Campbell: We did not support the rate.

Few of us can forget that day in September 1992 and the scenes outside the Treasury with the Prime Minister, whom all those Conservative Members who are now cheering supported with such enthusiasm and respect, as I remember, through the long watches of the 1992–97 Parliament.

Mr. Maples *rose—*

Mr. Campbell: If the hon. Gentleman will forgive me, I shall not give way.

In the end, this is an issue that will have to be decided by the votes of the British people. That is right and proper, because it is an issue that goes beyond simple economic management, and it is more than an economic project. If one thought that it was simply a question of economic management, there would be little justification for a referendum. If one goes back to the period immediately after the last general election, the independence of the Bank of England became a matter of economic management—with profound consequences, it must be said—but I do not remember any great pressure at that stage from those who form the official Opposition for a referendum on that topic. The fact that it is now agreed—I think on both sides of the House—that there should be a referendum is an acknowledgement that entry into the currency has constitutional implications.

The sensible timing of that entry will depend on economic convergence, and I have already pointed out what I think about that. It also depends upon the Government's five tests. Anyone who has read the five tests recently will see that they are astonishingly subjective. Indeed, they are so subjective that they clearly lie within the absolute discretion of the Chancellor of the Exchequer, and that was, no doubt, by design.

However, I do not believe it is possible for Her Majesty's Government to put the issue into the deep freeze. Timidity now will certainly not carry the day in the next Parliament. There is an argument to be won, not least because the position of those opposed to the currency was somewhat shifting in nature to begin with. They said that it would never happen, but in fact it has. Now they say that it will for ever destroy our nationhood. I see little sign in the way in which the French or German Governments conduct themselves that France has abdicated from nationhood or that Germany has abandoned the robust defence of its interests. But the message for the Government has to be that, in an adversarial political system, the argument can be won only if one has the courage to put it.

The speech made by the right hon. Member for Horsham (Mr. Maude) in Germany recently has been the subject of what might even be described as textual exegesis. It was certainly a good speech which is worth reading. I hope that Conservative Members have read it and have understood its implications. The right hon. Gentleman said in terms that there should not be any lurch in the Conservative party's policy. That was a responsible and sensible thing to say. He also said that there should be no further extension of qualified majority voting on European legislation at all. That raises the interesting question of whether that is a pledge for ever, or simply a pledge for the next Parliament.

However, there must have been something of a lurch to persuade Mr. Sykes to throw his lot, and his loot, in with official Conservative policy. I wonder what kind of greeting he will get from those Conservative Members whom he tried to have deselected just a few months ago. The referendum that he now apparently seeks, as evidenced from this morning's newspapers, is a referendum not on going into, or staying out of, the single currency, but a referendum on whether Britain should remain within the EU at all. That is a fundamentalist position which, on any view, if it were to be adopted would represent a considerable lurch.

Mr. Maude: I am happy to make it clear that we have no intention of making such a commitment.

Mr. Campbell: There is the old principle of caveat emptor. I hope that Mr. Sykes was aware of that when he announced, with such enthusiasm, his reconversion to the Conservative and Unionist cause.

Mr. Redwood *rose—*

Mr. Campbell: The right hon. Gentleman will forgive me if I do not give way.

In *The Times* on 5 October 1998, the right hon. Member for Horsham also said of the single currency that

staying out was not a matter of religious principle—

again, one might think, an entirely sensible, moderate and reasonable approach. But if that is his approach, fanaticism appears to have crept in elsewhere, because some of the published opinions of prospective Conservative Members of Parliament appear to go rather further in that regard than he obviously would have thought prudent.

What is fascinating is that we now have the principle of save the pound, but it is a principle for only the four or five years of the next Parliament. It introduces a new political construct—the shelf-life principle. It is a principle which, even it if were demonstrably in the United Kingdom's interest to join the currency, would not be departed from. One must examine the logical basis of such a principle with some care before one can accept it as valid.

One of the problems about the debate on the EU, which those of us who are enthusiastic about the EU find difficult to deal with, is the rather curious lack of self-confidence which many of those who are opposed to it appear to have about Britain's capacity to continue to exist within the EU. I find myself forced to ask whether our institutions are so fragile and our way of life so impermanent that we are at risk. To go back to domestic

experience, Scotland has been a member of an economic union since 1707. It would be difficult to argue that the characteristics of Scotland and its differences have been eroded in that period of 300 years. That makes me believe that, where countries embark upon an exercise of shared sovereignty, their characteristics are not likely to be lost or in any way damaged.

If the EU and its institutions are so defective, why do so many countries want to join? Anyone listening to the Foreign Secretary's speech and the interventions would see that there is a strong view on the Opposition Benches that the institutions of the EU are defective. It is said that such countries are under some form of blackmail. I am not so sure about that. If one takes the common agricultural policy, I do not think that Poland feels blackmailed. It is not that it is being asked to take part in the reform of the CAP which it regards as blackmail; it is desperate to become a member of the existing CAP. As the right hon. Member for Horsham explained comprehensively, the CAP cannot be sustained. One of the disappointments of the current and the previous intergovernmental conference is the lack of effort to reform a CAP that occupies approximately 50 per cent. of the European Union's budget.

Mr. Bercow *rose—*

Mr. Cash *rose—*

Mr. Campbell: I give way to the hon. Member for Stone (Mr. Cash).

Mr. Cash: I am grateful, as ever, for the right hon. and learned Gentleman's courtesy. I mentioned blackmail because I had heard people in the candidate countries referring to it. I refer the right hon. and learned Gentleman to the recent speech of Mr. Geremek in Poland. He makes a good case for not wanting to be taken into the sort of European Union that is being proposed.

Mr. Campbell: I visited Poland not long ago. Politicians of any party to whom I spoke were at pains to tell me that the United Kingdom had to ensure the success of the intergovernmental conference that dealt with enlargement, and that Poland's entry into the European Union was not delayed. Consideration of its candidacy comes hard upon its entry to NATO. Poland, like the Czech Republic and Hungary, views the twin track of NATO and the European Union as fundamental to underpinning the democratic process on which they have embarked after the years of the cold war.

It is essential for the meeting to lay a proper basis for the treaty of Nice, which will follow. That requires re-weighting votes in the Council of Ministers. Such a measure will protect the interests of larger states, including the United Kingdom. We need a formula to prevent the size of the Commission from increasing unreasonably. Again, that is in the interests of the United Kingdom. When qualified majority voting suits United Kingdom interests, for example on liberalising transport, we should be willing to consider an extension of QMV on a case-by-case, merit-by-merit basis. Many people would believe that forgoing that opportunity would deny the interests of the United Kingdom.

Mr. Paul Tyler (North Cornwall): Does my right hon. and learned Friend accept that QMV would be critical in reforming the CAP, to which hon. Members have referred?

Mr. Campbell: How, without a system of qualified majority voting, shall we reform the CAP, which takes 50 per cent. of the European Union's budget? However, let us be clear: there can be no question of moving towards QMV on defence, taxation, resources, social security, borders and treaty change. Those are of such peculiar and distinct interest to the people of the United Kingdom that the veto must be retained. I suspect that the those on the three Front Benches are united on that, if on nothing else.

Re-weighting votes, considering the size of the Commission, and the case-by-case extension of QMV cannot prejudice the interests of the United Kingdom. There is also another check and balance: any treaty of Nice will have to be ratified by the House. Some of us are survivors of the Maastricht debates. We stayed up quite late at night; we were sometimes sent home at 10 o'clock because the Government of the day could not guarantee carrying the 10 o'clock motion. However, no one could argue that the Maastricht treaty was not subject to line-by-line examination and that the anxieties felt by hon. Members—mainly Conservative Members—were not properly canvassed and taken into account. If there is a ratification process, there will be every opportunity to consider the interests of the United Kingdom, about which hon. Members are rightly concerned.

There is something to be said for the almost lyrical view of enlargement that the right hon. Member for Horsham espoused. Any delay or blocking of enlargement will prejudice the interests of those who have applied for entry; it will certainly dash their hopes. Most important, it will inhibit their progress towards fully fledged, free-market democracy, which is in their interests and those of the rest of us.

The right hon. Member for Richmond, Yorks (Mr. Hague) has a proposal for referendums; it is not only one referendum that he has in mind. We should examine the proposal with some care, lest it prove a recipe for paralysis. It may turn out to be a recipe for a constant referendum campaign. As has already been said, there was no referendum on the Single European Act 1986 or on the Maastricht treaty. If there is to be a referendum on, for example, agreeing to QMV on transport, I suspect that the United Kingdom electorate would quickly suffer referendum fatigue.

There is a constant argument about clarity in the European Union. It is argued that there is a need for clear specification of the rights and the responsibilities of nation states, a clear description of the rights and responsibilities of European Union institutions and a clear acknowledgement of the rights of individual citizens. There is also a constant and justified clamour for ensuring constitutional recognition of the principle of subsidiarity. That is why I do not shrink from the notion that we need a constitution for Europe. Such a constitution should embody the principles that I outlined. Perhaps it should

[Mr. Campbell]

provide for freedom of information so that transparency can be more easily achieved. It could provide that the Council's legislative deliberations should be held in public.

Anxiety has been expressed about a charter of fundamental rights. It was clear from the exchange between my right hon. Friend the Member for Caithness, Sutherland and Easter Ross (Mr. Maclennan) and the right hon. Member for Hodge Hill, who leads the Council of Europe delegation, that there is a problem because the European Union treaties contain no code of human rights and the European Court of Human Rights has no jurisdiction when any EU institution breaches the convention of human rights. It cannot give redress to any individual who has been the subject of behaviour or conduct that might otherwise lead to a right of redress.

The House of Lords report, which was published on 24 May, has already been mentioned. It stated:

> The purpose of the charter should be to protect individuals against infringement of their fundamental rights by the institutions of the E. U. or by member states applying Community or E. U. legislation.

It continues with the following judgment:

> To this extent the charter could be regarded as restricting the competencies of the E. U.

Considered in that way, there is a great deal to be said for a charter.

The incorporation of the European convention on human rights in domestic law has already occurred in Scotland, and will happen in England and Wales later this year. The Scottish experience would persuade anyone that incorporation is not without implications or some surprising consequences. I accept that the judicial system north and south of the border must have time to adjust to the incorporation of the European convention on human rights in domestic law.

To incorporate a new charter at this stage would significantly increase the burden on the legal system. I therefore support the proposal that the European Union should accede to the convention. That would create a right of jurisdiction in the European Court of Human Rights in the circumstances that I outlined.

Mr. Bercow: Will the right hon. and learned Gentleman give way?

Mr. Campbell: If the hon. Gentleman will forgive me, I want to make a little more progress. I do not wish to blunt his anxiety.

The correct place for such a charter, if it is to be justiciable, is at the heart of a constitution for Europe. I agree with the right hon. Member for Horsham about that. I believe that a constitution is desirable for the reasons that I have already outlined, but we cannot expect such a development for some time. I would expect and hope all hon. Members to wish to subscribe to a charter that establishes the fundamental rights of individuals, guarantees them from abuse of power and affirms their personal liberty.

Mr. Bercow: I am grateful to the right hon. and learned Gentleman for giving way. Would he concede that it is improbable, to put it mildly, that the centralising majority of states in the European union would agree to a decentralising constitution? Would he agree that one does not have to look into a crystal ball when one can read the book? Does he recall that neither under article 3b of the Maastricht treaty, on subsidiarity, nor under the protocol on subsidiarity and proportionality of the Amsterdam treaty has a single directive or regulation adversely affecting this country been repealed?

Mr. Campbell: I am a devolver by nature. I have supported home rule for the United Kingdom all my political life. If a model constitution appeared that did not contain in sufficient form the principle of subsidiarity, to which I have already referred, I would not subscribe to it. If we are to have a constitution, the principle of subsidiarity must be a fundamental part of the approach that it enshrines.

Let me deal with the European security and defence policy—the ESDP as we must learn to call it now, rather than ESDI. I am sorry that the right hon. Member for Kensington and Chelsea (Mr. Portillo) is not present, because he might have detected a hint of nostalgia in what I am about to say. No one is proposing Brussels cap badges; no one is proposing a European army. There is no replacement of NATO, and no bar to individual states taking military action in their own interests, as in Sierra Leone or the Falklands. It is a capability-driven exercise designed to allow Europe to take a far greater share of responsibility for its own security.

The way to enshrine the primacy of NATO is to ensure that it has a formal right of first refusal, and that no action by the European Union members of NATO can be taken until NATO has considered whether it is an operation in which it wants to become involved. That would deal with the anxieties of people in the United States, and certainly with those of members of NATO that are not members of the European Union.

The decision to commit forces should remain with domestic Parliaments in all circumstances. Indeed, I would go a little further than that. The right hon. and learned Member for Sleaford and North Hykeham (Mr. Hogg) recently made a compelling point about the need to ensure that when British forces have been committed, they enjoy the support of the House of Commons in a resolution. We deploy troops under Executive privilege—as part of the royal prerogative. Some constitutional change in that area would be highly desirable.

It is unquestionably true that a weak European security and defence policy will damage NATO. A strong policy would sustain it, and would rebalance an Atlantic partnership that I do not believe can be sustained in its present form. The Clinton Administration have shown an understandable—from their point of view—reluctance to engage on the ground in Europe. We should ask ourselves whether we think that a Gore or Bush Administration would be any less reluctant. To put it a little more colloquially, are we willing to bet that for the foreseeable future the United States Administration would, in all circumstances, be willing to come to the aid of a Europe whose collective securities is not at risk, and for which an article 5 situation did not arise, but which was unable to deal with instability on its own borders? The answer to that question has to be that we cannot afford to make that bet. That is perhaps the most compelling of all arguments for the creation of a European security and defence policy.

In the forthcoming general election, whenever it is held, there may be vigorous debate on the European Union. However, I suspect that the public find these matters rather less compelling than the House does on occasions such as this. In that debate, Liberal Democrats will be happy to defend our policies, not least because our record in these matters has shown that our judgment has consistently proved to be well founded.

3.25 pm

Mr. Denzil Davies (Llanelli): A mere glance at the list on the Order Paper of the documents that are before the House for this debate shows that, once again, the integrationist wagons of the European Union are on the move. Those documents deal with defence, legal reform, removal or possible removal of the veto over taxation matters, and developments on the euro.

I was interested to hear my right hon. Friend the Foreign Secretary's speech. He is clearly now one of the drivers of those integrationist wagons. He chided—probably correctly—the right hon. Member for Kensington and Chelsea (Mr. Portillo) for going to Damascus. My right hon. Friend has been to Damascus quite a few times in his political career. Saul became a greater man after going to Damascus. I do not know whether my right hon. Friend could be said to be a greater man: that is a matter for history to decide.

Step by step, the sovereignty and the democratic powers of the Governments and Parliaments of the old nation states of Europe are being dismantled, and they are being vested in a centralised European state that largely comprises bureaucratic institutions, perhaps tempered by a thin veneer of democratic legitimacy and accountability.

That erosion is taking place in all the nation states—not just in Britain. I suspect that the consequences for Britain will be more far-reaching than for most of the other member states. I understand that a Scottish sheriff has this week decided that Scotland is not a nation but a department of Britain. I shall leave that to one side, but my feeling is that Britain is more of a state than a nation. It comprises three nations, and to meld the three nations into the British state, which has been done quite successfully, it has been necessary to have central institutions of some power and authority with the Crown in Parliament at their apex. I have been in the House for 30 years—perhaps too long—and I believe that Parliament and the institutions of Britain are under a greater challenge than they have ever been in that period.

My right hon. Friend the Prime Minister recognises that because, in his speech to the national conference of the Women's Institute—*[Laughter.]* It is no good Conservatives Members laughing. The Prime Minister made an important point and sought to reassure his audience—whether he succeeded is another matter—of his commitment to Britain and to Britishness. The reality is that the Government's policies on devolution and the whole modernisation ethos that they have fostered, together with the drip, drip, drip of continuous erosion of power to Brussels, have led many people to question the Government's commitment to Britain, notwithstanding the Prime Minister's attempts at reassurance.

We have heard much about defence, so I shall not spend long over it. My right hon. Friend the Foreign Secretary and I participated in arguments on defence during the 1980s before the wall came down, when defence was perhaps a more fraught subject than it is now. Attempts to create a European defence, security or strategic force—call it what you like—have in the main come from France, but, for obvious reasons, successive British Governments have resisted them, until my right hon. Friend the Prime Minister at the Cologne or Berlin summit, I cannot remember which, finally succumbed because the French were very persistent.

Perhaps we have not yet been enlisted in a European army, but I expect the consequences of developments involving the European defence system to be important for Britain. We have heard all this before. We have been told, "Of course this will not happen. It is just to help the Americans." Well, we can help the Americans through NATO, if we want to. It is not about that; it is about the fact that France, in particular, wants to stand up to the Americans, and have something different.

If a state is to be centralised, it will need a currency. It will need its own defence forces, and a uniform legal system. Work has been done in that last regard. At Feira or Nice, not much may be heard of something grandly called corpus juris. That is an elitist title if there ever was one.

Mr. Menzies Campbell: It is a Roman title. That does not make it elitist.

Mr. Davies: I was being slightly ironic. In fact, it is a Latin title. Those of us who attended not just provincial universities but elitist universities know that Justinian's jurists—Byzantine jurists, in fact—thought it up.

These guys were clever. They did not choose the words "corpus juris" for some eccentric reason; they were sending a message. They were saying, "We need this again. We need a uniform legal system for this centralised European state." Justinian said the same, and, in the end, the Romans got it.

There is also the question of the charter of fundamental rights. My right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Davis) rightly expressed surprise and frustration about the fact that the European Union did not simply subscribe to the one that we have. Of course it will not. Nowadays, every state must have a charter of human rights, and they want the European Union charter rather than any other charter.

Both the Prime Minister and I went to elitist universities. We have the advantage over most Members who are present today, in that we read—rather than studying—a subject called jurisprudence. We read a lot about rights, so I know a lot about rights. What I cannot understand—being, at the end of the day, a simple common lawyer—is how it is possible to have rights that are not legally enforceable.

I know that some "jurisprude" went to an early grave when he talked about abstract rights. I understand that the Prime Minister has appointed Lord Goldsmith—a distinguished commercial lawyer—to negotiate on such rights. I am worried about that, because I believe that Lord Goldsmith comes from the same stable as Lord Irvine and Lord Falconer. I ask my right hon. Friend—rhetorically—how it is possible to have rights that are not legally enforceable. Perhaps brilliant commercial lawyers and Lord Chancellors can explain, but simple common lawyers do not quite understand.

[Mr. Davies]

I think that we are in the realm of metaphysics when we start talking about rights not being legally enforceable. Of course they will be. Sets of chambers are sprouting in the Temple every week. The aim is to milk this human rights business, probably even more intensely than Welsh farmers milk their Holsteins and their Friesians. The matter will go to the courts, and, as we know from the speech of the right hon. Member for Horsham (Mr. Maude), it will be part of the constitution that a single European state needs.

Then there is the euro. My right hon. Friends the euro-enthusiasts—the Foreign Secretary and the Secretaries of State for Northern Ireland and for Trade and Industry—are obviously panicking, as are their friends in business and the trade unions. I understand why they are panicking. They fear that, the longer the debate goes on, or does not go on, or the longer the time before a referendum comes along, the more difficult it will be to win.

One reason for that is the fact that the integrationist wagon is moving even on the euro. No doubt, by the time the referendum comes, we shall have seen more integration. The French are already calling for it, and what the French call for the French get, because they are cleverer than everyone else. The current Finance Minister, Mr. Fabius, is as clever as the last, and probably more of a euro-fanatic. The French have spotted what is happening, and they want an economic government.

When the strength of the euro descended from $1.17 to 85 cents in a fairly short time, the European elite was clearly rattled. I understand that, with a bit of help from its friends, the euro has now risen by a dime, but it can go down again. There are many reasons for the fall. I think one is the fundamental problem of the euro: it is a currency without a country, or a currency without a government.

Let us consider the days before Italy, for instance, joined the euro. If there were problems with Italy's budget, the financial markets—the teenage scribblers, as Lord Lawson once called them—would sell the lira. If there were problems in Greece, which I am told will join the euro, they would sell the drachma. Once the euro comes along, however, if there are economic problems in Italy, the Goldman Sachs of this world will sell the euro. It is necessary not only to co-ordinate, but to ensure that member states have very little discretion in their economic policies, because such discretion could affect the euro and other countries. Economic government is necessary.

The French will get their way. We have already seen the removal of discretion in monetary policy, which has gone to the Bank of England. The same applies, in part, to fiscal policy: we have the stability pact, which has removed much of the control that member states had over public expenditure. We need to go further, however. We need to deal with taxation. It is not possible to isolate taxation from monetary policy and, ultimately, from fiscal policy. Whether it is done by removing the veto, through co-ordination or by means of the guidelines that everyone likes to use nowadays, what needs to be done will be done in some way. I predict that, by the time the referendum comes, if it ever comes, the British public will be asked to buy not just the euro but a common system—or something close to it—of direct tax, income and corporation.

I understand why euro-fanatics like those in the Cabinet are worried. Time is running out, and they are not in control of events. Defence, the legal system, the currency, public expenditure and taxation are all going to Brussels, Frankfurt or the court in Luxembourg. There is not much left for the British Government and Parliament to do, and not much for a British electorate to vote for. Who knows? Perhaps there is not much left of Britain.

3.39 pm

Mr. John Redwood (Wokingham): I hope that the Foreign Secretary listened carefully to the magnificent speech of the right hon. Member for Llanelli (Mr. Davies). I gathered from the Foreign Secretary's remarks that he had not understood or appreciated the force and common sense of the speech of my right hon. Friend the Member for Horsham (Mr. Maude), but I hope he will take seriously the strongly worded pleas of his right hon. Friend.

The right hon. Gentleman speaks for many people in this country who want to co-operate with our European partners, want to be friends with them, want to trade with them, want good relationships with them and want to encourage peace and prosperity across the continent, but do not believe that the right way of doing that is to surrender more powers of independent self-government to the Brussels bureaucracy.

Members on the Government and Liberal Democrat Benches have said that some dirty deal has been done between the Conservative party and Mr. Paul Sykes, so I should like to put the record straight. I phoned him, having heard the remarks of the Leader of the Opposition and read the excellent speech by the shadow Foreign Secretary setting out the Conservative party's new policy, confronted as we are with a possible fait accompli from the Government at the time of the signing of the treaty of Nice in a few months.

I explained the policy to Mr. Sykes. I am pleased to tell the House that, this morning, he phoned me back. He told me that he had reflected on what I had said and on the speech, which he had read; that he thought that the referendum guarantee now offered by the Conservative party in the form of words used by my right hon. Friends was fine by him; and that, on that basis, he was seeking to rejoin the Conservative party.

There was no deal as far as I am aware. There was certainly no request for money. That is the decision of an independent man who has taken a great interest in the issue, who did not like the Conservative party's policy under its previous leader, the previous Prime Minister, and who now backs the leader of the Conservative party in his latest policy.

The Government are so worried and desperate about it that it was, I understand, one of the big issues, if not the most important issue, on the agenda of the political Cabinet today. Can Members believe it? With the health service in crisis, with schools not responding in the way in which we would like, with stealth taxes everywhere and with a massive meltdown in Government popularity, Ministers spend Cabinet time debating Mr. Paul Sykes and his relationship with the Conservative party.

I suspect that the reason why Ministers did that is their fear that hundreds of thousands of people who either stayed at home or supported the Referendum party in 1997 are now persuaded by the leader of the Conservative

party that they can trust him with their vote at the next election. That is what they are worried about. That is why they are now trying to make those entirely false allegations about the relationship between the party and a potential new recruit, and the basis on which that friendship has been rebuilt.

Mr. Ian Taylor: My right hon. Friend has clarified wisely that no deal was done. Like many other people, Mr. Paul Sykes is free to apply for membership of the Conservative party. Given his record, I strongly hope that we will not accept that application. Given the views that he has expressed both in the Democracy Movement and before the last general election, I hope that the Conservative party—including Conservative Front Benchers—will wisely distance itself from him.

Mr. Redwood: I think that that is a point for the chairman of the Conservative party rather than for me, but all I can tell my hon. Friend is that Mr. Sykes told me clearly today that he supported the Conservative party's policy on that sensitive and important issue. That is good enough for me. We will see what follows.

The big issue that is at stake is: are we going to have an honest and open debate about these mighty matters? They include our relationship with our partners in Europe, whether we wish to abolish the pound and whether we are moving on from that to common taxation with our partners, to a common army and to all the other trappings that are debated on the continent, but denied here by the British Government.

The one thing that I disagreed with in the speech of my right hon. Friend the Member for Horsham (Mr. Maude), the Opposition spokesman, was his kind remarks to both the Secretary of State for Northern Ireland and the Foreign Secretary. He said that the Secretary of State for Northern Ireland for once had done the right thing, come out and said that he wanted an open debate on the euro.

I, too, read those newspaper comments, but I should like my right hon. Friend to know that I immediately wrote to the Secretary of State for Northern Ireland saying that I was delighted by his conversion on the road to Damascus to the need for open debate on that crucial issue and that I would be happy to debate the matter with him any time, any place, on any radio show or any television show—whatever he liked to name. If my right hon. Friend wishes to volunteer some other senior Conservative who takes a particular interest in these matters, I am sure that that person will be willing to take up the challenge, but I regret to tell the House that, so far, I have had no reply. I have the nagging doubt that the Secretary of State for Northern Ireland has no serious interest in debating the matter whatever.

Over the past five years, when I have taken an interest in the abolition of the pound. I have offered to debate the matter with Labour spokesmen when they were in opposition and with Ministers in the past three years that they have been in government. I regret to tell the House that no single official spokesman for the Labour party, either when in opposition or in government, has been prepared to come forward and to debate it with me.

I have managed to debate with some very pleasant Labour Back Benchers. We have had good debates about whether we should go for the euro, but none of those Labour Back Benchers ever supported the official line of the Opposition or Government whom they purported to represent. They usually wanted to go a lot further and a lot faster than the official Opposition before the election, or the Government now. It is obvious, as we will see from today's debate, that the Labour party is split every which way on those crucial issues and that the Cabinet is scared stiff about coming out and debating them.

The Secretary of State for Northern Ireland would be better dubbed the grim briefer. He seems to be the man who wishes to scythe his way through half the Government—through half his colleagues—because they do not happen to agree with him on the issue. He clearly wants to scythe the pound down and go into the euro as soon as possible, but I have a word of advice for the Foreign Secretary. He might feel that he is on the side of the grim briefer today and is not being briefed against by him, but, come reshuffle time, we may find out the real plot: the grim briefer is not happy enough in Northern Ireland and wants to be Chancellor of the Exchequer and Foreign Secretary at the same time. I suspect that he will regard the Foreign Secretary as the more vulnerable of the two. We might see a bit of grim briefing against the Foreign Secretary from the Secretary of State for Northern Ireland when we get nearer the time of the Prime Minister making decisions about shuffling his rather stale, under-performing team.

I was not entirely happy with the support that was offered to the Foreign Secretary. My right hon. Friend the Member for Horsham was very generous. He said that he thought that the Foreign Secretary had attempted to make out a case for the euro. It was a small and slender case. One had to be very careful in listening to hear it.

As I understood it, three points were made. First, the Foreign Secretary said that we had to join the euro to trade with Europe. What complete nonsense. As he himself said elsewhere in his speech and on many other occasions, we trade a lot with our continental partners already. There is no danger of that trade disappearing whether we join the euro or not. It will take place. It has taken place for many years when we have not shared the same currency. There is no suggestion that our massive trade, particularly in invisibles and investment, with the United States is at risk because we are not seeking to apply to the Federal Reserve bank to abolish the pound in favour of the dollar. There is no rule that says that we must share a currency with people to trade with them.

Secondly, the Foreign Secretary said that the great advantage of joining the euro would be that we had greater transparency; we would know which things were dearer in Britain, to put it in more sensible language, and which things were cheaper. It is already crystal clear. Let us take a case in point. It is obvious to all observers that, for a long time, cars have been a lot dearer in Britain than in many continental markets. We do not need to change currencies to discover that. *Which* magazine, newspapers and television do it regularly. Customers know it. Some go to Belgium to buy a car because they have worked it out for themselves. We do not need to change currencies to have greater price transparency.

What we do know is that the Government, who lecture us on rip-off Britain and who say that it is all the fault of the private sector, are the biggest rip-off artists of the lot. What we have is not so much rip-off Britain by the private sector as a rip-off Government sticking our petrol prices

[Mr. Redwood]

up through the roof, so that they are much more expensive than those on the continent. That is just one example of the damage that they do.

Therefore, the Foreign Secretary should be careful. Perhaps he wanted to land the Chancellor in it by referring to price differentials, but, clearly, the biggest price differential is caused by the Chancellor. We can see that without changing currencies. We would like a Chancellor who cut tax, not one who abolished the pound, just so that it was even more obvious to the Foreign Secretary—if not to the rest of us—that things were dearer here than over there.

Thirdly, the Foreign Secretary said that joining the euro would reduce transaction costs. He should ask for a briefing on what has happened so far to banking charges within the eurozone, because, as he will find, it makes rather disappointing reading. Banking charges are rather high in the eurozone. The abolition of the foreign exchange element of the transaction still leaves banks wishing to charge for moving money around the eurozone, and those charges are rather uncompetitive. That is part of the reason why, to date, so few businesses on the continent have chosen to undertake transactions in euros. Businesses are mainly waiting until they have to undertake them when the final changeover occurs.

Therefore, we have a Government who—with the exception of those three pathetic arguments produced by the Foreign Secretary—will not engage on the issue, or appear on radio or television to engage on it. They are trying to destroy the pound by stealth, but will not come out and argue their case.

I imagine that, if Ministers ever get round to coming out with the case, they would say, for example, that abolishing the pound will increase currency stability. I ask the Foreign Secretary and the Chancellor to consider the experience of the euro against the dollar compared with the experience of the pound against the dollar. They will see that, had we been in the euro or linked to it so far, far from having more currency stability against the dollar bloc and the yen bloc—which are two huge trading blocs for us—we would have had more currency volatility. They must do an analysis of all the transactions undertaken by British business if they wish to come to a bottom line on the stability point.

The second really big point that the Government will probably produce—I have heard it made by some Labour Back Benchers who are less shy than Ministers—is that, if we join the euro, it would mean cheaper mortgages. They seem to have ignored the point that long-term interest rates in Britain are lower than long-term interest rates in countries such as Germany, and to have ignored the bitter experience that we had in the late 1980s and early 1990s, when all the major parties recommended linking to the deutschmark, and when, far from having cheaper mortgages, we had punitively expensive mortgages.

The Government should also remember that rates in the eurozone can go down as well as up. They are currently going up, and may eventually overtake rates in the United Kingdom, because the economies have not yet come together.

The biggest set of errors in the Government's approach to this debate has of course come over the draft treaty of Nice. We are always treated to the same nonsense from the Government whenever they are negotiating a treaty. First, they say that there is not a negotiation or a treaty. When it becomes quite obvious that there is one and we receive drafts of the treaty and hear the speeches of continental politicians—who, in good faith, are driving ahead to create a political union or state on the continent—the Government say, "You do not want to believe what you read in the drafts. The Commission does not usually get its way. The Foreign Minister of Germany does not know what he is talking about, and the Prime Minister of France must be ignored. You must not believe anything that those people say." That really is not good enough, and it is an insult to our partners.

I think that we owe it to our partners for Britain to set out clearly—now, in this debate, or in a piece of professional spin by the Secretary of State for Northern Ireland if that is the only way in which the Government can operate—where we stand on these crucial issues in the current draft Nice treaty.

Has the Foreign Secretary read draft clause 93, which clearly states that, in a large number of areas, the Commission and, I think, France and Germany wish to move rapidly towards common taxation? Is he aware that, on the continent, they believe that having common taxation imposed from Brussels is a necessary part of completing the single currency and the single market project?

On the continent, they really do believe that we need a savings or withholding tax to be fair across the whole integrated monetary area. They really do believe that that should be the first truly European tax, imposed on more things than it is imposed on in Britain and at a standard high rate. They also believe that it should be collected by the European Union and granted back to countries according to a formula settled by the European Union.

On the continent, they really do believe that the tax breaks offered to business in countries such as the Republic of Ireland and the United Kingdom are unfair competitive practices, and that they should be eliminated, preferably by agreement, but perhaps eventually by treaty change and against our will.

On the continent, they really do believe that we need extra taxation on energy, on top of the massive taxation that our Chancellor has already imposed on things such as petrol. They really do believe that the Union needs to collect much more tax, because the Union needs to distribute more money around the area of the Union to compensate for the single interest rate and the single exchange rate that one gets with the euro.

Mr. Deputy Speaker (Mr. Michael J. Martin): Order. The right hon. Gentleman's time is up.

Mr. Redwood: We really must have replies to those points.

Mr. Deputy Speaker: Order.

3.55 pm

Mr. Donald Anderson (Swansea, East): The right hon. Member for Wokingham (Mr. Redwood) began with an explanation of why Mr. Sykes, the right-wing gentleman with bagfuls of money, has transferred his affections back to the Conservative party. I do not think that anyone

seriously suggests that there was a type of binding contract between the two parties, with express terms and protocols—but there are certainly some implied terms.

The right hon. Gentleman may have noticed the editorial in yesterday's *The Daily Telegraph*—which is currently the Conservative party's house magazine—describing Mr. Sykes's Democracy Movement as the natural lateral successor to Sir James Goldsmith's Referendum party, which, in 1997, fought in most if not all constituencies against the Conservative party. That fact gives some idea of just how far the Conservative party has moved on the issue in the period since the general election.

The right hon. Gentleman said that Mr. Sykes is happy to return because the Leader of the Opposition has promised a referendum on any change in the powers held by Brussels and the European Union. As the right hon. and learned Member for North-East Fife (Mr. Campbell) pointed out very well, some of those changes would be very much in the United Kingdom's interests. Will there be referendums on those changes?

Will there be a referendum on changes to the European Court of Justice, where justice is very slow? As the House will know, justice delayed is justice denied. Will the attempt to remove some of those impediments be defined as an accretion of power to Brussels? Will there be a referendum on changes to powers in transport matters that also would be very much in our interests?

The broad promise on referendums—which was enough to bring back on board Mr. Sykes, the right-winger—suggests that there would be a series of referendums, even on matters that clearly are in our national interest or are seemingly relatively minor. However, that is clearly a matter for accommodation between Mr. Sykes and the new right-wing Conservative party. It may also be that, if the promise is not delivered, Mr. Sykes will ask for his money back and there will be a certain embarrassment.

Mr. Robin Cook: Perhaps it will not be refunded.

Mr. Anderson: Perhaps not.

One of the documents listed on today's Order Paper is the minutes of evidence from the Foreign Affairs Committee's session, last week, with the Foreign Secretary. I like to think that one of the key aspects of the Committee's work is our policy always to meet the Foreign Secretary before every European Council. Happily, he has always accepted our invitation. In our view, our reports are always a useful platform for debates such as this one. I hope that colleagues will agree that we have successfully prepared for today's debate by addressing some of the key issues that will arise at the Feira Council.

No Council is an entirely new start—there is no tabula rasa—but each six-monthly Council is significant in itself. Each Council is essentially work in progress. At Feira, the work in progress is the intergovernmental conference, in preparation for the Nice treaty, which in itself is an essential prerequisite for enlargement. Those who seek to scupper the institutional changes arising from the intergovernmental conference are effectively—whatever their professions of support for enlargement, to include the Luxembourg six and the Helsinki six—putting obstacles in the way of enlargement.

We know that there will be a presidential progress report on the IGC at Feira. We also know that a maximalist position has been set out, for example in the report by the three wise men—Dehaene, von Weizsäcker and Simon. The Foreign Affairs Committee heard that position expressed when we interviewed Commissioner Barnier, who had the absurd suggestion that there should be elections to the European Parliament on an all-Europe basis. I understand that that suggestion has met with very little, if any, favour among national Governments.

However much the maximalist position frightens the Tories, and however much they try to use it to frighten others, it will not happen, partly for time reasons—a fair part of the French presidency will be during the holiday season in Europe—and because no consensus exists, as my right hon. Friend the Foreign Secretary pointed out. The minimalist position, which the Government have espoused, is most likely to be accepted, for practical and other reasons. It will include the so-called leftovers from Amsterdam, for example, and the question of the commissioners—whether we have 20 commissioners with rotation, or one from each member state. In spite of the idea that commissioners should represent Europe as a whole, rather than national Governments, it is likely that the new member states will want their own commissioners, if only for honour's sake. We will have to balance that with the weighting of votes at the Council, including double majority and so on.

We will need to move forward on QMV in some areas. The right hon. and learned Member for North-East Fife stressed the point of subsidiarity, and we share the view that although we are an evolving and dynamic Europe, we have certain criticisms of that Europe. The great absurdity of the Opposition is that they can find no good in Europe. The hon. Member for West Suffolk (Mr. Spring) grimaces, but if he can point to anything positive in the litany of criticism of the European Union that we heard from the right hon. Member for Horsham (Mr. Maude), I would be very surprised. There must be something positive he could have said, even in a footnote or in passing.

In addition to the leftovers, the IGC may also deal with the question of the incorporation, or otherwise, of the charter of fundamental rights. It is somewhat naive to claim that that would not be justiciable, because the charter—although it brings together existing rights in individual countries—will almost certainly be used by the European Court of Justice in its judgments. I recognise that and I am prepared to be open and objective about it, in a way that the Opposition have not demonstrated. Some of the instructions to Lord Goldsmith, who leads the UK team, have been somewhat negative and we should take a more positive approach, for example, to social and economic rights.

We know from the meeting of Foreign Ministers earlier this week that the issue of enhanced co-operation has been put unanimously on the agenda of the Council, and it would be helpful to have the implications of that spelled out. We know that the issue of security and defence will be discussed in relation to crisis management and peacekeeping. One good reason why little case has been made so far for transferring even more responsibility for that to Brussels is that the whole culture is against the preservation of secrets and intelligence. It is a leaky organisation, with the interpreters having their own union

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rights, and walls with ears. Unless and until Brussels does something serious about the security of its documents, it will be difficult to make progress in that direction.

I admired the contribution by my right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Davis), who posed three key questions that arose from his experience in the Council of Europe, including issues of parliamentary accountability. My right hon. Friend the Foreign Secretary said that national Governments, with Mr. Solana as a sort of national security adviser to the European Council of Ministers, will have the key responsibility; hence it is the national Parliaments—and the co-ordination of those Parliaments through institutions such as the Western European Union—which will have the final responsibility.

Although Opposition Members have talked about debate, it is sadly difficult to have a rational debate on Europe when everything they say is wholly negative. That negativity will no doubt increase as we approach the general election. I still believe in subsidiarity, but it does not end in London. Therefore, I support its extension to the Scottish Parliament and the Welsh Assembly, and—if there is a demand for it—to the English regions as well. It is subsidiarity to move decisions as close to the people as possible. There should be no block in London, and that is where the argument for subsidiarity from the Opposition stops in its tracks.

However, old habits die hard in the Commission, and attempts are still being made to meddle in areas that it should leave alone. I had brought to my attention yesterday the proposal for a Council directive that would establish a general framework for equal treatment in employment and education. That sounds good, but the effect could be very serious for religious organisations. Professor Leigh of Durham, who specialises in the issue, has said:

> This directive has all the potential to seriously undermine freedom of association for religious people. It places the modern concept of "equality" over and above religious liberty. By requiring religious organisations to radically alter their recruitment practices, it will make it difficult, or impossible, for them to maintain a distinctive religious ethos.

Professor Paul Beaumont, the co-author of "EU Law", has said:

> This is a kind of liberal fundamentalism which makes it difficult or impossible for a Christian medical practice to only hire Christian doctors, for a Jewish hospice to only hire Jews, for a Muslim society to only appoint male heterosexuals to office.

I cannot believe that it is right that Brussels should seek to override religious liberties in member countries. That is wrong and meddlesome, but unfortunately the proposal has had little publicity in this country. The proposed directive went to the House of Lords European Union Committee, which said that it did not have enough evidence to pronounce on the document. It is still being considered by our European Scrutiny Committee, which is chaired by my hon. Friend the Member for Clydesdale (Mr. Hood). The directive will come before the Council of Ministers in September, but so far there has been no debate. The issue is an example of the criticisms that I am open enough to make of Brussels, where necessary. I hope that my right hon. Friend the Foreign Secretary will consider the implications of the directive, and various legal opinions that I shall put to him, and seek to counter the liberal fundamentalism that threatens to override deeply held rights in this country.

I hope that we will be able to have a serious debate, although I fear that it will be difficult to have such a debate. I fear also that the treaty of Nice will come before the House at a highly inopportune moment, because we shall be in the frenzied atmosphere of a pre-election or an election campaign. It will be difficult for colleagues to look pragmatically and objectively at what is put before us. I hope that at least some of us will make the effort.

4.9 pm

Mr. David Curry (Skipton and Ripon): There is a version of Banquo's ghost at this feast, in the form of Mr. Paul Sykes, so perhaps I should declare an interest. Mr. Sykes is one of my constituents, and I have perfectly cordial personal relations with him. However, if he signs up to the Conservative party and pays his £15, I hope that I will be notified, in case he joins my association. If he did, I would be anxious to reinforce the point made by Conservative Front-Bench Members, who have made it clear that our party policy is to rule out the single currency for this Parliament and the next. However, the implication of that is that the policy admits of the possibility that a Conservative Government might wish to join the single currency thereafter.

I would not want Mr. Sykes to be under any misapprehension about Conservative party policy. Meanwhile, I am glad that I have taken out the insurance policy of being reselected on the basis of the views on Europe that I have consistently held.

It needs to be said—perhaps especially by Conservative Members—that the European Union is a colossal and immense achievement. I belong to an organisation call the British Association for Central and Eastern Europe, which seeks to help create civic and civil society in countries of the former Soviet Union. That involves working towards the creation of an honest police force and an impartial civil service, and towards putting in place the building blocks of a proper functioning democracy.

The hatreds exposed in those societies are based on history. In the Baltic states, for example, the Russian minorities are oppressed, but they used be dominant. Again, Croatia is the most successful of the Balkan countries and is struggling towards a sustainable form of democracy, but the world knows about the problems and hatreds that it has experienced. The fact that western Europe suffered the same problems a generation ago demonstrates how effective the European Union has been in putting an end to them

There is a foolish absolutism about the European debate. The EU has not created peace, and of course NATO has had a role to play. However, it has created structures that enable people to live together in a form of civic society that might not have been possible if it had not been created.

I speak with some personal emotion on this matter. Emotion is at the heart of the origins of the European Union, as well as materialism, and there is nothing wrong with that. My father-in-law was a French clergyman and he was shot for resistance activity in a concentration camp in the final year of the second world war. People who analyse Europe purely in terms of its materialistic and political construction forget that there is a powerful charge of emotion behind it.

For the continental countries, Europe was the means by which they regained their sovereignty and re-established their nationality. It enabled them to resume their nationhood. That is an important matter and must not be overlooked.

Britain, in contrast, was the only European country to win the war, and it took us a generation to realise that we were in the same position as those who had lost it. For us, the act of signing up to Europe became an act of abandonment, or surrender, of sovereignty. It was the end of the search for alternative ways to continue to play the major role in the post-war world. It is important to understand the psychology that underpins the EU, and to acknowledge that it exists.

The countries of central and eastern Europe are queueing up to join the European Union. They want to be members of the World Trade Organisation, and some of them want to be members of NATO, but above all they want to be members of the European Union. One of the problems with Europe is the cumbersomeness of its response. That is evident not only in the formal enlargement talks, but in its ability to help countries that need help here and now, before enlargement.

Croatia again offers an example of what I mean. It has made significant changes and advances in foreign policy, but is desperate for help with economic reform. The European machine is poor at responding to situations that require immediate assistance.

However, the European Union's greatest vocation—and I use a French word without apology—is that it stands for the creation of a liberal, civil society. Its greatest task lies in guaranteeing the spread of that society across the expanses of Europe. I would not want anything to obstruct that goal, and I hope that the treaty already mentioned in the debate will clear the way. It may sound piddling to talks about numbers of seats in the European Parliament and numbers of commissioners, but they are important elements in the pebble-dash wall that must be put in place before enlargement can proceed. That should have been done at Amsterdam, and it needs to be done at Nice.

I regret the way in which European affairs are described in Britain as a sort of permanent world cup, in which we either win or lose and occasionally complain about the referee. The Foreign Secretary is not immune, as he talked about being in the driving seat. In Britain, we are always talking about being in the back seat or the driving seat, but the EU is not the sort of institution that lends itself to sporting description. That may be a pity, as it would be more convenient for politicians if it did.

The trouble is that there are too many simplistic distortions about the European Union. They often take the form of that most convenient political shorthand—the fundamental choice.

I have been in politics long enough to know that, most of the time, politicians do not face fundamental choices. Life is not so easy or simple. It is much more complicated, and one's range of choice is much more restricted.

One allegedly fundamental choice, for example, is between the superstate or the nation state. I do not believe that, to be honest. However convenient, it is an intellectually shoddy formulation. The European Union pursues policies that are sometimes contradictory and often erratic—but so do Governments of nation states. That is the nature of the political animal. The idea that there is some fixed, unchanging, driving purpose is wrong. The fact that its history means that the European Union tends to have to describe itself in those rather grandiloquent terms should not be taken as indicative of some biblical fundamentalism that is universally promulgated. I think that that approach is silly, and I am as much against it as anyone.

However, Mr. Fischler's plea for more union has attracted a very French riposte from Mr. Vedrine, who has been pretty categoric in his dismissal of the idea as a load of nonsense. That dialectic between the visionary and the practical is at the heart of the European debate, and always will be.

Equally, we are always redefining the nation state, and there has been devolution in the United Kingdom. Is the idea of the nation state British, English, or Welsh? Is the Spanish nation state, with all its nationalities, the same as the Danish? Is the Dutch nation state the same as the French?

The answer to all those questions is no, of course not. The nation state is not some final construction in history, and there is nothing especially final about the condition that we have arrived at. It has evolved, as has every other form of political organisation. I decline to believe that, with the nation state as it exists today, we have reached some political apotheosis that cannot be surpassed. That is simply not the experience historically.

The European debate is also described in terms of liberalism versus dirigisme. That is not true either, although it contains elements of truth. This Government are right to say, as did their predecessor, that Europe's economic mechanisms should move towards greater liberalism. However, the German reform to the rules governing holding companies and their disposal of assets in other enterprises is a radical change. The French have implemented their own privatisation programme, and have hesitated over pensions reform. The policy clearly is liberal, with some dirigiste instincts at the same time.

Politics is about that dialectic. Our national politics is about a similar argument, so why should Europe be different? The virtues of the Netherlands deserve to be sung more frequently, as that country has succeeded in combining liberal market reforms with the maintenance of a strong social safety net. It is perhaps one of the most successful countries in the European Union.

The European Commission should be seen as a force for liberalism, with its drives for the single market and to liberalise postal services, telecommunications and electricity supply. Conservative Members believe in that approach, as do an increasing number of Labour Members. The Commission is the instrument for delivering the policies that we want in that regard.

It is true that dirigiste policies still exist: the common agricultural policy resembles one of the last command economies, but even that is changing more than many hon. Members recognise, and the new rural development programmes show that the policy is finally addressing the issues of the countryside, rather than the specific issues of agriculture.

I firmly believe that the euro is an instrument of liberalisation. However, it is like an animal that has been let loose and I do not think that many continental Governments have come to terms with how imperative the drive towards liberalisation will be under the impetus of the euro. I described it previously as an instrument for

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the Thatcherisation of Europe, and I do not resile from that. But there will not be steady progress. The trend is that it will be an erratic process, like everything else.

There is also the question of the veto as opposed to majority voting. I ask hon. Members to reflect on how real the power of veto is. The veto is becoming almost unusable because the Council's practice is to build consensus and to reach a position that everyone can live with. So we should not take too categorical or too biblical a view and defend the veto as if it were a fundamental symbol of the virility of nationhood.

Nor should we make choices between Europe and America as if they were Orwellian powerblocks. I rather regret the tendency towards the consolidation of the defence industries into a European block and an American matrix. The consumer and the Government would be much better served if we had competing blocks that spanned the Atlantic so that the imperative to buy from one side or the other would be less powerful.

Finally, I turn to the Government's attitude. They appear to be locked into a rigid theology. The five economic tests are spelt out as if there were a fruit machine, and one day we would get five lemons in a row and everyone would say, "That is fine. We knew that it was right in principle and now it is all right in practice, so here we go chaps." The tests are subjective and there will never be a clear verdict. Anyone who thinks that, economically, we will be delivered a categorical judgment on one side or the other is living in a fool's paradise. Those who, like myself, believe that the United Kingdom probably ought to join the single currency, are unlikely to be convinced by arguments that we are drifting towards the United States or that it will not work because we are structurally different.

I fully accept that my right hon. and hon. Friends who take a different view will not be convinced by the argument that once the Chancellor's tests have been met, we can go ahead. At the end of the day it is about politics. We avoid the fact that Europe is a political institution, but as a politician I am in favour of political decisions. I was elected to make such decisions. It is my vocation. Ultimately, the decision will be about how we see the United Kingdom, our view of its role in the world and its influence—that curious word that we cannot escape as it is at the heart of modern politics. It is about power and pretension and the evolution of political events such as the development of the euro 11 and the instruments of political decision making in Europe, not just economic factors.

The Government have got the means to make the weather. If they cannot make the weather with a majority of 169, they will never do it. It is no good standing up with a little finger wetted with spit waiting to see which way the wind blows or eternally watching the weather vane. Governments can influence events. When the countries that subscribe to the single currency set their exchange rates nine months before the single currency came into effect, people said, "The markets will blow that away." But the markets did not do that because they felt that it had credibility, so there is a role for political decision making in setting the tone and the environment for economic decision making. I wish that the Government would influence events by clear statements of intention that carry credibility. If we wait for events while arguing about that, we shall simply get the worst recipe.

I appreciate and understand that the Conservative party wishes to take a sceptical attitude towards Europe. I have no problem with that. It is not religion; it is politics. Silly things happen in Europe as they happen here and some jolly good things happen in Europe as they happen here, but I do not feel that I need to define my entire existence by a description of whether I am for or against. I believe that we have a vocation to be in the European Union and that we will be greater by doing so. We will better fulfil our idea of ourselves by doing that, but of course we should keep a weather eye on what happens and try to make sure that we end up with a system with which we feel comfortable and that we consider to be most apt for the larger Europe which is still the greatest vocation that my generation has to achieve.

4.24 pm

Mr. Roger Casale (Wimbledon): I speak on my own behalf as a member of the European Scrutiny Committee and also on behalf of my hon. Friend the Member for Clydesdale (Mr. Hood), the Chairman of the European Scrutiny Committee, who is unavoidably absent on parliamentary business.

The European Scrutiny Committee recently conducted a detailed investigation into the intergovernmental conference. Indeed, our published report has been attached to the debate.

Before I turn to the work of the Select Committee, I would like to make a few introductory comments. I congratulate the Government on their constructive role in the European Union—something that we have been able to track in the Select Committee report.

The Government are rightly concerned that in future British citizens should enjoy the same benefits as accrue to all other citizens in the European Union, and want Europe to be shaped by Britain and the British Government. Those comments should be almost superfluous in a debate prior to a European Council meeting, but unfortunately speeches from some Conservative Members—I except the right hon. Member for Skipton and Ripon (Mr. Curry) and others who have taken a more positive stance—show that the contrast between their attitude and that of the Government could not be greater.

There has been a recent shift in Opposition policies towards Europe from a position of scepticism and of saying, "Let us wait and see. Let us be cautious. Perhaps there is something good about the European Union, but we want to be sure what it is before we take the next step." They are now more overtly against the European Union, and many of the core ideas and values on which it is based.

When the right hon. Member for Horsham (Mr. Maude) asked, "What is the point of a charter of rights for the European Union?", "What is the point of reforming the European Union prior to enlargement?" and "What is the point of trying to reach consensus within the European Union?" he was really asking, "What is the point of the European Union at all?" I shall not detain the House with a long and detailed response to that question, but suffice it to say that the purpose of the European Union is to preserve and safeguard the very diversity that is so

celebrated by the right hon. Gentleman. We are not attempting to build a superstate, the spectre of which he tried to raise once again today, but rather to continue what is a unique historical experiment which is vital to the future prosperity and well-being of European citizens. In that respect, it is vital that the European Union succeed.

As the Select Committee has acknowledged, the European Union is in urgent need of reform in order to work better and be seen to work better. It is also in need of reform so that people can more clearly understand what it does, its purpose and the benefits that it delivers, and so that it can be brought closer to the people of Europe. Such considerations certainly need to drive our approach to EU reform. Crucially at this stage of its development, the European Union is in need of reform in order to prepare for enlargement.

Our Committee also has an answer to the question raised by the right hon. Member for Horsham, who leads for the Opposition on foreign affairs: is it necessary to reform the institutions before enlargement can take place? Our report concludes that institutional reform is necessary to prepare for an enlarged European Union which may, in a few years' time, have 28 or even 30 members. Let us hope that it does. Institutional reform is essential if the European Union is to function in future and to continue to produce benefits for European citizens. That is the central conclusion of the Select Committee report. Furthermore, as that institutional reform is so important in order to prepare for enlargement, the intergovernmental conference should focus on the Amsterdam triangle and not try to reach agreement at Nice on many of the other issues that are being taken up through the intergovernmental process.

We took evidence from Commissioner Kinnock and others, and scrutinised many documents, and it was interesting to see not only how the agenda for the intergovernmental conference had developed, but how the process of preparing the negotiations had taken shape. We have had some debate in the Committee on whether to use the term "horse trading" to describe the late-night battles that will undoubtedly take place to ensure that each country ensures for itself the best possible deal. I have no doubt that our Government will not let us down in that regard.

We decided to refer not to horse trading, but to tough political negotiations—and the negotiations will indeed be tough. However, it is also important that the mood music is right. We will need allies at a bilateral and multilateral level who agree with our point of view if we are to make it prevail. The contrast with the disengaged and negative approach of the Conservative party on this could not be greater. To get results from this important negotiation, we must have allies and we will have to bargain in a tough way, but ultimately we will have to make compromises and reach consensus.

The Committee considered three key issues of institutional reform—they have already been referred to as the Amsterdam triangle, or the leftovers from Amsterdam. They are: the size of the Commission, qualified majority voting and its extension, and the weighting of votes in the Council of Ministers. These issues are linked, and they will be linked in the negotiations as they proceed.

The Government will be careful not to reveal their whole negotiating strategy in advance, but we of course accept the need for the size of the Commission to be modified. We welcome the fact that the Government see no objection in principle to reducing the number of Commissioners for Britain and other countries from two to one. That seems absolutely necessary. However, the Government are also suggesting not automatically having one Commissioner per state, while Britain nevertheless would continue to have its own permanent Commissioner. It will be interesting to hear from the Minister whether he believes that that that will ultimately be a sustainable negotiating position. Clearly, change will be needed in terms of the number of Commissioners that each country has in an enlarged European Union—the Committee accepts that. However, we have serious questions about how this will work in practice.

The Committee concluded that it expected a minimal extension of qualified majority voting. Some 73 articles of the treaty of Amsterdam are still subject to unanimity. In many areas, there is no justification for that, but in others, it is essential that we retain unanimity, and we have no doubt that that will continue to be the case. There is an area in between in which the negotiation about QMV and its extension will take place, and the Committee would like to see clearer criteria—rather than a decision being made on an ad hoc basis about each article—for how qualified majority voting should be extended and which articles will remain subject to unanimity. We should like to know the Government's views on that in advance.

On the re-weighting of votes, if we lose a Commissioner, larger countries will want a greater say in the Council of Ministers. Despite the talk about a European superstate, the Council of Ministers and the intergovernmental side of the European Union seem to be getting increasingly strong and will be further reinforced through this intergovernmental conference. In strengthening the intergovernmental side of the EU and in giving a greater say to the Governments of the EU in its future development, larger states, such as Britain, will also want a greater share of the votes.

The Committee was not in favour of the German Government's proposal for a dual majority, with states needing a majority of votes as well as a voting system that reflects the different populations of the states. We believed that that would introduce a further element of complexity into the necessarily complex institutional architecture of the European Union, taking it further away from the citizen. However, we recognise the need—especially, perhaps, as a trade-off or compromise on the size of the Commission and QMV—for larger states such as Britain to have a larger weight in the votes.

I do not have time to mention all the other issues considered by the Committee which are being taken up by the IGC, but colleagues on the Committee who are present might elaborate on them later. The issues include the need for reform of the European courts. Given the enormous amount of business that the European Court of Justice has to deal with, there will need to be, now or in the future, changes to its mode of operation to enable it to work effectively.

Secondly, we had reservations about the European charter of fundamental rights. We understand what is being proposed and the importance of codifying the rights that people have as citizens. We need to make people understand that the European Union is not just about money and materialistic things, but about strengthening and underpinning their rights. However, we had particular

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concerns about the development of two parallel charters—the European convention on human rights and the proposed charter of fundamental rights. The charter will operate within the European Union, but we want to do nothing to undermine the convention, which would have a wider scope, particularly with regard to applicant countries and beyond. For that reason, the Committee would not like the charter to be binding and, in that respect, we support the Government's view.

In conclusion, there is a strong need for reform of the European Union if it is to do its job better in the future. We have the unique historic opportunity of enlarging the European Union to the east. We are on the threshold of a new century in which the European Union can be seen as one of the most important legacies of the previous century and, for the foreseeable future, as a cornerstone of peace and stability in Europe.

There has been some discussion of the arcane and difficult nature of these negotiations in the intergovernmental conference. They may be difficult; they may be complex. However, the IGC is the doorway through which we must pass in order to enlarge the European Union. By doing so, we will lock in respect for the values of democracy, tolerance and justice, without which co-operation within the European Union in the future will no longer be possible and on which European co-operation up to now has been based.

There were different views in the Committee about how the Amsterdam triangle of issues may be resolved, but we agreed that resolution of the key institutional issues is absolutely necessary for enlargement. That is why we must inject a new sense of urgency into the intergovernmental process. It is why we wish our Government and Governments of other member states to focus the IGC on the Amsterdam triangle in order to resolve these issues and so make way for an enlarged European Union, rich with possibilities for the future.

4.38 pm

Mr. John Maples (Stratford-on-Avon): The hon. Member for Wimbledon (Mr. Casale) is right that some extremely important issues left over from Amsterdam have to be settled at the IGC. However, I do not intend to follow him too far down that road other than to say that I think that we should go for a radical reduction in the size of the Commission, freeze the size of the European Parliament and go for a dual qualified majority hurdle in the Council of Ministers.

I want to look at what kind of a European Union is being created. I have spent most of the past year getting to know European politicians and the institutions of the European Union a lot better. I started the journey as a mild Euro-sceptic, and I am afraid that I ended it as a rather less mild Euro-sceptic. I defy anybody to spend a lot of time with the European Parliament or the Commission and to love it any more after the experience than they did before.

What concerns me is that a great many European politicians, from the Commission and from the European Parliament, advocate an agenda for far greater integration. That was outlined by the right hon. Member for Llanelli (Mr. Davies). When I held the position now occupied by my right hon. Friend the Member for Horsham (Mr. Maude), I set out the alternative of a flexible Europe, where everyone was not bound by the same rules.

There are two ways of dealing with the problem of enlargement. It is right that a European Union of 30 member states cannot subsist according to the present model and with the present rules. We could either go for increased integration—lots more qualified majority voting, where the majority wins and everybody complies with the rules—or we could have a much more flexible attitude as to which rules everybody must comply with. We should then have a multi-speed Europe or a Europe of variable geometry—depending on the phrase one wants to use. Those are the alternatives.

Unlike my right hon. Friend the Member for Skipton and Ripon (Mr. Curry), I do not believe that there is a third way. One of the fallacies is when people kid themselves—the Foreign Secretary is one of them—that they can finesse their way through this jungle. One has to make up one's mind about which model one wants.

We must face what further integration means. It may not happen at this intergovernmental conference—it may not happen during the next two or three years—but the direction and the destination are becoming clear. Further integration means more power to the Commission; more decisions taken by qualified majority voting; home affairs and foreign affairs coming under the first pillar of the treaty; and one legal area. The euro is already leading to pressure for a single fiscal policy. Mr. Solana has called for the EU to have a seat on the Security Council of the United Nations. There is talk of a constitution. The charter of fundamental rights sounds very much like the United States Bill of Rights—we all know about the extensive federal law that has been built up by the Supreme Court on the basis of that document.

If the EU has all that—a currency, a foreign policy, a Bill of Rights and a court—it will be like a state. That has not happened yet, but it is the direction the integrationists want to take. I should be very unhappy about that. It could work as a way of dealing with an enlarged community of 30-plus member states, but it would result in a massive loss of sovereignty for all the countries of Europe. I am especially concerned about the United Kingdom, but the matter is important for the many countries of Europe that have proud histories as nation states. Furthermore, it would bring more and more costly regulation on business flooding towards us. I shall say more about that later.

I understand those who argue for a federal European superstate model of increased integration. I can see why some people feel that that is a great internationalist ideal. Obviously, I can understand my own point of view—that that is wrong and that a flexible Europe would be better. However, the real danger is to pretend that one can finesse one's way through and that the dangers do not exist. We have been hearing for too long that, for example, the social charter was just a series of aspirations and would amount to nothing. Within five years, it was the social chapter. It now produces law, which is binding on us. If we want measures such as the working time directive—I realise that that does not come under the social chapter—we should pass them in the House so that if, in a few years' time, we have a new Government who want to change them, or if different circumstances prevail, we can change them. However, we cannot change measures that come in the form of a European directive.

To those who say that the European superstate is a bogey, that further integration is a lot of nonsense and that we do not have to worry about it—that we are paranoid, in the words of the Minister for Europe—I reply that they

should read what is being said. They should read what was in the Finnish presidency programme. Six months ago, it referred to qualified majority voting on tax to prevent harmful tax competition. The Helsinki conclusions stated that the

IGC will examine the extension of qualified majority voting.

The European Parliament's submission to the IGC was perhaps the most federalist. It talks about creating a European Foreign Office. It also talks about a massive extension of QMV—on indirect tax, on the common judicial area and on social, fiscal and cultural policy. The wise men's report emphasises the need for QMV. Mr. Prodi, in his speech to the European Parliament at the end of last year, reiterated those suggestions.

The Commission's proposals in November last year, under Mr. Prodi, and in January this year state that QMV should be the rule and that, on taxation and social security, there should be QMV in so far as it relates to the single market. I do not know what the single market excludes when it comes to deciding whether differences in tax and social security can have "harmful competitive effects", but I know who that proposal is aimed at: it is aimed at us. We have the most benign tax and social security arrangements.

Those proposals—like the costly regulation on business—are to do with countries that have uncompetitive tax regimes and costly business regulation. Instead of tackling those problems domestically, as we did in the 1980s, they want to put the same ball and chain around the feet of all the other people in the EU. We should resist that. The Portuguese presidency's note stated that tax rates and bases might need to be harmonised and suggested QMV.

Those are the people who will hold the presidency at the Feira Council—fixing minimum rates; taxing company profits; imposing environmental taxes and other forms of direct taxation. The Commission reiterated the point in its communication in March. It stated that QMV on tax would be necessary to allow the

proper functioning of the internal market.

Anyone who thinks that that view is held only by the European Parliament and the Commission, and that it is not shared by Ministers of the Governments who will be making the agreement, should read Joschka Fischer's speech. Germany is the driving force of the EU. The speech has been dismissed as paranoid ramblings, but it is not. The German Government believe those views. Their published submission to the IGC states:

Germany favours the broadest possible extension of qualified majority voting.

At the Mainz summit last week, France said that Germany and France were in agreement on the extension of QMV. It is not only those two countries. That significant extension of QMV is also supported by, among others, Finland, Denmark, the Netherlands, Belgium, Luxembourg, Italy, Greece and Portugal.

It may be that the Foreign Secretary and the Prime Minister will go to Nice and say no—although I doubt that from the Foreign Secretary's previous voting record. However, they would have to do that to stop the process. At some point, someone will have to say no. It is a relentless tide. The process is being pursued openly, honestly and, I believe, honourably by many of our partner Governments.

My exposure to the views of European politicians during the past year—which has been extensive, on both the left and the right—has shown me that most people share that view. That is where they want to go. They have a different view of what the nation state is about. For us, it is a proud and successful institution. For most of them—as my right hon. Friend the Member for Skipton and Ripon said—the second world war was a disaster for their nation state; they are happy to create something else.

Some of them have serious regional problems that make national government difficult—for example, Belgium, Italy and, to some extent, Spain. Others receive large cheques. I dare say that, if our cheque were as large as the one received by Ireland, our view of the EU would be rather different. The amount would be £1 billion a week if it were 7 per cent. of our gross domestic product, as it is in Ireland.

One of the reasons we need flexibility is not merely to avoid the superstate route of integration, but the raft of costly regulation that is being imposed on European business. It all adds costs. It is estimated that the working time directive has added costs of £2 billion to British business. The bureaucracy for works councils will also be costly.

The EU is turning its attention to e-commerce. That is the most internationally mobile business, but Brussels thinks that it can regulate it and impose VAT on it. That will lead to uncompetitiveness. The costs imposed on European businesses will be far higher than those imposed on our competitors. Unemployment in the EU is about 11 per cent., whereas in the United States it is 4 per cent. The US created more jobs in one month last year than France and Germany together created in the whole of the 1990s.

It would be all right to put balls and chains round everyone's feet if we were operating in a vacuum. However, the Americans do not follow that approach in south-east Asia; they try to make businesses more competitive and to reduce the costs that Governments impose on them. If we persist down this route, the danger is that we shall be uncompetitive and lose jobs. In addition, the protectionist instincts that are in the forefront of the minds of some politicians and countries in Europe—particularly France, which killed off the transatlantic marketplace that Leon Brittan tried to develop with the Americans—will be followed. If we finds ourselves becoming uncompetitive, the answer will not be a bonfire of regulations and taxes, but the reintroduction of protectionism. There is a good practical reason to choose a flexible arrangement and to resist more integration.

I share the view of many Conservative and Labour Members that the European Union has been of enormous benefit to us and to Europe. Its promotion of competition and free markets when that was unfashionable was very valuable. The free trade agenda, uncompleted as it is, is important. The EU has helped to tackle the problem of state aids; it has given us help in attracting the lion's share of the EU's inward investment, which is what we get; it has entered into trade negotiations with the United States and Japan; it provided European cohesion and vision in the face of Russian hostility during the cold war; and it brought France and Germany back together so that it seems inconceivable that they will fight each other again as they did three times in 80 years. Those are all huge benefits.

[Mr. John Maples]

However, there is a massive uncompleted agenda. The visionaries are toying with a superstate, integration and a charter of fundamental rights, but let me suggest a few things that should be on politicians' practical agenda and that would benefit the citizens and businesses of Europe. They include agricultural reform, tackling fraud and waste and completing the free trade agenda. There are 15,000 separate external tariffs for imports into the EU. We talk about rip-off Britain, but—my God—it is rip-off Europe. Why should European consumers pay a 10 per cent. tax on imported biscuits or chocolate, or 9 per cent. on ski boots for some bizarre reason? The average tariff may be 4 per cent., but many tariffs are 10 per cent. or more.

State aid is another issue. Enormous state aids are paid to Alitalia, Air France and the German banks, which receive subsidies from their Lander. The completion of a single market in services is far from being achieved and the transatlantic marketplace is another objective that we should achieve. On enlargement, it is a scandal that countries have waited 10, 11 or 12 years from the end of the cold war to become members. The European Union has a huge role to play in regenerating the countries of central and eastern Europe and their economies, in creating a constructive relationship with Russia and in helping to manage its relationship with Europe and, I hope, in bringing peace and stability to the Balkans.

The European Union has a huge unfinished agenda of practical measures that it could carry out. In many cases, they have been started on, but politicians seem to have given up on them because they are too difficult to achieve. Therefore, they go for integration and a charter of fundamental rights so that they can talk philosophy. It is like a business man giving up on earning his first £1 million because that is too difficult, and starting to try to earn his second. We should return to the agenda for which the European Union exists—the things that it can deliver. We should forget or leave to the far distant future all the philosophy about a single state and integration. The agenda of practical measures that still need to be achieved does not require qualified majority voting or a Bill of rights; it can be done without them. That is the right approach for Britain to take.

I want to say something about the European security and defence identity, because I think that the Government are making a mistake on that. The proposal is part of trying to create a state, and it is a dangerous way to proceed.

People say that it is impossible to achieve the strategy that I have outlined, but I do not think that it is. We were told that it was impossible to achieve an opt-out on the single currency and the social chapter, and Margaret Thatcher was told that it was impossible to obtain a rebate. However, all that was achieved. My aim would not be possible through the Government's supine style of negotiating. They give way on the social chapter and the European security and defence identity without receiving anything in return. However, if we negotiated hard, we could do the things that I have described. We would then achieve my vision of Europe and the vision of the vast majority of Conservative Members and people in the country. We would create an open, outward- looking, free enterprise and free trade Europe—a flexible Europe of nation states. It is time to stop being carried along on a tide of unnecessary integration and damaging regulation.

Of course, we are fundamentally part of Europe, but we are part of the world as well. We have a long history as a proud, independent and successful nation state.

4.53 pm

Mr. Alan W. Williams (East Carmarthen and Dinefwr): I want to speak about the single currency. I am a strong European and I am glad that the speech of the hon. Member for Stratford-on-Avon (Mr. Maples) contained a measured acknowledgement of the positive results that we have obtained through our membership of the European Union.

The single currency has been launched and I take the view that my right hon. Friend the Deputy Prime Minister expressed a few years ago. There is no sense in being part of the single market without being part of the single currency now that it has been launched. It would be of enormous help to manufacturing, agriculture and tourism.

Most British people spend their holidays in Spain, Greece or in continental Europe. It has struck me over the decades that whenever we travel abroad, we lose money when we exchange currencies. Despite the comments of the right hon. Member for Wokingham (Mr. Redwood) about transparency, it would be much easier to compare prices when on holiday in Greece or elsewhere if there were a single currency. It would encourage much more tourism, too.

The problems with joining the new currency are public opinion and the fact that since the euro was launched in January last year it has gone through difficult times. I do not think that anyone would have predicted that the first year and a half would be so difficult or so stormy, and that such a substantial devaluation would take place, amounting to 20 or 25 per cent.

I have felt impatient during the past three or six months, feeling that something should be done about interest rates or that there should be intervention. I am pleased that over the past four or five weeks things have changed. The euro has substantially strengthened in value. I put the change of opinion down partly to the comments of Economic Ministers on 8 May, including my right hon. Friend the Chancellor of the Exchequer. His remarks have been much quoted and they are prophetic. He said:

> The present sterling-euro exchange rate cannot be justified by any view of the long-term fundamentals.

It was obviously our opinion, but it was the first time that my right hon. Friend expressed that view. Since then, over the past four weeks, the euro has appreciated in value by about 10 per cent. against the pound.

On the Government Benches, and certainly among some members of the Cabinet, there has been increased enthusiasm for making the case for joining the single currency. My right hon. Friends the Secretaries of State for Northern Ireland and for Trade and Industry, the former Chancellor of the Exchequer, the right hon. and learned Member for Rushcliffe (Mr. Clarke), and the former Prime Minister, the right hon. Member for Huntingdon (Mr. Major), have all made positive remarks about the euro.

The right hon. Member for Huntingdon made quite a strong speech earlier this month. He said that

> the euro is Britain's ultimate destiny.

He added:

> The new currency is far bigger than the pound or the yen. It is big enough in time to rival the dollar. It has huge gold reserves to back it. It will end exchange risks in Europe.

Given the events of the past 24 hours involving Mr. Paul Sykes, talk of a referendum and the lurch to the extreme right by the Conservative party on the single currency, I would be surprised if the right hon. Member for Huntingdon expressed a different view.

A week ago, the OECD referred to convergence criteria in its report and underlined the fact that we have met them extremely well. The public sector borrowing requirement is in surplus and inflation is well under control. The ratio of debt to gross domestic product is the lowest in Europe. However, two elements of convergence are not moving so quickly, and these are interest rates and exchange rates. Our interest rate is 6 per cent. and that of the European central bank is 4.25 per cent. There is considerable convergence, but there is a substantial step to take. If that happened quickly—for example, over six months or a year—there would be an unsustainable boom in the United Kingdom. We must phase ourselves towards convergence on interest rates.

As for the exchange rate, manufacturers and farmers are not happy even with the present rise in the euro. It needs to rise by at least another 10 per cent. I noticed that, in May, the Bundesbank estimated that the euro was 20 to 30 per cent. undervalued.

Currently, the exchange rate is about DM3.10 to the pound. Even though I am enthusiastic about joining the single currency, the exchange rate at which we do so must be competitive and sustainable. There should be a national debate on the correct rate; I should like it to be around DM2.60 or DM2.70 to the pound—almost a 20 per cent. devaluation from the current rate. Our problem is that we cannot recommend to the country that we join the single currency until the exchange rate is competitive. In principle, we support entry, but the five economic tests set out by my right hon. Friend the Chancellor must be met.

If the pound falls and the euro strengthens, with the time lag taken into account the result will be higher inflation. Mervyn King of the Bank of England's Monetary Policy Committee estimates that a 25 per cent. change in the value of the pound against the euro would put an extra two or three percentage points on the inflation rate. If that happened within 12 months, we would have serious problems, but if it took place over two or three years, we could accommodate that within the Bank of England 2.5 per cent. inflation target.

We must give ourselves two or three more years to get into line with the European economies. I hope that interest rate movements, our economic performance and domestically generated inflation will be compatible with at least no increase in interest rates—preferably with a lowering of interest rates, so that we match that 4.25 per cent. average European rate—and that the exchange rate stays in line with that.

The Government's policy on the single currency is the only one practicable: prepare and decide. We are making preparations, and the decision on whether we meet the five tests will be taken soon after the next general election; then, it will be up to us to put our case to the country. The events of the past month to six weeks have helped and I am confident that we are moving closer to joining the single currency.

5.5 pm

Sir Raymond Whitney (Wycombe): I believe that the hon. Member for East Carmarthen and Dinefwr (Mr. Williams) draws the right conclusions from what has happened to the euro since its launch. Many of those who were hostile to the euro predicted that it would never be launched, or that it would fail immediately after take off. Since then, they have seized on the changing dollar-euro exchange rate and, in my view, drawn the wrong conclusions. The great majority of those who live in euroland regard the single currency as a success; they are confident that it will consolidate that success in future, and I believe that they are right to be so.

This is an unhappy occasion—the latest in a series of unhappy occasions on which the House has debated European issues. We in this country used to be regarded as a mature and confident nation, stable and consistent, who believed in ourselves and in our values. That was especially true of the Conservative party, but I am sorry to say that it is not true of the national reaction to the European Union. Events in the Chamber reflect the mood of the country as a whole.

The chapter that starts with the launch of the Common Market, as it then was, is an unhappy one in Britain's history. Even though Churchill was in favour of joining in 1948, we held off from the launch; then we were rebuffed by de Gaulle; only later did we get in. As soon as we were in, we held a referendum in 1975, which, we were told, would end the debates; it failed to do so, as today's debate demonstrates. Here we are, 25 years or more since joining, still arguing.

Of course there are problems in the European Union, and of course we must have a detailed debate about what should be done in the IGC to make an enlarged Europe function effectively, but the tenor of so many people's argument is negative, destructive and unhelpful. People say that they believe in the European Union, but their approach is neither positive nor constructive. We must widen our horizons and understand that the European Union is working, and that it is in Britain's interest to be part of it and make it work even better.

The attitudes that are so prevalent in this country and that have been so well reflected in many of the contributions to the debate today are based on a resolute determination to ignore what has happened since the war. We are all proud of our great national history, our empire, the sterling area, the role that we played in two world wars, and our relationship with the United States. We find it difficult to understand how much the world has moved on and how much more rapid and fundamental that change will become in the years ahead.

That should not make us retreat into our shells and become little Englanders. We should recognise that we are a fortunate and well-endowed medium power, with many opportunities. One of the crucial opportunities is the European Union, which is an extraordinary construct. Even its critics should recognise that. We must be inside it to make it work in a sensible direction—in our direction.

I hope that I do not offend too many other countries when I say that the history of western Europe has always been the relationship of the three big countries—France, Germany and Britain. Even my Spanish and Italian friends would agree with that, I think. Within the troika, the balance moves one way or the other. Sometimes it is Blücher and Wellington against Napoleon, and sometimes

[Sir Raymond Whitney]

it is the entente cordiale. Since the war, for all sorts of reasons, some of them better than others, there has been the Franco-German axis.

Far from being frightened of that, we should seize the opportunities offered. We have so many allies in the EU, but that is not apparent from the general tenor of the debate. We have songs to sing and products to sell in the EU. We need free trade and openness, and a constructive relationship with the United States, to make NATO work.

We know what we stand for, but it is no good being a shrinking little offshore island, not playing a positive part in the game. That way lies the marginalisation of Britain. It is no good thinking that we can somehow join the North American Free Trade Agreement and become the 53rd American state.

We must seize the opportunities offered to us. The opportunity available to us now, apart from making a success of the IGC, is the euro. It is extremely important that the debate be opened up. The silence and the pussy-footing on the part of the Government, particularly No. 10, have been lamentable, but I welcome the recent stirrings in the Cabinet ranks and the attempts to put the issues on the table. Let us have them out.

We are told that there are risks in going into the euro; there certainly are. However, we are not told much about the risks of not going in. They must be described between now and the election and between now and the referendum, which has to be held. Although the euro is an incredible subject on which to hold a referendum, that is now a given factor in the equation.

We must understand the damage that will be done if we stay out of the euro. We can already see it with the high pound and what has happened to Rover and Ford—about 200,000 jobs have been lost in the past two years. As the euro becomes more and more established, the poor old pound will be squeezed between it and the dollar. That squeeze will be greater when Greece and possibly the other two countries join, and we may be the only EU member outside. That will produce tremendous volatility. The volatility of our currency—not necessarily only a high pound—causes so much damage to our own manufacturers and discourages inward investment. We have rightly prided ourselves on how well we have done with inward investment over the past 10 to 15 years, but that will be under serious threat if staying out and playing fast and loose with the EU continues.

The transparency that a single currency provides must be of huge value to this country as well as to others. We already have access to a market of 300 million people and an element of having that access must be the single currency itself. We are losing influence in Europe and it cannot be that our interests are protected when the 11 Finance Ministers of euroland meet, leaving those of Britain and three other nations outside. We are absent, but we must be there. We can debate when, how and at what rate.

I have serious reservations about the adequacy of the five tests of which we always hear from the Chancellor and the Prime Minister. What happens to the exchange rate is crucial. I would not seek to diminish the problems of getting us lined up to go into the euro. However, as the Organisation for Economic Co-operation and Development recognised the other day, it is entirely feasible that they could be overcome within 18 months or two years. I hope that all the necessary bricks are put in place so that that can be achieved.

There will be other difficulties, but not nearly so many as we hear about. Famously, we hear that we will end up paying for German pensions. That happens to be specifically excluded by the treaty. I do not hear the French saying, "Whoopee! We will pay for German pensions." That is not a realistic issue. So many of the other scares, which are the constant diet of many Members from the two major parties, are misleading and do great harm to our nation.

For goodness' sake, let us recognise the modern realities of coming into the 21st century—we are not quite there yet. We have great opportunities that are represented by Britain being a full member of the EU. We cannot be a full member until we use the opportunity of European monetary union. That can be achieved with rearrangements of sovereignty issues, which will by no means damage our national identity. Have the French lost any national identity since the euro was launched? The answer is certainly not. Let us have more national self-confidence; then we can make a success of the euro for our benefit and that of the rest of western Europe.

5.14 pm

Mr. Austin Mitchell (Great Grimsby): It is always a pleasure to follow the hon. Member for Wycombe (Sir R. Whitney) and his naive, Foreign Office-bred enthusiasm for Europe and all its works. Perhaps he should change the slogan, "My country, right or wrong," to "My Europe, right or wrong." I observe only that the hon. Gentleman is obviously still crazy after all these years; it is just that the nature of his asylum and the expressions on the faces of the warders around him have changed.

I have not spoken in a European debate for a long time. [HON. MEMBERS: "Hear, hear."] I knew that enormous regret would be expressed. I thought that at this stage in the life of the Government it was time for a futile gesture. I should like to declare that I have a past that I have been trying to live down. I adhered to the truth that now, at least in the Labour party, durst not speak its name: I was a Eurosceptic. In fact, I still am. I have kept quiet about it because I did not want to affect my promotion prospects, but time is slipping away.

When I observed the dewy-eyed, naive enthusiasm for Europe in the faces of all my young friends—we are a young party now, refreshed and enthusiastic—I could not bear to tell them the truth about Europe, just as I could not bear to tell my grandchildren that there is no Santa Claus. Besides, it is fun watching the learning process that all Governments go through. Even Mrs. Thatcher was enthusiastic about Europe when she came to power and said that we were going to make our mark in Europe. The right hon. Member for Huntingdon (Mr. Major) said that we would be at the heart of Europe. We have come to power saying much the same rhubarb, but within a short time, we have been driven back into a recalcitrant position because of the remorseless drive towards unity which steamrollers over anything that this country has to contribute.

We are now reaching yet another of the crunch points that we experience in Europe, and it is the biggest since Maastricht. There is pressure to build a European

superstate with all its appurtenances. While Europe is applying that pressure, the British public are having an increasingly strong reaction against spin and truth doctoring. Frankly, they are fed up with it, and so they should be. However, spin and truth doctoring are the cement that holds Europe together. The people no longer believe the rhubarb, whether it comes from the Government or the world's biggest rhubarb manufacturer, the European Union.

It is time that Labour Members and the Government, whom I support so strongly and energetically, are clear about what is happening. We always over-egg the case for Europe. It has produced so few real gains that it has to be hyped up as having enormous benefits. The leader of the Liberal Democrats is constantly telling us about the enormous gains that we make by being in the single market. I query that. We are still contributing, and our net payment is to rise to £4.5 billion. That is equivalent to a tariff on the goods that we export to Europe which is higher than the 4 per cent. external tariff that the EU would impose on us if we were not a member.

We carry the burdens of the common agricultural policy, even though that does not suit this country, as a net food importer. We carry the burdens of the common fisheries policy. If the single market is so good for us, why did we have a £64 billion cumulative trade deficit in the five years after it was set up, whereas our real surplus with the rest of the world was £48 billion in the same period? The single market has not given us the benefit or economic advantage that was claimed for it, yet we keep hyping it up.

That is the process of deceit that says that the people must be told things that are not true. They do not—they can stick with the truth. They might decide that it is worth while being in Europe for political reasons, but that is their decision; we do not have to tell them tall tales about the enormous benefits that we get, when they are not benefits at all. It is wrong to negotiate from the position that we will be weak and deprived of an enormous benefit if we rock the boat or resist the pressures from Europe to go further.

It is wrong, too, to scaremonger. I am glad to see the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Leicester, East (Mr. Vaz)—and he is a friend—on the Front Bench. He wrote to me and other hon. Members enclosing a copy of a speech in which he said:

> We know where the anti-Europeans are—

"We know where you live brother." I hasten to add that he did not put that in handwriting at the end of the letter, as Lord Tebbit said. He said:

> we will be targeting more than 60 anti-Europeans.

I was paranoid when the letter came. The speech continued:

> We are targeting these people because they are involved in the irresponsible anti-European campaigning that has fostered public support for British withdrawal from the EU.

With the same letter he attached statistics showing that 8,893 jobs in Grimsby face the axe. People on the street corners were sobbing, saying "Protect us from this Keith Vaz, Austin. What are you going to do about it?" The letter said that 3.5 million jobs in the whole country face the axe. That just was not true. That was based on research by Professor Iain Begg, who should have had more concern for his academic integrity than to allow it to be published under the heading, "Jobs facing the axe", when, essentially, it was jobs which, in part or whole, were involved in trade with Europe. They did not face the axe. No one suggests that trade with Europe will stop. Even if we pulled out totally, it would not stop.

On the one hand there is the creation of fear, that if we do not go along with Europe we will all be unemployed, no investment will come to Britain and we shall be starving in the streets, and on the other hand there is the creation of a puff pastry picture of Europe with its infinite benefits. That reduces the whole process to a farce, which alienates the British people.

Now we face another crunch. My right hon. Friend the Member for Llanelli (Mr. Davies) said that the wagons are rolling. Well, the tanks are massing. This time there is a process of state building, because it covers defence, rights, law, currency—the central powers of the institution. That is always the case in Europe. When in doubt, drive the thing forward. The doubts were enormous in 1978, so the exchange rate mechanism was created to drive it forward. As a result, we had two decades of low growth and high unemployment.

There were doubts and hesitations again in the late 1980s, and the result was Maastricht. Now the whole thing is stalled. We have arguments between the Parliament and the Commission and between the Commission and the Council of Ministers. We have the argument over going wider and deeper. The whole thing is stalled. So, when in doubt drive forward, which is what is now being done.

President Chirac told us that the Franco-German drive motor is now running again—in the tank towards centralisation. The pressure is on. My right hon. Friend the Foreign Secretary says that we shall resist qualified majority voting. I am delighted to hear that, but there is a range of issues. There is qualified majority voting—the euro 11 of the Finance Ministers of the states in euroland. There is the argument about making VAT uniform. There is the CAP argument, because the CAP reform, which Britain wanted and for which our Agriculture Minister pressed strongly, was completely stalled by the torpedoing by the French of the Agenda 2000 proposals, and the withholding tax argument continues.

The problem is that we are fighting on so many fronts. Arguing and fighting in Europe is like wrestling with a blancmange—one is pushing at one point and engulfed at another. There is not a single front on which one can proclaim victory and come back saying, "Peace with honour," or "A piece of blancmange with honour." That is the engulfing process in which there is more horse trading than there is this week at Appleby horse fair. That is the system by which it lives.

We must have a clear position—thus far and no further. To come back and proclaim victory on e-commerce, or some other kind of magic formula that has suddenly converted Europe, is not good enough.

There are similar pressures over the euro. The enthusiasts for the euro as a currency are remorseless. For the European movement, it is a matter of religion. We heard that from the hon. Member for Wycombe. The enthusiasts want it because they believe that it builds unity, but they will not say that, so they conjure up economic benefits for the euro that do not exist. The consequences of joining the euro are disastrous for our democracy. The people know that. It means that we shall

[Mr. Austin Mitchell]

surrender the power to manage our economy, and run it for our purposes. That applies to our interest rates. I appreciate that we have surrendered power to the Bank of England, but we can take it back. If the power is surrendered to Europe, it is gone for ever. The accountability of a Government who fail economically and are thrown out is also gone for ever. What protest could people make against it? What influence could they have?

In the past couple of weeks, the Organisation for Economic Co-operation and Development report has given rise to the argument again. It simply stated that we were converging with euroland more than some countries in it. However, the real reason for the argument's re-emergence is the high pound. We are considering a sort of surrogacy; people who criticise the high pound view the euro as a way out. It is not. The pound is disastrously high, but it is impossible to turn to the euro to escape from the problems of the high pound.

The exchange rate translates our costs into their prices. It is therefore crucial. If we go in with a high pound, we are locked in at a level of uncompetitiveness, which will make it totally unprofitable to produce or manufacture in this country. We would be locked into that cost structure. Moreover, we must maintain the relative exchange rate for two years before entry.

I went to the Bank of England with a group of other Labour Members, and the Governor talked to us. We witnessed an amazing spectacle. We asked what we could do about the high exchange rate, which is hitting manufacturing. He advocated prayer. My mouth fell open and I began to mumble a few words of prayer. The position is disastrous, not only for exports, but for multinationals, which can no longer attract investment from parent companies because it is uncompetitive to produce in this country. Investment goes to markets with a more competitive exchange rate.

Next year, we will be in manufacturing recession. We are on the down escalator; next year, it will hit hard. It is hitting already—250,000 jobs have gone. If the Government cannot or will not get the pound down not only to protect, but to save manufacturing, it is inconceivable that they will get it down to enter the euro at a competitive rate. Yet they must get it down and hold it down for two years before we can lock into the euro at that exchange rate. All those who speak of the euro as an escape from our current severe problems are talking economic nonsense. It is wishful thinking. Early entry would mean starting the process of getting the pound, which is substantially overvalued, down to a competitive level now. That is the situation for the Government in their negotiations and the economy in relation to the pound.

This debate is reminiscent of 10 years ago. It is fascinating to revert to it. Our Front Benchers now adopt the position that Conservative Front Benchers took 10 years ago. Meanwhile, the Back Benchers are equally divided between euro-enthusiasts and eurosceptics. We are continuing with the same argument. The debate is like a piece of history; participating in it is a fascinating experience.

We must stop the arguments on the euro in the Cabinet. It is crazy to argue—that way lies the right hon. Member for Huntingdon (Mr. Major) and the fate of the Conservative party. We must stop pumping out myths about the extent to which we need Europe and the extent of our achievements there. We must maintain a firm and absolutely clear position in the negotiations. We must get Europe in perspective. European countries have had a competitive devaluation and their economies are roaring ahead. Our task is to get our economy roaring ahead to build up our strength. We can then make a decision on the basis of strength.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I appeal to hon. Members who are still seeking to catch my eye. There will be much disappointment if the remaining speeches each take up the full 15-minute allocation. I ask hon. Members to bear that in mind.

5.30 pm

Sir Richard Body (Boston and Skegness): I always try to be nice to the hon. Member for Great Grimsby (Mr. Mitchell), because every time he makes forays into my constituency people agree with him. I must say to his hon. Friends that members of the Labour party seem to regard him as a hero, and echo his sentiments. I do not think that the hon. Gentleman need despair about his party. I think that he is expressing the authentic voice of the rank and file of the Labour party. Some years ago, just a few people were trying to express the views of the rank and file of the Conservative party and eventually won the day, so I like to think that he, too, will win if he sticks at it—that is what he must do. He must keep at it and not worry about Boston and Skegness.

The Order Paper gives a list of documents that are relevant to the debate. It is disgraceful that so little time has been allocated to the debate, and therefore little has been said about those important documents, all of which have a bearing on the lives of the British people. I would like to touch on one of them, Cm 4762, which is the Government's half-yearly report on developments in the European Community in the latter part of last year. There is only one thing about it that cheers me up: I like looking at the photograph of the Minister with responsibility for Europe, the hon. Member for Leicester, East (Mr. Vaz)—it shows his usual kindly nature. Apart from that, the report is pretty awful and rather frightening.

According to the report, 22 areas of Government policy have been transferred, either wholly or partly, to Brussels, every one of them as a result of legislation passed by the House. In addition, 62 judgments of the European Court of Justice have a bearing on how we must behave in this country. Not one of those judgments would have been possible a quarter of a century ago, yet every one of them was decided according to procedures and principles that had been alien to our system of law over almost a millennium.

The report also lists 15 treaties that have been entered into on behalf of this country within that six-month period. In the past, no treaty was binding on this country unless it was ratified by the House. None of those 15 treaties was ratified by the House. That statistically supports what the hon. Member for Great Grimsby said. Power is rapidly moving away, and we are nearing the end of the stepping stones that take us to a state far different from what we were a quarter of a century ago.

It is understandable that Governments—I regret to say successive Governments—like this procedure. It is only too easy for a Minister or his civil servants to slip across to Brussels with some pet notion of how the British people ought to be regulated, and to meet some official who would gladly extend his role. The proposal would go before a Council of Ministers or would be made in secret, with no member of the public entitled to overhear the discussion and no member of the media allowed to be present. We then find that it has been added to the law of this country.

We now have 80,000 pages of law that we must comply with, none of which has been passed by the House. That should shame those who have gone into the Lobbies to vote on matters about which they know hardly anything.

One can understand the Government's wish to act in such a way. It is irritating to have to come here and persuade the House, Committees and then the other place of the need for a change in the law. It is sometimes very frustrating. The procedures that we are discussing, however, are intended to work in the way I described just now.

Those of us who read law years ago may remember the words of a great English jurist, perhaps the greatest of all. Blackstone said—although he said it long ago, it is still true—that freedom lies hid in the interstices of procedure. When we streamline procedure as we have in this instance, by enabling legislation to be passed in Brussels rather than here, we should remember that we are talking about people's freedom.

Governments can do nothing unless they first take away our freedom or our money. They have two weapons: legislation and taxation. Both are powers of coercion which, in a democracy, can be justified only if they are approved by a majority of those who will be coerced. They must be approved directly, or approved by elected representatives in an assembly such as ours, answerable to those who will be coerced.

We are moving—have already moved, over the past quarter of a century—very far from that fundamental principle of democracy. If the hon. Member for Great Grimsby continues to say what he has been saying, his party will doubtless be forced by its rank and file to appreciate that what is being done was provided for by the Amsterdam, Maastricht and Rome treaties, and the Single European Act. All those measures were steps against democracy. The damage that has been done can never be rectified by any European Parliament, however it is elected.

Much of the debate has been about the enlargement of the Community. We speak as though the centre of Europe were Brussels or Strasbourg, although I believe that, geographically speaking, it is somewhere in Lithuania. This is the tragedy of what has happened in the past half century, or indeed the past decade. We had an opportunity to end a thousand years of history during which Europe has been divided. When I say "Europe", I do not mean just western Europe; I mean Europe truly. I mean the Europe of Tchaikovsky and Chekhov. That is Europe just as much as our part of Europe.

Any major war that has taken place in the past half century, or is likely to take place in the future of our continent, will have been, or will be, a war between eastern and western Europe. We should therefore lose no opportunity to unite all Europeans within an institutional framework of some sort. Obviously that cannot involve an acquis communautaire leading to every candidate's being required to sign up to everything that has already been agreed to; such a position would be intolerable. We must have a looser, more flexible arrangement, enabling us to co-operate in groups when it is in our interests to be in such groups. We need to co-operate on many issues that are now crossing the frontiers of the individual nation states of Europe.

The proposals that will be considered in Nice and thereafter in negotiations will not face up to the possibility that I have described. That is a tragedy. It is sad that many Labour Members, with some notable exceptions, fail to recognise what Europe really is and how important it is to bring some sensible unity to our continent, which it has lacked for too many centuries.

5.40 pm

Ms Jenny Jones (Wolverhampton, South-West): I am grateful for the opportunity to contribute to the debate. May I pick up on the final words of the hon. Member for Boston and Skegness (Sir R. Body), who talked about the importance of uniting what I call the greater Europe? That is the issue that I want to address.

Great interest has been shown, in Parliament and outside, in the charter of fundamental rights. The relevant documents to the debate include the report by the Select Committee on European Scrutiny on the forthcoming intergovernmental conference. If Members read it, they will see that the Committee has done a lot of work in examining the need for the charter.

The House of Lords Select Committee on European Union has produced a report completely on the charter, and I understand that the other place will debate it soon. In February, we had an Adjournment debate in Westminster Hall on the topic. Naturally, the Council of Europe Parliamentary Assembly debated the charter in January and it will do so again at the end of the month.

I wish to make it clear from the outset that I am an enthusiastic supporter and advocate of human rights protections. I have the privilege to be part of the United Kingdom delegation to the Council of Europe Parliamentary Assembly. I am extremely happy with our Human Rights Act 1998 because it means that, at long last, we have incorporated the European convention on human rights in our legislation. I look forward with interest to its being implemented later in the year. It is because I am so keen on human rights that I am extremely wary and uncomfortable about the charter. It will present us with an awful lot of difficulties.

If the European Union wishes to demonstrate its commitment to human rights, I have no problem with that. Apparently, one of the reasons why it wanted to embark on the charter was to have something that demonstrated to the citizens of the EU that it was serious about human rights. If it wishes to do that, it can take the relatively easy step of acceding to the European convention on human rights, which it has considered doing several times. Before someone reminds me, I know that the 1996 European Court of Justice ruling put a bit of a dampener on that, but I gather that the EU is revisiting the possibility of acceding. The reports of both the European Scrutiny Committee and the European Union Committee recommend that. In January, the Council of Europe Parliamentary Assembly formally invited the EU to accede to its own convention on human rights.

[Ms Jenny Jones]

The process of drafting the charter is well under way. As is the nature of these things, it will no doubt grind on inexorably towards a conclusion, but one of my fears is: what will we get when drafting is concluded? It seems rather odd to embark on drawing up a charter when we do not know whether it will be just a declaration, or legally binding.

My hon. Friend the Minister for Europe has made the Government's position clear: they just want a declaration. If that were the only option available, that would be fine, but he knows as well as I do that other EU members want a legally binding charter. They want it to be justiciable. He knows that representatives of those member states and our representatives sit on the drafting body. They have had some heated discussions centring around whether the charter will end up as a declaration or be legally binding. It is a little unfortunate to have embarked on the thing without resolving from the outset exactly what the EU wanted to achieve.

I have reservations about making the document only a declaration. If the declaration is meant to show European Union residents that the Union is serious about rights—be they human, fundamental or other rights—residents should reasonably expect the declaration to have some teeth. If they feel that the declaration does not ensure their just rights, they may expect to be able to do something about that. I think that, when they realise that they can do nothing about it, disillusionment will quickly set in.

I should, however, like to explain why a legally binding charter would be not only bad news, but dangerous for human rights protection in greater Europe. I assure the Minister that I am trying to assist him and to strengthen his arm in the wrestling match which I suspect will await him when the drafting body has finished writing the charter.

I am not a lawyer, and I have never had legal training. Although I have been to three universities, they were definitely very non-elitist. Nevertheless, it does not take a lawyer to work out very quickly what would happen if Europe had two systems of legal rights protection and two courts trying to judge on human rights matters—we would end up with a complete mess.

Mr. Mitchell: And a lot of jobs for lawyers.

Ms Jones: We will not go into that subject just now.

With two systems, we would end up with all the problems associated with conflicting jurisdictions. Therefore, almost everyone from whom the European Scrutiny Committee took evidence felt that a legally binding charter was an extremely bad idea. I remind the House that the Committee took evidence from, among other people, a judge from the European Court of Justice and one of the United Kingdom's leading human rights barristers.

My main concern is that a legally binding charter would result in a two-tier system of human rights protection in greater Europe. We could end up with a system in which the older and richer western democracies are within the charter's jurisdiction and use the Luxembourg court, whereas the Council of Europe's 26 other members are left out in the cold and remain within the jurisdiction of the European convention on human rights and the Strasbourg court.

One of the Council of Europe's greatest features is the work that it does for the younger democracies that join it. Usually, those states are leaving communism behind and rely greatly on the council to help them to establish the rule of law and various democratic procedures, including human rights protection. Every single one of the states seeking to join the European Union is a member of the Council of Europe. When they see the European Court of Human Rights hand down judgments against countries such as the United Kingdom, as occasionally happens, and when they see the United Kingdom Government agree to abide by those decisions, they receive an important message. The message is that the European convention on human rights is applied equally across all 41 member states, and that—regardless of whether a country is a founding member of the Council of Europe and has a centuries-old democracy, or is a newer member that embraced democracy in just the past one or two years—human rights protection applies evenly to everyone. The message is extremely important for younger democracies and newer members.

My biggest fear is that, if the charter becomes justiciable and we end up joining what might be considered to be the more exclusive or superior human rights protection club, we shall be sending the completely wrong signal to the Council of Europe's remaining members. We would be seen effectively to be turning our back on the other 26 members. By looking to the Luxembourg court, we shall inevitably be weakening the Strasbourg court and the European convention on human rights. I think that it would be dangerous to take that route on human rights protection in Europe.

I am disappointed that the European Union has decided to take that route, primarily because I think that it has much better things to do with its time. Enlargement of the EU is important—I completely agree with it—and much work needs to be done if it is to be successful. The UK Government have made their position clear: they want only a declaration. As we all know, the nature of the horse trading—I am aware of what I am saying when I use that phrase—that goes on in Europe, which sets the tone for the negotiations, will mean that immense pressure will be put on my hon. Friend the Minister of State to go along with a charter that is legally binding. That may not happen this year, but it will in a few years' time. If it happens, it will be a sad day for human rights protection in greater Europe.

5.50 pm

Mr. William Cash (Stone): The value of the report from the European Scrutiny Committee lies largely in the fact that, contrary to all the spin that we get about Europe from both sides of the argument, it describes what is really happening in the European Union. I strongly recommend that people read it for that reason, if for no other.

I also strongly support my party's position, including its general view on preventing political union and on the saving of the pound. The question that I wish to address, which is relevant to both sides of the House—there are differences of opinion on both sides and throughout the country—is not merely whether a problem exists, but what we are going to do about it. The remedy simply cannot be achieved without fundamental renegotiation of the treaties.

I was delighted to hear from my right hon. Friends on the Front Bench that we shall oppose the Nice treaty, although how far and to what extent has not been made

explicit yet. Furthermore, we would subject any additional powers that might be granted under the Nice treaty to a referendum. However, the tree of European government has grown from the root of the Maastricht treaty, whereas the Single European Act and other previous treaties were not about European government, although they involved degrees of political co-operation.

The fundamental reason that we need a referendum on the Nice treaty—and on the Amsterdam and Maastricht treaties, and therefore the whole issue of European union—is that the issue is one of European government, as many right hon. and hon. Members who have spoken today have conceded. If the question is who governs Britain and how, and we are prepared to have a referendum on the treaty of Nice, it follows—as night follows day—that we must have a full and comprehensive referendum on the root of the problem, which is Maastricht itself and the treaty on the European Union.

The guiding principle on those questions, for both parties, must be the national interest, and not merely party unity. I urge my right hon. and hon. Friends, and—if I may presume to do so—Labour Members to bear that in mind. In respect of our great Conservative party, we have been through all this before on several occasions in the past 150 to 170 years. For example, we went through it with repeal of the corn laws, with tariff reform and home rule, and with appeasement in the 1930s. Although there were apparent splits in the Conservative party on those occasions, the matters involved were resolved in the national interest.

With the corn laws, for instance, Peel eventually had to resign, and the Conservative party adopted a policy of free trade. We progressed from that to democracy. A free market and a free political system run together—one is not possible without the other. The same process applied to the question of the future of Europe in the 1930s.

The national interest will prevail in the Conservative party. I am delighted at the direction adopted by the present leadership of the party. If I urge the party's leaders to go a little further than they would prefer, I do so because I want them to succeed. I believe that we will succeed if we have a policy that is clear enough for the British people to understand.

I also believe that if we do so we will close the 3 per cent. gap between the Conservative party and the Government. I pay tribute to my party's leadership for everything that has been done to narrow the gap. I congratulate the Government on what they have done to contribute to it as well—as the Prime Minister might have said to me on another occasion.

An interesting poll of Conservative Members has been held over the past year and a half. It was a confidential poll, prepared under the auspices of Nottingham university. I make no secret of its findings, which have appeared in the newspapers. Indeed, I wrote an article about them for *The Daily Telegraph* some time ago.

The poll found that 67 per cent. of Tory Members responded positively to the question whether they wanted to rule out the single currency for ever. It does not follow that people who repudiate monetary union and the single currency and want the treaties to be renegotiated must therefore want to withdraw from the European Union.

Mr. Donald Anderson: It is even more alarming that a similar poll of candidates selected to represent the Conservative party in safe seats found that they are as extreme as existing Conservative Members of Parliament.

Mr. Cash: There is nothing extreme about wanting to preserve democracy. In this debate, hon. Members of all parties have refused to see the extent of the powers that would be conferred on a European central bank if Britain were to adopt the euro. In fact, the Red Book shows—and the Chancellor has admitted—that this country, as a result of the stability and growth pact and the Maastricht treaty, is already within the confines of European economic government. However, that is a separate but important question.

The arrangements for the central bank mean that the bankers from the member states would not be allowed to seek or take instructions from member states. That means that we risk having our democracy and accountability taken away. No Member of Parliament, Conservative or Labour, would be wrong to insist on ruling that out absolutely.

The extent of the central bank's proposed powers is the reason why some 70 per cent. of people would reject the single currency. Real people in this country—not the euro-fanatics or the theoreticians—know what is at stake. If we lose the right to govern ourselves, we will lose the right to family life and to existing within our nation and our society. It affects every aspect of our lives.

On the question of renegotiation meaning withdrawal, let me say that we cannot predict the outcome of negotiations. Every single negotiation—and the IGC is yet another—is conducted under the auspices of article 48 of the treaty. It is here in the European Scrutiny Committee report on the IGC and it has been reaffirmed time and again. It states quite clearly:

> Article 48 of the Treaty on the European Union (the TEU) prescribes the procedures for its own amendment and that of the Treaties founding the three European Communities. The process is begun by any Member State or the Commission submitting proposals for Treaty amendments;

it does not say one way only.

There is an obligation on the Government to have regard to the wishes of the British people and—if the 70 per cent. figure that I have given is anything to go by—to table amendments in line with those wishes, and not to take the view that people's rights can be taken away and their democracy undermined by giving in to the kind of system that is now under way.

I now turn to other matters and begin with defence. At about midnight, a paper became available that should have been provided to the European Scrutiny Committee yesterday. It sets out "Principles for consultation with NATO on military issues and recommendations on developing modalities for EU/NATO relations". I alluded to it briefly in an intervention in the Foreign Secretary's speech. I wish that I could read it all out, but I shall not.

Yesterday, the European Scrutiny Committee considered papers in respect of the strengthening of the common European policy on security and defence. The explanatory memorandum that was signed by the Minister of State, Foreign and Commonwealth Office, the hon. Member for Leicester, East (Mr. Vaz), stated:

> These proposals are likely to be implemented in due course by amendment to the Treaty on European Union. These will be put forward in the context of the Inter-Governmental Conference which

is due to begin early next year. The Government supports the proposal in the report for interim arrangements to be put in place within the EU before any permanent measures are ready for consideration in order to ensure a consistent and coherent approach to the development of military structures within the EU.

I dare say that the Minister for Europe knows—certainly Defence Ministers will know—what the EU structure comprises. It involves, for example, references to our potential adversaries having access to nuclear weapons, so we are not talking about a minor issue. The Minister looks puzzled; perhaps his officials forgot to put that in his Red Box.

The permanent structure to which I have referred crops up yet again in the paper that was presented late. It states:

> While being mutually reinforcing in crisis management, the EU and NATO are organisations of a different nature.

It also sets out the following principle:

> Development of consultation and co-operation between the EU and NATO must take place in full respect of the autonomy of EU decision-making.

It could not be clearer that under these arrangements—buried in the middle of the night and not revealed, as they should have been, by the time of this debate, with the Government covering up so that we would not be able to debate them properly—there is a problem that is identified in the Defence Committee report, which was annexed yesterday, but which there was no opportunity to read in time. It says:

> This is not a new problem, but the new arrangements will create their own new set of tensions. There must be absolute transparency between the EU military element and NATO at all times and in all circumstances. There must be no secrets between them . . .

Therefore, we have a great deal to consider in relation to this IGC.

We also know that there are proposals for the common foreign and security policy to be made an integral part of the treaty arrangements. I should be very interested to know whether the Minister for Europe is prepared not merely to waffle about it but to tell us explicitly, as he has not done with respect to the charter of fundamental rights, that we will not merely rule it out, in the words of the Foreign Secretary, but veto the proposals. These papers, which are for Feira, clearly show that these matters will be discussed at Feira and that they will do immense damage to the British people.

Finally, I do not agree with the notion of flexibility. The hard-core, two-tier Europe was run out by the Conservative party in the 1996 elections—

Mr. Deputy Speaker: Order. I call Mr. Kelvin Hopkins

6.6 pm

Mr. Kelvin Hopkins (Luton, North): One of the great pleasures of entering the House was that it gave me the opportunity to listen to the speeches of my right hon. Friend the Member for Llanelli (Mr. Davies) and of my hon. Friend the Member for Great Grimsby (Mr. Mitchell). It is a special pleasure today, because I actually agree with them. Right hon. and hon. Members will not be surprised, therefore, when I say that I do not support economic and monetary union.

I was most interested by the contribution of the right hon. Member for Skipton and Ripon (Mr. Curry), who said that EMU and the single currency were about the Thatcherisation of the European economy. If by that he means supporting neo-liberalism, the free market and taking the Government out of the economy, I agree with him, because that is what the EMU project is about. Taking away from elected Governments the power to operate the levers of macro-economic policy, leaving the rest to the market and letting it do its worst is surely the Thatcherisation of an economy. That is what I think that the project is about, which is why I oppose it.

I believe that democracy is about having control of one's economy, even within a relatively "marketised" economy such as ours. It means having control of the macro-economic framework in which it operates and having a system of laws, taxes and fiscal policy that govern the way in which our lives are run. It gives us our living standards and a sense of equality, redistributes income, and so on. It is legitimate and necessary for democratic Governments to have some control in that respect. This project is about taking away that power, which is why I am unhappy about it.

I was also interested in the right hon. Gentleman's reference to the contrasting views of how Europe should progress within the European Union as it stands—the dirigiste versus the neo-liberal. The right hon. Gentleman is right. Sadly, one or two genuine friends, such as John Monks, secretary general of the TUC and former colleague, think that they are signing up to the dirigiste version when they support the single currency, but I think that they are signing up to the free market version. This is where we have an interesting debate.

There is tension in Europe. When it becomes clear to people, particularly in the trade union movement for example, that we are moving towards a much more open free market and away from laws that protect working people and ordinary people, I think that they will start to think more seriously about it.

There is scepticism within the European Union even now. I have spoken at many meetings with colleagues from the continent. Indeed, some time ago, I asked Finnish newspaper editors what the view was in Finland where, in general, the population is opposed to the single currency. I asked, "What would you do if there were a referendum?" They answered, "We wouldn't have a referendum because people would vote the wrong way."

I am glad to say that our Government will be holding a referendum, and I hope that people will vote in what I think is the right way. I think that the majority view is against having the single currency in Britain.

Another interesting point is the emphasis on economic success in the European Union. In the 1960s, there was, in total, a growth rate of 5 per cent. in the European Union, which was higher than that of the United States of America, and there was relatively full employment. At present, the growth rate is about 2 per cent., with about 10 per cent. unemployment. Growth in the EU was ahead of the US, but it is now well behind. I do not suggest that we should adopt US policies; I am only demonstrating that the EU has not been successful in economic terms.

It is interesting that some EU countries are doing quite well. One is the UK. We have lower unemployment than the rest of the EU. Sweden is doing even better; it has a rapid growth rate, a healthy economy, high living

standards, an expansive welfare state and lots of worker protection, as well as low inflation. It is significant that Sweden and Britain are outside the single currency.

Swedish newspaper editors and representatives of Swedish business organisations have told me, "Your views are the same as those of the Swedes." I am glad that the Swedes are so sensible—they, too, hold the view that co-operation in Europe is fine but that the single currency, EMU model is not.

It has been suggested that people who share my views are against Europe. I am a European, root and branch. In a few weeks, I shall be sojourning in Burgundy, sampling its pleasures. I love Europe; I go to the continent for my holidays every year. I try to speak other European languages—although not very well. I am a European in every sense, but I do not support the particular economic project—EMU—that is being proposed.

There are alternative ways to run Europe. We have heard some suggestions during the debate. On another occasion, my right hon. Friend the Member for Chesterfield (Mr. Benn) proposed a democratic commonwealth of nations in Europe—stretching from the Urals to the Irish sea. That would not exclude any nations; nor would it promote the dangers that have been referred to in the debate—for example, that there would be a hard division between those countries that were in Europe and those that were in the EU.

Mr. Bercow: I hope that the hon. Gentleman will not pursue his economic reductionism too far—notwithstanding his views on the Thatcherisation of Europe. Does he agree that, when the President of the European Commission, the president of the European central bank and the Chancellor of Germany all agree that the European single currency project is about the creation of a European state, it is incumbent on the Foreign Secretary to explain why they are all wrong and he is right?

Mr. Hopkins: My right hon. Friend can speak for himself, so I should not presume to answer that question. Hon. Members can probably guess my views.

During the past few years, the right hon. Member for Old Bexley and Sidcup (Sir E. Heath), a former Prime Minister, has spoken in the Chamber against enlargement. He realises that it would change the nature of the EU; it would loosen the bonds that have built up between a tightly knit group of western European nations. That is why he is against it. I am inclined to support enlargement for the same reasons—provided that it goes right across Europe. It will force us to think about a reasonable way forward for Europe rather than pursuing the EMU project. There are alternatives.

I speak in jest but I was reminded recently that, some years ago, there was a proposal for a socialist states of Europe. I am not a Trotskyist but apparently, in such circles, they talked of little else 30 or 40 years ago. Despite my democratic socialist views, I think that is unlikely, but it is an alternative possibility.

There are many approaches that Europe could adopt—including the big tent or the commonwealth of nations. I hope that the Government and the House will examine them objectively and fairly and that they will not plunge straight into EMU and the single currency—that would be a mistake.

6.14 pm

Mr. Ian Taylor (Esher and Walton): We have heard a fascinating example of a fourth way for Europe—yet another version, among a highly eclectic collection, of Labour differences on the issue. Each rivals the other in its exotic nature.

I came across another example this week. Unlike my right hon. Friend the Member for Wokingham (Mr. Redwood), I had the great pleasure of finding a Labour personage prepared to debate with me. I had a debate with Lord Healey, who was in tremendous form. He disagreed with the current Chancellor of the Exchequer and also contradicted himself, which made the debate quite spicy. It was on Sky television, on which the hon. Member for Great Grimsby (Mr. Mitchell) has often exercised his influence.

Some rigging took place before this debate. I was approached and it was suggested to me that, if I did not speak in the debate, my hon. Friend the Member for Staffordshire could be prevailed upon not to speak.

Mr. Cash: I represent Stone, actually.

Mr. Taylor: Stone is in Staffordshire, but I apologise to my hon. Friend the Member for Stone (Mr. Cash) for getting his constituency wrong. However, I chose not to exercise the voluntary restraint that was suggested, because I thought that the certainties of the European debate would be undermined if the two of us did not take part.

Mr. Donald Anderson: Will the hon. Gentleman give way?

Mr. Taylor: I will not, because I am under time constraints. However, the hon. Gentleman may catch my eye later when I am fully into my swing.

I begin by agreeing with the speech that my right hon. Friend the Member for Horsham (Mr. Maude) made in Berlin. He said:

> On any audit of achievement, the European Union has much to be proud of.

He then set out the benefits achieved and added:

> We should relish these benefits. So in this spirit, let me reaffirm: membership of the European Union is of real value to Britain.

Like the right hon. Member for Llanelli (Mr. Davies), my right hon. Friend also made it clear that we are in a political union, and that is a point that I want to emphasise. It may underline some of the differences that I have with one or two colleagues.

We joined a political union in 1973 and there was no question about its being a political union. The question was how its politics and structures would develop. Once we joined, we had as much opportunity to influence those structures as any other member. Because we like to think highly of our debating skills, we had more ability to do that than might otherwise have been the case. There is much myth making about how we joined an economic community and that no one told us about the politics. That is balderdash. We left a free trade area to join a political and economic union with its institutions and infrastructure. The European Court of Justice already existed and was pre-eminent in the areas in which the treaties gave it power.

[Mr. Taylor]

We joined a political structure and I was part of the campaign in the 1975 referendum to encourage the British people to remain in it. I have always taken the view that we should participate in the debate not only to influence the structures, but to make sure that they work. As a Conservative, I am, at heart, pragmatic. Sometimes we got it wrong. Sometimes our ideas were not forceful enough and we have made mistakes of judgment. The European Union itself has also made mistakes. There have been times when it has been over-interventionist and it has then reacted. After the cassis de Dijon ruling, it took a different route.

Sometimes the European Union has delved too deeply into the detail of matters that we have subsequently decided should be dealt with on the basis of subsidiarity. Many times British Governments, including the Government of whom I was a member, took a general regulation from the European Union and gold plated it to make it so intrusive into the affairs of small companies and other business that it went well beyond the intentions of the original discussions held at EU level.

Yes, the EU can make mistakes; it has not been a perfect entity. However, it would have been extraordinary if it had been perfect because it was created as we went along. There was no fixed game plan. If there were ever a game plan with which we were uncomfortable, that was largely because we had not influenced it, not because it was pre-ordained.

As a pragmatic Conservative, I want the EU to work. I want a single market and I want it to be effective, which means that I want a strong Commission and a strong European Court of Justice. They are vital ingredients in achieving what we want.

The four freedoms are the movement of goods, of services, of people and of capital. Once we established a single capital market—many of us thought that it would be almost impossible to achieve—Lord Howe, then Geoffrey Howe, astonished everybody when he abolished capital controls in 1979–80. Unbelievably, under our influence, the French did the same in about 1987. That happened against all expectations.

Having established a single capital market, we have to understand the implications of it. They are that money will flow round the single market area to find the best return and the best investment opportunity. That flow will not stay stickily in any one country because a Finance Minister or the Chancellor of the Exchequer wants it to do so. In those circumstances, it is essential, first, that countries within the European Union develop common policies that mean that capital efficiency within the EU can be as stable and effective as possible, because that is in the interests of the Union as a whole. Secondly, if for any reason countries differentiate themselves from what I shall call the norm, there will be consequences, both good and bad.

For example, if taxes increase to too high a level, people will move progressively to another country that has more attractive taxation. Thank goodness, taxation stays the preserve, in its broad and most important senses, of the nation state. It is a flexible lever. It is also part of the competition within the single market, and an essential part of the disciplines of that market.

We have a single market and I want it to be made effective by a single currency. I make no apology for saying that I think that a single currency is an inevitable part of a single market. We could stay out, but I believe that the political and economic costs of so doing will grow. Some people say that all the costs are on the side of the decision to join. I think that it will become self-evident within two or three years that the costs come from staying out. That means that the decision that the British people need to take will come at us sooner than the Conservative party's official policy would allow us to believe.

It does not make sense for us to say that for a finite time—let us say, the next Parliament—we will not join a single currency. The decision must be made now. By "now" I do not mean today. So that the decision can be made in two to three years, the debate must start now.

I hope that the Chancellor of the Exchequer will understand that tonight. I understand that he is to make a speech at the Mansion House later today, and I am sure that he will touch on the matter. I do not expect him suddenly to announce that his five tests have been abandoned. Nor would I expect him to say that those tests, magically, have suddenly been met. He can stick to his mantra, with one exception. It is about time that he said that Government policy is aimed to make it possible to join the European monetary union at the earliest possible moment, and not merely that it would be a good thing if the tests were met. He should make it clear that there is an active will to secure the opportunity for the British people to make a decision on the issue within two or three years, which plausibly is the period that it will take, whether we take OECD or Treasury figures about the way in which our economies are converging.

Staying out of the single currency will involve costs that I believe British industry will not find acceptable. I do not believe that the House would find them acceptable. We are already beginning to see the Euro 11 reinforcing their situation. I predicted some time ago that that would happen, and now it is. They will start to define the terms on which they will reinforce the decision making of the European central bank, and we shall be excluded from that process.

Having said that I want a single currency in a single capital market and that I want the EU to be efficient, I also want there to be the sort of reforms that will make Europe as a whole an economy capable of challenging the United States. We saw the opportunities to do that emerging out of the Lisbon summit. Measures with which I was closely involved when Minister for Science and Technology, such as telecommunications, have begun to have a huge impact on European economies.

In January, in Madrid, I spoke to the Conservative Spanish Industry Minister, who said that one of the contributions that I had been able to make during negotiations on those matters in 1996–97 was to explain why Spain should not take the three-year derogation to which it and Portugal were entitled under the treaties to enable them to liberalise their telecommunications three years after everyone else did. I explained that for Spain to do so would be commercially disastrous. In fact, Spain took only six months—an action forced upon the country because it had not acted quickly enough previously—and Spain is now one of the more interesting economies in

that respect. Not only has there been an opening up, which continues, but BT and Vodafone are jointly discussing acquisitions in Spain.

The Lisbon summit objectives are vital for the EU. If we can achieve them, they will revitalise the European economy in ways that we now think are impossible. Sometimes, we do not even bother to look at changes that are staring us in the face. For example, there are currently significant developments unfolding slowly—too slowly—in Germany; the Government there are changing the way in which they tackle some of the problems affecting the German economy. In France, the socialist Government—believe it or not—have pushed through more privatisations than their right-wing predecessors, with remarkable implications for the competitive position of French industry, domestically and abroad.

We have witnessed the changes in Spain under a Conservative Government, although it is sad for British Conservatives that the Prime Ministers of Britain and Spain appear to be ad idem: one is new Labour, the other Conservative, but at least in the sense of influencing the debate in Europe and not leaving it to the more dirigiste members of the EU like France and Germany, what they are doing is a good thing. Such reforms are crucial to ensuring that the single currency zone is ultimately successful in a competitive world market.

I want EU enlargement to be successful. Enlargement is a political, social and economic necessity; it is not all about widening versus deepening. The EU requires institutional change to provide an effective structure that can cope with enlargement: that means changes in the Commission and changes in voting procedures—inevitably, there will have to be more qualified majority voting, albeit not in the key areas of defence and taxation. Such changes are an essential ingredient of enlargement.

I hope that the Minister for Europe will take into account a point I made in an intervention on the Foreign Secretary: I remain unsatisfied that the agenda for this weekend's summit properly addresses the timetable for the entry of at least the earliest applicant states. It needs to be made explicit, not only that there will be an intergovernmental conference to discuss the matter, but that there is a timetable that sets targets that both applicant states and existing member states have to meet.

If the EU is to be effective, it needs to tackle the issue of defence. That does not mean that NATO will inevitably be undermined. I take the view that a more active European involvement in defence policy is likely to vitalise the NATO alliance, not undermine it, and many observers in Washington and in this country, for example, Sir Charles Guthrie, agree. Of course, we must be careful and act in conjunction with NATO, but that is precisely what the discussions in Vienna, Cologne and elsewhere have been about.

In all the areas that I have mentioned, Europe has an opportunity to make itself more successful for all its citizens.

6.29 pm

Mr. Richard Spring (West Suffolk): In the past few hours of the debate, we have seen revealed a total muddle. We knew about the major splits among Government Front Benchers in respect of the euro, and we have seen it this afternoon under the headline "Cook dumps speech praising euro". The Foreign Secretary left out key passages from the speech that spin doctors handed out to the newspapers before the debate. Perhaps the right hon. Gentleman was blinded on the way back from Damascus, or perhaps he was nobbled by the Chancellor of the Exchequer on his way to the debate, especially as the Chancellor is to make an important speech this evening.

The Government's position is a shambles, and the Front Bench is split on a vital issue. The reaction in the Chamber and outside is a humiliation for the Foreign Secretary. There is no proper policy on the euro and no vision for Europe. This is not a brewery; it is the House of Commons.

We heard some excellent speeches this afternoon, expressing various points of view. In an impressive speech, the right hon. Member for Birmingham, Hodge Hill (Mr. Davis) spoke about European security considerations. He referred to problems in Russia, a point taken up by the right hon. and learned Member for North-East Fife (Mr. Campbell). At least on reform of the common agricultural policy, we can agree, although one can only smile wryly at the right hon. and learned Gentleman's suggestion that every Liberal Democrat Member of Parliament shares his enthusiasm for the single currency and his view of Europe.

The right hon. Member for Llanelli (Mr. Davies) made an excellent speech, in which he dealt with defence, NATO and burden sharing. All Governments in Europe are cutting defence expenditure, and the right hon. Gentleman spoke of the difficulties arising from that and about the implications of the single currency.

My right hon. Friend the Member for Wokingham (Mr. Redwood) spoke about the need for honesty in the debate about Europe. He pointed out the fundamental dishonesty of Ministers who will not face up to the challenges of an enlarged Europe.

The hon. Member for Swansea, East (Mr. Anderson) spoke about the effect of the extension of qualified majority voting on European legislation. We make no apology for our views, or for seeking referendums on major constitutional changes that may affect this country. I was a little disappointed that the hon. Gentleman spoke about the views expressed by my right hon. Friend the Member for Horsham (Mr. Maude) in a fine speech which, with respect, I do not think the hon. Gentleman had read fully.

I agree with my right hon. Friend the Member for Skipton and Ripon (Mr. Curry) that the European Union has added greatly to peace and stability in post-war Europe. My right hon. Friend spoke movingly about that. Enlargement is, indeed, hugely important, and the Government seem to be losing sight of the central objective. There is no leadership from the Government in that regard.

The hon. Member for Wimbledon (Mr. Casale) spoke about the views of the European Scrutiny Committee on matters such as the weighting of votes. We all agree that the European Union must succeed, but we do not subscribe to the idea that there should be one size that fits all in an enlarged community.

In a fine speech, my hon. Friend the Member for Stratford-on-Avon (Mr. Maples) spoke about competing models, visions of Europe and the need for clarity. He is right about the process of euro-osmosis—the evolution of concepts such as the social chapter and its effect on

[Mr. Richard Spring]

our law. I applaud the fact that my hon. Friend was one of the originators of the concept of flexibility, which we have taken up and extended.

The hon. Member for East Carmarthen and Dinefwr (Mr. Williams) was honest about his position and specific about the relationship between the deutschmark and the pound. Such honesty is lacking from the views expressed from the Government Front Bench.

We heard a contribution from my distinguished hon. Friend the Member for Wycombe (Sir R. Whitney), who has been consistent in his view over the years. As always, he made a conscientious speech, expressed with genuine conviction.

The hon. Member for Great Grimsby (Mr. Mitchell), in characteristically effervescent form, pricked the balloon of the waffle and soundbites typical of those on his Front Bench.

My hon. Friend the Member for Boston and Skegness (Sir R. Body) spoke about the need for flexibility, and the difficulties of scrutinising European legislation.

The hon. Member for Wolverhampton, South-West (Ms Jones) dealt eloquently with the dangers of the charter of fundamental rights—a bean feast for lawyers—and what will happen if that becomes an annexe to the treaties.

I was glad to hear some support from my hon. Friend the Member for Stone (Mr. Cash) for the views set out by my right hon. Friend the Member for Horsham in a speech made in Berlin. He may not have found them ideal, but I am glad that he approves of much of what my right hon. Friend said. He alluded to the crucial nature of our North Atlantic Treaty Organisation relationship. Very bravely, in a party of control freaks, the hon. Member for Luton, North (Mr. Hopkins) spoke genuinely—*[Interruption.]* Control freaks on the Back Benches, not the Front Bench. My hon. Friend the Member for Esher and Walton (Mr. Taylor) talked about the single market and the need for deregulation. He has consistently taken a favourable view of the single currency, and called for clarity and for the Government to take an active role.

I am glad that the Foreign Secretary has arrived because we are interested to understand why key passages of his speech were left out. For example, he was to say, "The Feira Council will confirm Greece as a member of the Euro zone. At that point Britain could be the only member state outside the Euro zone." He was also to say that we should "now resolve in principle that we want to be a member." He must consult the Chancellor before talking in those terms. He was also to say, "It is not difficult to identify why there would be benefits for Britain joining in a successful single currency. This Government will not let Britain lose by staying out." Clearly he was nobbled on the way to the Chamber. Why were those passages left out? We look forward to an explanation.

Mr. Robin Cook: The hon. Gentleman was present for my speech. If he casts his mind back, he will remember that I took three interventions during that passage of text. If the House wants to have a debate—it is right that it should do so—it cannot complain if a Minister does not read his speech by rote. As to that particular sentence, it is one that I have used at least half a dozen times, and I will use it again.

Mr. Spring: All I can say is that the idea that those omissions arose out of confusion is pretty lame. The Foreign Secretary left a key issue out of a central part of his speech. Perhaps the Chancellor will be relieved that even greater embarrassment not will be heaped on him by that speech. However, by leaving passages out the Foreign Secretary has made things worse.

The debate has once more revealed the parallel universe that Ministers seem to inhabit for discussions in Europe. Almost alone in Europe, the Government repeat their mantra that current developments on the intergovernmental conference, the charter and Europe's future defence identity are likely to be only technical and of no political significance. In August 1998, the Foreign Secretary said:

> The concept of Europe as a superstate is one that is deeply unfashionable . . .

The British people would certainly agree, but, more than that, they simply do not want it. Ministers seem oblivious to the fact that many in Europe are saying the opposite, and my right hon. Friend the Member for Horsham quoted many examples.

The Government claim that the charter of fundamental rights will be a harmless restatement of existing rights, but Commissioner Vitorino says that it will mark a definitive change in the Community, helping it to become "a full political Union". Let us remind ourselves that Gunter Verheugen called for the charter to fulfil its function as the foundation stone of a European constitution. The Government simply will not tell us explicitly whether they will veto in advance the proposition that the charter become part of any treaty annex. The German Foreign Minister has called for a European Parliament and a European Government to exercise real legislative and executive power in a federation.

How do Ministers explain such a total divergence between their statements and those of other EU leaders? Why is it that, almost alone in Europe, the Government appear to be in denial about what is likely to be pressed on them at Nice? They are acting in the way that they always act: they hope that their spin will triumph over substance, but other leaders refuse to be spun and have the annoying habit of telling the truth. For example, echoing Harold Wilson's words about the white heat of the technological revolution, the Prime Minister talked about a

> sea change in European economic thinking,

benchmarking and a lot of techno-babble. A matter of days later, the French Prime Minister said that

> we do not intend to abandon the social model we have built over the last fifty years . . .

completely rejecting all that the Prime Minister seemed to suggest.

The Government constantly refuse to acknowledge the path down which Europe is heading because they lack the inclination and the will to put the case for an alternative route and for the kind of Europe that the moderate, mainstream majority of the British people want.

The European Union, on the verge of enlargement, faces fundamental issues. In Berlin a month ago, Joschka Fischer posed important questions, and last week, also in

Berlin, my right hon. Friend the shadow Foreign Secretary set out the alternative case for a reformed, more flexible, network Europe. Where is the Government's vision? Where do Government Members see Europe in 10 or 20 years? Why do the Government think that Europe will change? How will it change with enlargement?

Why do not the Government show the same clarity of vision for the future of Europe as other European leaders? Why do they refuse to acknowledge, let alone participate in, the debate raging elsewhere? Lack of leadership means that our influence is suffering by default. So much for being in the driving seat—that is total nonsense.

What is happening to the force of European policy? It was reported that a new unit co-ordinating the work of Government Departments on Europe and keeping ahead of the game will be incorporated at No. 10 Downing street. As everybody in the Foreign Office knows, Downing street is effectively controlling more and more of the elements of foreign policy. The Foreign Secretary's position is to be further diminished, and nowhere more so than in the eyes of his European counterparts.

It would be a tragedy if the case were not put, at Feira and at the IGC, for reforms that would enable the EU to respond to the requirements of a diverse, enlarged Europe and a modern world. Many of the Opposition's proposals for the IGC have been challenged by no one in the debate today. No one has leapt to the defence of the current common agricultural policy, which will damage and destroy the process of enlargement if it is not dealt with.

No one has leapt to the defence of the common fisheries policy, nor could they. Even the Minister for Europe has not been heard lauding its equity and its exemplary record on stock conservation. No one has leapt to the defence of the EU's record on international development. The problems, which will become infinitely worse after enlargement, are universally acknowledged. It is just that the Government do not possess the vision to do anything about it. Where is the leadership? It simply is not there.

One of the necessary institutional reforms is for greater flexibility in Europe. Of course there is a need for safeguards in endorsing enhanced co-operation procedures, but on principle, the idea that nations should have more room for manoeuvre is in line with the realities of the modern world. The Government are simply out of date on this issue. The world has moved on from all their talk about fast lanes, inner circles, benchmarking and hard cores.

Cannot the Government see that an enlarged Europe will be more diverse? Cannot they see the need for varying relationships to suit the different needs and wishes of Europe's peoples? Cannot they see that that is the best way to enhance democracy and the accountability of Governments to their electorate for the decisions that they make? Cannot they see that it is the best way to preserve the integrity of the EU and to ensure that all its members feel at ease? We should be working for a gradual development of a Europe of interlocking and overlapping groupings, and of nations coming together in different combinations for different purposes and to a varying extent.

Today we have heard the two alternatives now available as Europe, on the verge of enlargement, stands at the fork in the road. We can choose the old one-size-fits-all dogma of yesterday. Down that road lies discord and disharmony as national interests are overridden. The Government are no friends of Europe for choosing that route, whether by design or default, and for allowing the EU to move step by step towards a single European superstate.

If Europe is to succeed in the new century, it must choose the other route. It needs agility and adaptability. A democratic Europe needs flexibility and diversity. It needs freedom and choice. That is a common-sense, rounded vision for Europe which makes sense for the modern world.

The IGC gives us a tremendous opportunity to start to fashion just such a European Union, which can survive and prosper for all its members. Nothing today has reassured the House that, on any level, the Government are facing up either to the will of the British people or the ability of a European Union to survive and prosper in the years to come.

6.45 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Keith Vaz): This has been a good debate, which has examined the agenda for the conference at Santa Maria da Feira next week. Some Opposition Members did not know where Feira was. I can assure them that it is in Portugal and Portugal is in the EU.

Like my right hon. Friend the Foreign Secretary, I pay tribute to the Portuguese presidency for its work during the past six months. The fact that we are following the successful conference at Lisbon with the upcoming Feira council shows the work that has been put in by the Portuguese, and we are grateful for what they have done.

We have had some excellent speeches, including those from my hon. Friend the Member for Swansea, East (Mr. Anderson), who is the Chairman of the Select Committee on Foreign Affairs, and my hon. Friends the Members for Wimbledon (Mr. Casale) and for East Carmarthen and Dinefwr (Mr. Williams). My right hon. Friend the Member for Birmingham, Hodge Hill (Mr. Davis) rightly mentioned the problems faced in the Council of Europe and the Western European Union, and I pay tribute to him for his work in both organisations. It is good that Javier Solana suggested that he come to this debate to raise those points, because that emphasises the Government's firm commitment to ensuring that defence issues remain an issue for this Parliament. I promise to write to my right hon. Friend on the staffing issues that he raised. He will understand why I do not deal with them today.

My hon. Friend the Member for Wolverhampton, South-West (Ms Jones) raised the charter of rights, with which I shall deal. I also pay tribute to the right hon. and learned Member for North-East Fife (Mr. Campbell) for his usual eloquent and cogent contribution to debates such as this.

We had amusing, witty and whimsical contributions from my right hon. Friend the Member for Llanelli (Mr. Davies) and my hon. Friend the Member for Great Grimsby (Mr. Mitchell). I am so glad that my hon. Friend the Member for Great Grimsby took the opportunity, once and for all, to stamp on the suggestion made by Lord Tebbit that I had written to him and scribbled on the bottom in green ink that we were coming to get him. My hon. Friend has been waiting to make that public denunciation of Lord Tebbit for some time and I thank him for what he has said. My hon. Friend the Member for Luton, North (Mr. Hopkins) also made a good contribution on the single currency.

[Mr. Keith Vaz]

From the Opposition, we had a moving and eloquent contribution from the right hon. Member for Skipton and Ripon (Mr. Curry). I am sorry that I was not able to hear his entire contribution, but I was speaking elsewhere on a long-standing engagement with the right hon. and learned Member for Rushcliffe (Mr. Clarke) on European matters, but I know that it was extremely well received by the House and I thank him for what he said.

As usual, the hon. Member for Wycombe (Sir R. Whitney) made a good contribution. He rightly reminded us and his Front-Bench spokesmen that, if some Conservative Members followed the course of action that they wanted to follow on Europe—Mr. Sykes's road—Britain would be left a shrinking little island.

The hon. Member for Esher and Walton (Mr. Taylor) talked about a timetable. My right hon. Friend the Foreign Secretary rightly said that the timetable is the IGC. There is no point in setting timetables for the applicant states unless we get our act together. That is why we have set a strict timetable for the completion of the IGC by December 2000. Clearly, individual countries will have their own timetables. It would not be right to raise expectations, but each applicant wants to join the EU as quickly as possible, and we in the UK are doing everything that we possibly can to help, assist and ensure that that happens.

Mr. David Drew (Stroud): Understandably, at least on the Government Benches, much of the debate has taken thoughtful account of the views of Mr. Paul Sykes. Would my hon. Friend care to comment on my predecessor, the former Member of Parliament for Stroud, who announced at the end of May that he could no longer stay within the Conservative party and joined the UK Independent party, because, he said, he could no longer accept "the bogus premise" behind the Tory argument, and he felt that the policies put forward by William Hague "do not mean anything"? Who does my hon. Friend think is the more principled individual?

Mr. Vaz: It is a difficult choice. Both Conservative Front-Bench spokesmen talked about forks in the road; perhaps they should have spoken about knives in the road.

The usual suspects also took part in the debate. Our good friend the hon. Member for Boston and Skegness (Sir R. Body) chided my hon. Friend the Member for Great Grimsby for entering his constituency without telling him. I assure the hon. Gentleman that Boston and Skegness remains in the European Union.

Sir Richard Body: The hon. Member for Great Grimsby (Mr. Mitchell) is always most courteous. He has always notified me in advance and he is always welcome.

Mr. Vaz: I am sure that my hon. Friend will be pleased to hear that. It is good of the hon. Member for Boston and Skegness to extend that invitation.

The hon. Member for Stone (Mr. Cash) is cross with the right hon. Member for Horsham (Mr. Maude). He goes on about the Maastricht treaty, of which I have a copy. He should know who signed it: the right hon. Member for Horsham. It is no good the hon. Member for Stone complaining to the Government about the Maastricht treaty and the fact that there was no referendum on it. He should address his comments to St. Francis of Maastricht—the right hon. Gentleman who signed the treaty. He says that he is not in favour of flexibility. Again, he should address his remarks to St. Francis of Maastricht. The right hon. Member for Horsham is the biggest supporter of flexibility. There is no point in complaining to us about those policies. He should make an appointment to see the right hon. Member for Horsham.

My right hon. Friend the Foreign Secretary underlined the fact that Feira is an important way forward after the enormous success of Lisbon. Feira will build on the tremendous achievements of the Lisbon conference. It will re-emphasise the United Kingdom's important role in Europe: in the driving seat, leading Europe and being part of the most important decision-making processes.

Mr. Maude: Will the Minister give way?

Mr. Vaz: I give way to St. Francis.

Mr. Maude: I am grateful to the Minister for bestowing a halo on me—I am sure that it is richly deserved. Earlier, I asked the Foreign Secretary whether, following the verbiage and persiflage of the Lisbon summit, he could give three examples of legislation that had been improved to help the lot of small businesses. There has been plenty of time in which to provide some examples. I mean genuine changes, such as matters that have been deregulated to help businesses.

Mr. Vaz: Before 10 o'clock tonight, I will give the right hon. Gentleman 25 examples. I will stick them in a letter and put them on the board. I am sure that he does not want me to repeat them now.

Let us consider the contribution of the right hon. Member for Horsham. What a disgrace, for a speech from the Front Bench. He spent 14 minutes expressing a negative attitude towards the European Union. I appreciate that Mr. Sykes is going to bankroll the save the pound campaign, but every comment of the right hon. Gentleman was negative and critical of membership of the European Union. He says that he will veto the treaty of Nice if it has an integrationist agenda. I assure him that the treaty of Nice will signify the work in preparation for the IGC.

The right hon. Gentleman wants the IGC to take place after enlargement. That is one of the silliest suggestions that I have ever heard. Let us imagine allowing 13 applicant countries into the European Union and subsequently changing the composition of the Council, the number of Commissioners and the re-weighting on the Council and considering qualified majority voting. That is ridiculous. However, it is interesting if that is Conservative policy.

I was pleased to hear, at last, a mea culpa from the right hon. Gentleman about his decision to sign the Maastricht treaty. He said that he was a reformed man. The sinner repents. He now believes that referendums should be held before such treaties are signed. He did not hold a referendum, but he believes that it should be done now. That is a substantial change of policy.

The right hon. Gentleman mentioned the visits that I have made throughout the United Kingdom. The Foreign Secretary and I believe that it is extremely important not

just to go to Berlin to make a few speeches, but to go round the country and meet the citizens of the United Kingdom and to talk to them about the benefits of European Union membership. At least my means of transport do not break down, unlike the right hon. Gentleman's truck, which broke down when he went to France. That shows that the Tories cannot even get their transport policy in order, let alone their European policy.

Mr. Bercow *rose—*

Mr. Vaz: I am glad that the hon. Gentleman has got to his feet. He should learn to read to the ends of paragraphs before he starts quoting from Select Committee reports. He quoted a tiny bit of evidence. If he reads paragraphs 264, 265, 266, 267 and 268 of the evidence and the paragraph to which he referred, he will know that I have made it absolutely clear that this charter is to be a showcase of existing rights, that it is to be a showcase and not a launch pad, and that we consider that a declaration is better than any other course of action. We have said that from the very start. The Prime Minister has said it, the Foreign Secretary has said it, and I have said it. We have made it absolutely clear that this is to be a declaration.

My hon. Friend the Member for Wolverhampton, South–West does not agree with that, but we believe that it is the best course of action. We do not believe that the charter of rights should go beyond existing rights. It should be consistent with existing rights. It should be binding now if those rights are binding now, and there should be no extension. That view is shared by many member states in the convention and beyond, so there is no question of us having even to consider a veto. In the end, it will be a matter for the member states and not for the convention. I pay tribute to the work of Lord Goldsmith, Lord Bowness and my hon. Friend the Member for Bridgend (Mr. Griffiths).

On the euro, the hon. Member for West Suffolk (Mr. Spring) said that the Foreign Secretary had changed his speech. My right hon. Friend did nothing of the kind. Do Conservative Members want to hear this all the time? The hon. Member for Esher and Walton referred to it as a mantra. I shall repeat the mantra. Five economic tests were laid down by the Chancellor in 1997. Early in the next Parliament, we will assess those tests, and we will put the issue to the British people. In the end, there will be a referendum.

The decision will not be taken by Paul Sykes or by the shadow Cabinet. The Labour party believes in leaving such matters to the British people in a referendum—just the sort of thing that the right hon. Member for Horsham and the hon. Member for Stone were talking about. We believe that the British people should decide those issues, and only if they decide that we should do so will we enter the euro.

That view is shared by every member of the Cabinet. There are no camps in the Cabinet. There is one clear Government policy that we have repeated time and again. I am pleased to hear from the right hon. Member for Horsham that he found my right hon. Friend's performance reassuring. He is reassuring. When he comes to the Dispatch Box, he reassures the nation. When he goes abroad, he reassures Europe and the world. When the right hon. Member for Horsham goes abroad to Berlin, he causes havoc. That is why it is important that we restate our policy.

It is also important to make a final point about defence. There is no better supporter of our policy on defence than President Clinton. NATO remains the bedrock of our defence policy. The United States of America is relaxed about, and comfortable with, the important measures that we are taking to help the defence of Europe. Of course our NATO allies outside the European Union are being consulted: the dialogue is continuing all the time. We look forward to Feira. We believe that it is an opportunity yet again to state our central position in Europe.

It being Seven o'clock, the motion for the Adjournment of the House lapsed, without Question put.

Horticulture

Motion made, and Question proposed, That this House do now adjourn.—*[Mr. Jamieson.]*

7 pm

Mrs. Marion Roe (Broxbourne): I am grateful for the opportunity to speak about the United Kingdom glasshouse horticulture industry. The industry is close to my heart, not just because there are several dozen glasshouse nurseries in my constituency but because, until a few years ago, I was parliamentary adviser to the Horticultural Trades Association. My interest in horticulture goes back many years.

My constituency is on the western side of the River Lea in Hertfordshire. The Lea valley has been a renowned glasshouse growing area for well over 100 years. Today, the total area of glass in mainstream protected crop production amounts to some 275 acres, and the Lea valley is one of the three principal areas of glasshouse production in the United Kingdom. The other two are on the south coast and on Humberside.

The principal crops grown in the Lea valley are salads, especially cucumbers and lettuce, but there are also significant acreages of ornamental crops, bedding and potting plants, flowers to be sold as cut flowers and aquatic plants. The local industry is wealth-creating, and is a major employer.

The last few trading years, however, have not been good for the industry. The increasing commercial power of the major multiple retailers, who are competing more and more ferociously, continues to depress prices to their suppliers. Growers must find more and more ways of reducing their production costs, and trading more effectively and efficiently. Moreover, the continuing strength of sterling—or, perhaps more accurately, the continuing weakness of the euro—has meant that more and more exports of cheap produce reach our shores from the United Kingdom glasshouse industry's principal competitors, the Dutch and the Spanish.

Imports from those countries are made all the easier by the fact that fuel and transport taxes are lower abroad. Not only will a Dutch exporter receive more guilders for the pound realised on his produce sold in the United Kingdom; he will be able to transport that produce more cheaply than the UK growers or marketing organisations that are servicing their own markets. There may be free trade throughout the European Union, but the bases of that trade are far from equal.

I recently met representatives of the Lea valley glasshouse industry to discuss various issues of importance to their businesses. I learned that glasshouse growers in my constituency and elsewhere in the Lea valley—indeed, throughout the UK—view with alarm the Government's proposal to impose a tax on energy usage in the UK with effect from April 2001. The climate change levy will impose a particularly heavy burden on the glasshouse industry, which is energy intensive.

As a party to the Kyoto protocol, the UK became legally bound to reduce greenhouse gas emissions by an agreed amount. However, the Department of the Environment, Transport and the Regions has announced that the Government wish to exceed that target, and aim for a domestic goal of a 50 per cent. cut in carbon dioxide emissions by 2012. The principal instrument that they will use to achieve their target is taxation—presumably on the basis that the more expensive the commodity, the less of it will be used.

With effect from April next year, and for 2001–02, the climate change levy will be imposed on electricity at a rate of 0.43p per kilowatt hour, on coal and natural gas at a rate of 0.15p per kilowatt hour and on liquid petroleum gas at a rate of 0.07p per kilowatt hour. Most of the revenue from the levy will be used to cut employers' national insurance contributions by 0.3 per cent.; the remainder of the estimated £1 billion tax raised in the first year will be used to provide additional Government support for energy efficiency measures. The Treasury claims, therefore, that the levy package is designed to be revenue-neutral for the private sector as a whole.

What would this mean for the glasshouse industry? Of course no two glasshouse nurseries operate in exactly the same way, and different crops require different methods of production and heating levels. However, the National Farmers Union estimates that on average the levy would impose a tax burden of some £3,750 per acre of glasshouse. As I said, the Lea valley contains some 275 acres of glasshouses, so the levy would cost growers in that area alone more than £1 million.

Although glasshouses are energy intensive by reason of their function, nurseries are not generally employee-intensive. Any rebate to be had from the cutting of national insurance contributions would have an almost negligible impact on the overall tax cull from horticulture. There is no doubt that a tax of this magnitude would plunge UK glasshouse horticulture into inviability, forcing the closure of many nursery businesses and the loss of thousands of jobs.

To be fair, the Treasury has, to some extent, heeded the warnings of the glasshouse industry, and special provisions for horticulture were recently announced in the 21 March Budget. Essentially, those special provisions promised, first, to introduce

> a transitional 50 per cent. discount on the levy for horticultural firms (for a period of up to 5 years), to help protect their competitiveness whilst . . . energy efficiency measures take effect.

and secondly,

> the setting aside of part of a £50 million "energy efficiency" fund to finance a special package of measures for the horticulture sector to improve further the sector's energy efficiency.

In addition, the Treasury plans to introduce a system of 100 per cent. first-year capital allowances for firms—not just horticultural ones—making energy-saving investments. That is deemed to include the following technologies: combined heat and power systems, boilers, lighting systems, refrigeration equipment, pipe insulation and thermal screens. The Treasury had announced earlier that it intended to exempt from the levy electricity generated from "new" forms of renewable energy and in "good quality" CHP plants.

It would, of course, be churlish of my glasshouse grower constituents not to welcome the special provisions that have been made for horticulture. Of course, those provisions are appreciated. However, they may not be as beneficial as they seem.

First, glasshouse growers have noted that the Treasury is introducing a 50 per cent. discount on the levy for horticultural firms

> for a period of up to 5 years.

Growers have especially noted the words "up to". It is unlikely that those words were chosen unthinkingly. Of course, the statement thus constituted would allow the Treasury to reduce the relief period to, say, three years or even one year, and/or to reduce the amount of the relief from 50 per cent. to a much lower figure.

Moreover, the levy rates listed earlier apply for the year 2001-02 only. Might not subsequent years see those rates rise, perhaps even annually? Thus, even if the 50 per cent. relief for horticulture were to continue for the full five years, the full impact of the total levy would eventually be felt on growers' incomes, such that any energy-efficiency savings that may have been made will merely be paid to the Treasury in taxation.

As regards the "energy efficiency" fund, it is by no means clear at present how the fund will be operated, and what part of it is to be specifically allocated to horticulture. Indeed, details of the "special package of measures" have not been forthcoming, so it is rather difficult at this stage to know to what extent that will benefit the horticulture sector.

As for the enhanced capital allowances, it is commonplace to say that any business welcomes the opportunity to save tax. Nevertheless, such tax-saving opportunities are available only to those businesses that are making profits. If none is, and that is already the case with many horticultural businesses, there is no tax to be saved.

Combined heat and power systems would appear to be the answer, therefore. As I have said, the Government have given an exemption to such systems and the Treasury has highlighted those as being of particular benefit to the horticultural sector. However, the exemption is reserved for "good quality" systems, to use the Treasury's own words. The definition of "good quality" is highly complex and it is difficult to see how it might apply to horticulture.

A CHP unit must be efficient in terms of the use of both heat and power. That will cause problems. CHP is expensive, so most growers will be obliged to enter into agreements with electricity companies that build the units on horticultural sites. Such companies will require a minimum CHP size of around 4 MW. That is because of cost, especially the cost of linking into electricity supply lines to export surplus energy to the grid. Many smaller glasshouse growers will not be able to use all the heat that a 4 MW unit produces. Thus, it may not qualify as "good" CHP because the heat use is too low.

Furthermore, many growers will not have CHP available to them because they are located too far away from a gas supply line to fuel the CHP plant, and/or they are too far away from electricity lines to export the surplus power. Also, CHP may not be practical for producers of ornamentals, who require more light than heat.

That said, I am bound to report that a small number of CHP plants have been, or are being, established on glasshouse nursery sites in the Lea valley. It is sincerely hoped that all will fall into the Treasury's category of "good quality" systems. Those installations have become possible because of a collaborative project of a number of growers whereby a gas pipeline has been laid to supply a series of nurseries in the Lea valley.

The project has been massive, involving an overall investment of more than £750,000. However, it has enabled not only a few growers to install CHP plants, but the remaining growers to convert their nursery heating systems to the far more "environmentally friendly" fuel of gas. Gas is also a more efficient fuel in a nursery context, and its direct supply by pipeline obviates the need for regular deliveries of fuel by road transport, as is the case for oil. That in itself is energy efficient, as energy must be consumed by lorries in the delivery process.

It has also been possible for those growers who have converted to gas to extract carbon dioxide from the waste gases produced by the burning of the fuel and to distribute that carbon dioxide to the glasshouses. The glasshouse plants absorb that gas in the growing process. It is of course an irony for those growers that, having invested heavily in a more efficient heating system for their nurseries, and while actively taking up greenhouse gases, they are now to be penalised by having a heavy tax imposed on them. What savings they might have made will for the most part be wiped out by the payment of the climate change levy, yet they will also have consumed the carbon dioxide that has been produced in the new combustion process.

The levy's aims are to encourage energy efficiency and to reduce greenhouse gas emissions. To what extent those aims will be achieved in the glasshouse sector is a moot point. As we have seen, growing plants absorb the principal greenhouse gas, carbon dioxide. Furthermore, growers do not need the blunt instrument of a swingeing tax to want to reduce energy consumption. Energy costs can count for between 20 to 40 per cent. of all costs in glasshouse crop production, and that has been incentive enough for growers to find, over many years, ever more ways of reducing those costs and fuel consumption.

The United Kingdom glasshouse industry has an exemplary record of energy saving, particularly since the energy crisis of the early 1970s, when fuel costs increased by more than 400 per cent. in one year alone. One clear proof of that can be found in tomato production. In 1985, 1 kg of tomatoes required 17 KWh to be produced. In 1999, that figure had fallen to 11 kWh. That is a drop of approximately 40 per cent. in energy consumption, which by any standards is a remarkable achievement. It shows that growers are committed to doing their bit to tackle climate change. Growers will continue to use all technology at their disposal to improve fuel efficiency and environmental effectiveness without the need for the added spur of an unfair and punitive tax.

The Treasury has said that its aim throughout has been to design the levy in such a way that the competitiveness of UK firms is protected, but how is that to be achieved in horticulture? The UK's competitors in protected crop production are mainly Holland and Spain. However, Dutch glasshouse growers have been exempted from paying their equivalent of the tax, and the Spanish seem so far to have made no proposals to introduce an energy tax at all.

Growers from those European Union states operate within the single market, and Dutch and Spanish growers have free and unrestricted access to UK markets. When the proposed levy—ignoring for the moment the temporary reliefs—imposes a financial burden of £1 million on growers in the Lea valley alone, I wonder how the Government can possibly argue that our growers' competitiveness is to be protected.

Competitiveness can, of course, be interpreted widely, and one might cite differential tax regimes generally in different member states. However, it would be difficult to

[Mrs. Marion Roe]

find a tax advantage that UK growers might have over their Dutch and Spanish counterparts. It is recognised, I believe, that the tax regimes in the UK are generally more onerous than elsewhere in the EU. What will happen is that many UK glasshouse nurseries will lapse into unprofitability and close down, although demand for glasshouse produce in the UK, both edible and ornamental, will not decline. Indeed, the opposite is the case; we are seeing an ever-increasing demand for such produce. The produce will therefore come from abroad—from Holland and Spain, once again.

Those countries will need to consume the energy to produce the product. There will, therefore, be no energy saving. Even worse, it will be necessary to transport the produce to this country, thereby actually increasing energy usage. The climate change levy will ensure not only that the UK's fuel usage is exported to our competitors abroad, but that our livelihoods and jobs are exported as well. The balance of trade in horticultural produce will lurch irretrievably in favour of those competitors abroad. The CCL impinges most unfairly on the glasshouse sector in the UK. The levy package may be designed to be revenue neutral overall, but that will clearly not be the case for growers. As the tax burden will fall substantially and negatively on the UK glasshouse industry, it follows that others must benefit from the levy—that is to say, those with relatively low energy use but high numbers of employees, because their national insurance rebate will greatly exceed the amount of the energy tax. Those organisations will have no incentives to achieve energy efficiencies, thus negating one of the Government's principal aims. That is clearly neither desirable nor equitable.

If the CCL is imposed on the UK glasshouse industry in 2001, serious consequences for the viability of the sector will ensue. Given the determination of growers to continue to achieve energy efficiency, coupled with environmental effectiveness and the situation in respect of the levy, vis-à-vis their principal EU competitors, the only possible course of action for the Government is to exempt totally the UK horticulture industry from that inequitable tax.

7.16 pm

The Minister of State, Ministry of Agriculture, Fisheries and Food (Ms Joyce Quin): I congratulate the hon. Member for Broxbourne (Mrs. Roe) on securing a valuable and timely debate on horticulture, which is an important sector of UK agriculture. The debate is timely because of the discussions that are taking place between Government Departments and the industry, and because the Finance Bill is making progress through Parliament. Some of the debates on that Bill relate to the sector concerned.

The hon. Lady rightly recognised the contribution that the glasshouse sector makes and she is familiar with it, because of the presence of the horticulture industry in her constituency. She is well aware of the diversity of the produce of the sector, which includes vegetables, fruits and the ornamental sector. Some parts of the industry have been a particular success. For example, the heated tomato crop has seen great increases of 50 per cent. in yield between 1988 and 1999, which have allowed our annual production to be maintained at just over 100,000 tonnes, despite a decrease in planted area in that period. We certainly have an innovative and enterprising industry, and I pay tribute to it.

I appreciate the comments that the hon. Lady made about certain of the difficulties that the sector has faced in recent months. There is no doubt that, when competing with imports and seeking to export, the strength of sterling has proved a real problem. As the hon. Lady pointed out, the specific weakness of the euro has also caused many of the difficulties. The euro has strengthened recently, but it is still much lower in value than when it first came into being, and therefore the difficulties are not at an end.

My Department has a strong commitment to the horticulture sector, and this afternoon in Committee I spoke on the draft Horticultural Development Council (Amendment) Order 2000, which will exempt some of the smaller horticultural producers from the levy because it will raise the threshold. In Committee, hon. Members from both sides emphasised the importance that they attach to the Government-funded research and development effort on behalf of horticulture, and the industry's efforts and contribution through the horticulture levy.

Certainly, Government-funded research and development has contributed to the success of many sectors of horticulture. My Department at present spends £2.25 million on providing strategic research and development to help the glasshouse industry improve its efficiency overall. That improvement includes reducing reliance on pesticides and developing biological control programmes. They can be important in helping the industry to reduce costs—a welcome advance at this time.

Support is also provided through the European Union fruit and vegetables regime and the EU flower promotion scheme. We hope that that support will be increased in future years. We are also glad that horticulture fared well in the first round of the agriculture development scheme, which is aimed at promoting marketing initiatives. I was delighted that horticulture accounted for about a quarter of the grant allocations made under that programme, and my Department is keen to help horticulture.

Substantial benefits for the industry have arisen from the 1996 reform of the EU fruit and vegetables regime. Producer organisations receive funding for work to improve production techniques, quality, preparation for market, marketing and promotional activity, as well as for developing the use of environmentally sound practices. Total EU payments to UK producer organisations for work done in 1999 will be in the region of £9 million.

The hon. Lady will know that, in our proposals for the future direction of agriculture and for exploiting the EU rural development regulation, one of our priorities was to help sectors such as the horticulture and pigs and poultry sectors, which up to now have received little support from EU common agricultural policy sources. The rural development regulation applies to all sectors of agriculture, and its introduction opens up possibilities for the horticulture industry which it would do well to identify. My Department is keen to work with the industry, to help it exploit some of those opportunities.

The hon. Lady devoted much of her speech to the climate change levy. I can assure her that the Government are very much aware of the concerns of glasshouse businesses about the impact of the levy on their profits, competitiveness and employment. However, I also

welcome the opportunity to discuss this matter further with the industry. Ministers in my Department have received a considerable postbag on this issue, and it has included letters from glasshouse businesses located in the Lea valley, about which the hon. Lady spoke at some length.

Ministers have also seen copies of correspondence about the levy between the sector and Ministers in the Treasury and in the Department of the Environment, Transport and the Regions. Furthermore, the hon. Lady may know that, in the run-up to the Budget, my hon. Friend the Financial Secretary met the president of the National Farmers Union. I met him too, as well as leading horticultural members of the Union, so that I could listen to their views in person.

I think that the hon. Lady recognised that my Department has taken the sector's concerns seriously and that we have been happy to represent them to our colleagues in other Departments. There has also been a lot of contact between officials. My officials in the Ministry of Agriculture, Fisheries and Food met their counterparts in the NFU and various parts of the horticulture sector.

Many glasshouse owners are concerned about the possible economic impact of the levy. They fear that the levy will increase running costs and thus cut net margins. They are also concerned that the levy will force them to raise the price of their produce and thus reduce competitiveness, particularly within the EU, as the hon. Lady emphasised.

The UK market for horticultural produce is fiercely competitive. In some EU countries horticultural producers enjoy considerable natural advantages such as a warmer climate and longer daylight hours. In other countries, they receive different treatment under their respective energy tax regimes. I am keen that the Department and the Government monitor what is happening in other countries. I am always interested to hear of any examples that come to the attention of hon. Members so that we can investigate them. If we suspect that unfair subsidies are being given, we raise the issue with the European Commission. In recent years, we have done so in relation to a number of areas of agricultural policy.

As the hon. Lady recognised, energy taxes are not the only ones that affect businesses in the European Union. The position is more mixed than she said. Certainly UK corporation tax rates are the lowest of any major EU economy. We need to look at the overall taxation system.

The framework that the Government have chosen to implement the climate change levy will provide some relief for sectors that are already meeting the obligations required under the integrated pollution prevention control directive which largely, but not entirely, also encompasses the intensive energy users. However, we appreciate that horticulture is a special case. Before this year's Budget, the Government listened very carefully to the concerns expressed by the glasshouse sector about the impact of the levy. We appreciate that the sector is an undoubtedly substantial user of energy, but does not fall within the scope of the IPPC directive. That means that, under the levy, the glasshouse sector cannot negotiate an energy saving agreement with Government in return for an 80 per cent. discount on the rate of the levy.

In recognition of that unique set of circumstances, my right hon. Friend the Chancellor of the Exchequer announced in his Budget this year that, subject to obtaining EU state aids clearance from the European Commission, the Government will provide a special package of measures to protect the competitiveness of the glasshouse sector.

The hon. Lady recognised that, at this stage, we cannot be categorical about the effect of the levy, partly because the package is still under discussion in Brussels, so it is difficult to give precise details about the overall package and its effect on different parts of the horticulture sector. However, I assure the hon. Lady that I intend to monitor the position closely and to continue discussions with the sector. I am also happy to meet people from her constituency and others.

Let me explain the position so far. First, there will be a special package of support to the glasshouse sector from the £50 million energy efficiency fund set up under the levy. The idea is to help the sector to further improve its energy efficiency and to take account of the competitiveness aspects of the levy. My officials are in touch with their counterparts at the NFU and the DETR to consider the types of services and measures which will best help the sector to improve the efficiency of its energy consumption. The NFU has developed some ideas on this score.

Secondly, the list of energy efficient investments which qualify for 100 per cent. first-year capital allowances is being extended to include thermal screens used in glasshouses.

The motion having been made at Seven o'clock, and the debate having continued for half an hour, MR. DEPUTY SPEAKER *adjourned the House without Question put, pursuant to the Standing Order.*

Adjourned at half-past Seven o'clock.

Westminster Hall

Tuesday 6 June 2000

[SIR ALAN HASELHURST *in the Chair*]

Vaccine Damage Payment Scheme

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Jamieson.*]

10.30 am

Mr. Ian Stewart (Eccles): Hon. Members will know that, since 1979, a child who has been severely damaged or disabled by vaccines has been able to claim a one-off vaccine damage payment from the vaccine damage payments unit in Lancaster street, Preston, which is now a branch of the Benefits Agency. The payment scheme covers the common childhood vaccines of diphtheria, tetanus, whooping cough, polio, measles, mumps, rubella and tuberculosis. Unlike most other social security benefits, the vaccine damage payment scheme has undergone no revision, upgrading or improvement since 1979. I stress from the outset that children who have been damaged by vaccines were born without impairment or disability. They have suffered what is, thankfully, a rare adverse reaction to a publicly promoted vaccine.

Although I am pleased to debate this issue again, I regret that it is necessary. When I initiated a previous Adjournment debate on this matter 18 months ago, the then Minister promised a Government review of the payment scheme early in the following year. There were two well-attended parliamentary lobbies on the matter in January and November 1999, and the affected families have scheduled another for 28 June. They have also handed in a petition to Downing street.

Representatives of the parents' organisations have met Ministers and there has been intermittent press interest, culminating in a welcome and sustained campaign by *The Express* to gain justice for vaccine victims. At a parliamentary level, the all-party group has continued to meet regularly and to lobby Ministers. I thank all Members of Parliament who cannot be here today but who have sent messages expressing their continued support for the work of the all-party group.

I hope to find out when the Government's review of the vaccine damage payment scheme will be published and whether it will be a consultation document or will make positive recommendations. I know that good policy is not made on the hoof, but this one has been around the paddock too many times. I appreciate the complexity of the issue, which requires detailed investigation. I also appreciate the interdepartmental issues that are at the heart of the matter. The Government are rightly promoting vaccination to safeguard our health and to protect our children against disabling and fatal diseases. I support that policy, as do the parents' groups that are campaigning for better financial support for vaccine victims.

The vaccination programme works. Some 18 months ago, I outlined the success of the whooping cough vaccine in drastically reducing the number of cases and deaths from the disease in the early 1990s, when the vaccine coverage rate reached 94 per cent. of the target population. The meningitis C vaccine is the most recent success. Full figures will not be available until later this year, but my hon. Friend the Under-Secretary of State for Health, the hon. Member for Pontefract and Castleford (Yvette Cooper), has said that anecdotal evidence suggests that between 80 and 95 per cent. of 15 to 17-year-olds have been immunised, with the uptake in babies being even higher. Yet it was reported last month in *The Independent on Sunday* that the Department of Health fears that a measles epidemic could be triggered by a drop in the immunisation rate to 88 per cent. of the population. That is all the more worrying, as I understand that the take-up rate for vaccination must be at least 85 per cent. of the eligible population to ensure the viability of the programme and proper public protection.

I know that some people in the Department of Health do not believe in vaccine damage. I was told in answer to a recent parliamentary question to the Department of Health that

> a report of a particular suspected reaction does not necessarily mean that it has been caused by the vaccine. There is no evidence to support the suggestion of a causal link between any childhood vaccines recommended in the UK and death.—[*Official Report*, 15 May 2000; Vol. 350, c. 17W.]

The same Department of Health answer went on to inform me that 50 cases of children dying of suspected adverse reaction to routine vaccination were reported from 1990 to 1999.

Professor Gordon Stewart, an expert in the field, pointed out in a recent letter to me that

> one of the main difficulties since 1974 is that the Department of Health, the Committee on the Safety of Medicines and now the Medical Control Agency have always denied that there is a problem or have related the problem only to the past.

The Government are therefore faced with a stark choice. Either they accept such medical advice and tell the parents honestly that they believe, with hindsight, that the Vaccine Damage Payments Act 1979 was misguided and that no further financial support will be forthcoming, or they accept that the Act was based on good medical science and recognise, 20 years later, that it is in urgent need of reform and improvement. Needless to say, my view and that of the all-party group is that they should take the latter course.

I believe that the Government will safeguard their vaccination programmes only if people know that there will be adequate support and compensation in the small number of cases where things go tragically wrong. All new parents, even the high-profile ones, have to make a fundamental decision about the vaccination of their children. I make these points, which are essentially directed to Health Ministers, to underline my commitment to the success of the vaccination programme, and I know that my hon. Friend the Minister will draw them to the attention of Government colleagues.

Let us be clear that we are not present to debate causation which, as far as I am concerned, was settled in the 1979 Act. My constituents Gary Hunt and Brendan Hanlon have a Government-issued trust deed that says that they have been damaged by vaccine. To date, they have received a derisory £10,000 each. Gary Hunt, who is 31 years of age, is profoundly mentally and physically handicapped. He is wheelchair-bound, cannot feed

[Mr. Ian Stewart]

himself and cannot speak. He is doubly incontinent. Needless to say, he requires round-the-clock care, which he receives from his parents.

Brendan Hanlon is 39 years of age, but has the academic age of a child of less than two years old. He suffers from severe and unpredictable epileptic fits which all too often lead to physical injury. He, too, is cared for by his parents and close family. Both those families have received just £10,000 for responding in good faith to protect their child and to protect the rest of us in the wider community.

Other specific cases will no doubt be highlighted by other hon. Members. It is now way past the time for the wider community to discharge fully its responsibility to the victims and their families. I mention both the vaccine victims and their families because the families suffer greatly—this is a whole family issue. Parents have full-time responsibility for their sons and daughters for the whole of their lives, and relationships with partners and their other children can sometimes be adversely affected.

The Government should recognise the contribution made by those families. Had they not struggled on in the way that they have, significant extra strain would have been placed on already overstretched national health service resources. I and members of the all-party group for vaccine damaged children want fair support and compensation for those children and their families and positive reforms of the vaccine damage payment scheme.

If prudence has been the Chancellor's hallmark, patience has been the hallmark of those parents. They have conducted their campaign for justice with extraordinary dignity, courage and forbearance. They have rightly felt anger, extreme frustration and desperation as politicians over the years have expressed sympathy with their cause but failed to deliver even when they had the power to do so. I hope that the Government will now do the right thing and deliver for vaccine victims.

Whatever heroic qualities the parents and carers may have—and they have many—they are not immortal. Since our previous debate, at least three parents of vaccine victims have died and yet another vaccine victim, Rachel Murray, has died at only 29 years of age. I can only imagine the devastation felt by her family, who are constituents of my hon. Friend the Member for Middlesbrough, South and Cleveland, East (Dr. Kumar). He cannot be here today because of constituency commitments, but he is an active supporter of the work of the all-party group. Again, I am sure that other hon. Members will want to highlight the specific cases of their constituents.

We know that the Government are currently undertaking a review of the 1979 Act, which, if I may take issue with *The Express*, is not a grubby payment scheme, although it is a restrictive and inadequate payment scheme. The Act established the Government's responsibility for vaccine victims. The scheme has not stood the test of time, but I believe that it was not designed to do so. The measure was devised to deliver urgently needed money to support vaccine victims. The general assumption of Jack Ashley, how Lord Ashley, and others was that it would provide an interim payment. The then Health Secretary, the late Lord Ennals, said that the payment would not

> pre-empt decisions which the Government still have to take.

Sadly, the incoming Conservative Government insensitively and wrongly kicked those further decisions into touch. They did nothing to improve the scheme and managed only irregular upratings of the payment in 1985 and 1991. However, I was pleased to read in *The Express* that the hon. Member for Brentwood and Ongar (Mr. Pickles), the official Opposition spokesman on social security, said that the Conservative party

> is very sympathetic to a generous and sensible settlement of this.

Good. That is a welcome development, which I hope will be confirmed today.

What is the scale of the issue? As of June 1998, a total of 890 payments had been made under the 1979 Act, from a total of 4,000 claims. Successive Governments since 1979 have acknowledged that almost 900 people were damaged by vaccines. The vast majority of the payments—795—were set at about £10,000. Claimants, of course, must meet a stringent 80 per cent. disability test before being eligible for an award under the Act. A person who is severely damaged by a vaccine and suffers a 70 per cent. impairment receives no payment because the disability does not meet the 80 per cent. threshold. There is no justice in such a system.

Parents' groups have raised other issues relating to vaccine damage. They believe that the number of victims is higher than the official figures that I have given. There is concern about clinical trials that allegedly took place between 1948 and 1956. It has been alleged that children suffered severe brain damage or even died during the trials and that their parents were not aware that the children were part of such clinical trials. There is also considerable concern about children who might have been damaged by vaccine but who are denied a payment under the Act as their medical records have been mislaid. Such matters are for investigation; I do not intend to pursue them today. The focus of the debate is rightly on the Government's review of the 1979 vaccine damage payment scheme.

What do we want from the Government's review? To summarise, the proposals put to the Government by the parents' groups include a substantial lump-sump payment and the payment of a severe disability pension analogous to war pensions and industrial injury pensions. They want recognition that the longest-suffering children and families have had the most expense and the least help. Further, they want the 80 per cent. disability rule tapered and the removal of the six-year time limit during which claims must be made.

The groups have also asked for the pharmaceutical industry to contribute towards additional funding. The Government have pursued the matter with the industry and parents are grateful for that as, by so doing, the Government have shown that they accept that vaccine victims constitute a special case. The response from the pharmaceutical industry has been negative. I appreciate the economic realities of taxing or levying vaccine manufacturers under a publicly funded health system. However, a spark of compassion and a measure of generosity on the part of the industry and its well-paid chief executives would have been welcomed.

As *The Express* noted, SmithKline Beecham, one of the world's largest vaccine manufacturers, had worldwide sales of vaccines worth £780 million last year. Diageo has recently announced additional money for the fund for thalidomide victims to ensure that the fund is inflation proofed. Celebrity criticism and the firm's concerns of the impact that that would have on its Guinness beer market no doubt prompted that action. Parents of vaccine victims could perhaps learn lessons here. The industry should take note that this is not the end.

However, it is now clear that any additional funding at present will be from public sources. Ministers have in the past said that additional funding—most specifically, compensation—is a matter to be pursued in the courts. I recently received a letter from the chief executive of the Legal Services Commission, which was previously known as the Legal Aid Board, informing me that as, of 1 April, it was likely to be able to fund claims on behalf of vaccine-damaged children and adults if there was a significant wider public interest, such as concern about the general safety of a widely available vaccine, and if not only the individual claimant would benefit.

By contrast, a typical individual claim relating to negligence by vaccination in the face of a contraindication or adverse reaction would not be funded, although it could be pursued privately under the conditional fee arrangement for legal aid. However, legal aid has already supported extensive litigation in relation to the pertussis vaccine, which was unsuccessful. The outstanding legal aid certificates for pertussis vaccine victims relate mainly to cases in which the vaccine was given after an adverse reaction to the first dose.

Families do not want and should not be forced to pursue the legal lottery that I have described under such restrictions. Additional public funding for vaccine victims is justifiable and necessary. In December 1998, I pointed out that it would cost only £79.5 million for all the children who received the original £10,000 to receive £100,000. I assume, therefore, that £200,000 each would cost about £160 million and that £300,000 per child would cost around £240 million.

My arithmetic tells me that the lowest level of £100,000 could have been funded by the additional monies vired since the beginning of the year to prop up that large plastic tent down the river. We should remind ourselves that an additional £55 million was released in February and a further £30 million last month. We sometimes need spectacle in our lives, but we need always to secure the health of the nation and to accept the responsibilities that result when accidents happen.

We must get our priorities right and do the right thing. Above all, we need a resolution to the matter now. Every Minister whom I have met to date has been sympathetic to the plight of vaccine victims and their families. The all-party group for vaccine-damaged children has requested a joint meeting with the Secretaries of State for Health and for Social Security. If we do not obtain satisfaction there, we shall be knocking on the door of 10 Downing street. Before that happens, will the Minister confirm whether his Department has requested or will request that the Treasury provide increased and adequate funds for the vaccine damage payment scheme?

In 1986, my right hon. Friend the Chancellor of the Exchequer said that the vaccine damage payment scheme was grossly inadequate for a lifetime of severe disability. He was right then. He can act now. In 1979, the late Lord Ennals, answering an hon. Member who expressed dismay that the £10,000 payment was not larger, said:

> This is not saying, "This is the end. We are wiping the slate clean".—[*Official Report*, 9 May 1979; Vol. 949, c. 980.]

Unfortunately, the commitment given by Lord Ennals has yet to be met. I hope that the Government will give the House a commitment to finish the business that the previous Labour Government rightly got under way and publish their review of the 1979 vaccine damage payment scheme by the end of July.

Parents are weary and uncertain. They and their sons and daughters deserve a conclusion to their campaign and a full, final and positive settlement now.

10.25 am

Mr. Tony Baldry (Banbury): I hope that the support of all hon. Members for everything that the hon. Member for Eccles (Mr. Stewart) said is clear. We fully support his approach to the Minister and to Treasury Ministers.

As a student, I worked as a gardener for the local hospital. One of the nursing homes had formerly been an isolation clinic for teenage sufferers of tuberculosis. Among the stinging nettles in the wilder parts of the ground the old mortuary building remained. However many years passed, that place still smelt of death. As I scythed the poppies and the long grass, I used to think how terrible it was that so many children and young men and women had been cut down randomly by tuberculosis.

I visited a secondary school in Banbury the other day and asked a group of sixth formers what they understood by the initials TB. Not one associated them with tuberculosis. Why should they? To all intents and purposes, thanks to advances in medical science and to mass immunisation campaigns, TB has effectively been eradicated in the United Kingdom—likewise, polio and several other diseases that had hitherto killed, or blighted the lives of, many children. I suspect that many of us know people older than us, who were born before the possibility of inoculation against polio, who contracted it as children and survived but were in some way scarred for life.

Mass vaccination programmes have brought about amazing advances in public health and, over the past 50 or so years, in the reduction of infant mortality rates. To be effective, mass vaccination campaigns require the overwhelming majority of parents to ensure, as a matter of course, that their children are inoculated. A take-up rate of at least 85 per cent. is needed for their success, but it has become apparent over the years that, although they have brought enormous benefit to many, they have left a tiny few severely damaged—physically, mentally or both.

I do not believe that any Minister, civil servant or doctor genuinely believes that the children whom we are considering this morning have received their severe afflictions in any way other than as a consequence of vaccine damage. Suggestions that those children would have experienced mental or physical handicap quite

[Mr. Tony Baldry]

independently of their involvement in the campaign of mass vaccination are offensive and are not borne out by the facts. Nor is there evidence to suggest that the injuries have necessarily come about as a consequence of negligence on the part of the drugs companies manufacturing the vaccines. I do not believe that any Minister, properly informed civil servant or public health official believes that the argument can be sustained that the children were damaged by medical negligence. The simple, straightforward, inescapable fact is that in mass vaccination campaigns, such as those for measles, mumps and rubella or for polio, statistically a tiny percentage of children will, it appears, experience adverse consequences that could not have been predicted, and which will be devastating for them and their parents for the rest of their lives.

It is in the interest of the totality of the community—the public good or the commonwealth—that the relevant vaccinations should be taken up by the overwhelming majority of parents and should thus succeed. The consequence, as night follows day, is that we—society, the state or the commonwealth—should properly compensate, support and indemnify the children who tragically are not, in the event, protected by such mass vaccination but severely injured and damaged. I suspect that most, if not all, hon. Members taking part in the debate have a constituent or constituents who, sadly, fall into that group and whose parents have been battling for some time to ensure financial support for their children. A young constituent of mine, Hamish Thompson, who is now aged two, contracted paralytic poliomyelitis 10 days after receiving his polio vaccine in December 1997.

I note that the issue of proof of causation often arose in debates in the House on the Vaccine Damage Payments Act 1979. Ministers tend to suggest that there is no proof that the vaccine has directly caused the recipient's condition, as it is difficult to prove the link between brain damage and the whooping cough and measles, mumps and rubella vaccines.

Hamish had what is known in the medical world as vaccine-associated paralytic poliomyelitis; the strain of the polio virus isolated in his stools matched that of the virus and there is total scientific proof that he contracted his polio as a direct result of being administered the polio vaccine. As of January 2000, the United States of America stopped using the live polio vaccine because of the risk of contracting polio from it: the inactive polio vaccine is just as effective and does not carry the same risk. To provide the best possible immunity against polio, it is suggested that people are given two doses of the inactive IPP vaccine and one dose of the oral vaccine. The first two doses are administered by injection and provide immunity to the body, while the third dose provides gut immunity, thus maintaining the immunity benefit to society.

We know that young babies such as Hamish have suffered from the polio vaccine. Is it still the Department of Health's advice that polio vaccine should be administered in the way in which it was administered to Hamish?

Hamish was awarded a £40,000 vaccine damage payment a few weeks ago. Objectively, that might seem a lot of money, but, as a member of the Bar who has done a fair amount of personal injuries work, I know that that is a pittance compared to the compensation that he would properly have received if the matter had been assessed by a High Court judge. For a child of two who, as the hon. Member for Eccles said, must by definition be 80 per cent. damaged to receive any compensation and who will require nursing, care and support for the rest of his life, £40,000 is an insult. Much of that has already been spent on settling debts incurred in trying to provide a reasonable standard of nursing care for Hamish.

I fully support what the hon. Member for Eccles has proposed, but this is a simple matter; only a tiny number of children are involved. There should be a no-blame scheme, under which a High Court judge would assess their needs, as he would if negligence had been proved. A High Court judge or a court can objectively determine fair and proper compensation, having regard to the severity of the medical condition, life expectancy and all the other matters that are normally taken into account in personal injury cases.

It is a diabolical shame when a child is damaged by a Government campaign, and is then told by the same Government health service that he cannot have the equipment that he needs as there is a funding problem and should instead start to beg from charities to raise the funds. An inelegant pass-the-parcel has been going on between Whitehall Departments. The Department of Health seems to have tried to shuffle responsibility on to the Department of Social Security, the Department of Social Security has tried to shuffle responsibility on to the Department of Health and the two Departments have tried to shuffle responsibility on to the pharmaceutical industry. The whole House says, "Enough".

The time for passing the parcel on this policy must come to an end; the Government must collectively sort the matter out. Parents such as Mr. and Mrs. Thompson have been incredibly patient and long-suffering, but they and many others are entitled to know that they and their children will receive the financial support necessary to maintain them in the future. It is time for the Government to act. If they will not or do not act, that will be a scandal.

10.34 am

Mr. Tom Clarke (Coatbridge and Chryston): I warmly congratulate my hon. Friend the Member for Eccles (Mr. Stewart) on his excellent and well-informed speech and on his marvellous leadership of the all-party group for vaccine-damaged children. I wish him well in all the activities that he is pursuing. Indeed, the case that he presented was so comprehensive that we could almost have finished the debate at that point and gone home. I feel almost apologetic to be taking up hon. Members' time, and I do so only to add my support, for what it is worth, to the comments made by my hon. Friend and by the hon. Member for Banbury (Mr. Baldry).

I disagreed with the hon. Member for Banbury on only one point. I believe that the pharmaceutical industry has a responsibility, and is in a strong position to join us in appealing to the Government to move forward more quickly if they will accept the responsibility to do so. However, I agree with him that the game of pass-the-parcel to which he referred should come to an end.

I hope that hon. Members will forgive me if, in adding my support to the splendid plea made this morning by my hon. Friend, I thank the Minister in anticipation for his reply and for the work that he is doing, because he has met me to discuss the case to which I shall refer. My hon. Friend the Member for Eccles and I both know how much a Minister is free to say. We are also aware of the colossal influence that the Treasury has on these matters. If the Treasury is following our debate, I hope that it will accept our plea that it is time to move on, and to loosen the purse strings. We cannot achieve even the minimum objectives that parents rightly demand unless the Treasury accepts that reality.

I should like to refer to the constituency case that I discussed with my hon. Friend the Minister, and to declare straight away that it is a family case. I refer to it—having spoken to the mother of my nephew and godson, Anthony Clarke, on Sunday—not only because this debate has implications for his case but because, as his mother reminded me, if we make progress for Anthony, we can make progress for other people as well. She said that she knows what other parents are going through. I can say with great humility, from my knowledge of the family, that Sadie is an absolute heroine.

Anthony was born in 1966; he is now 34 years old. There are two other younger children, now adult young women. My late brother, Robert, was killed in a car crash in 1973, when Anthony was seven. By that time, it was obvious that Anthony was profoundly mentally and physically disabled, and required 24-hour attention and a great deal of other support. It saddens me that local authorities have come under a great deal of criticism. A few weeks ago, when Anthony's mother was told that his respite care was being cut from eight weeks to four, she did not blame the local authority. I do not blame it, but I say to the Treasury, as I recall my background in local government, that we must examine our perspectives on these matters.

It will be helpful to the cause that my hon. Friend seeks so admirably to promote if I refer specifically to this case. I shall quote from a letter from the Benefits Agency to my sister-in-law, dated 30 July 1999, because it encapsulates many of the points that my hon. Friend made in his speech, and many of the demands that the various groups and parents involved in this issue are making. In response to my sister-in-law's letter of 14 July 1999, it stated:

> In your letter you have asked for a further appeal because Anthony's condition has deteriorated. Under the 1979 Vaccine Damage Payments Act you can either request a reconsideration of the original decision within six years of the decision being made or ask for a review of the original decision by the Independent Tribunal Service. Because it is over six years since the original decision was made—

I remind hon. Members that Anthony is now 34—

> it is no longer possible to request a reconsideration. As regards a review of the Independent Tribunal Service, you are only entitled to one review. Because you had a review in 1981 it is not possible to ask for another one. Furthermore, under the Vaccine Damage Payments Act, there is no provision for appeals.
>
> It is with regret, therefore, that I have to inform you that I cannot accept your request for an appeal. Furthermore, there is no other means of changing the original decision.

The mother and family of this young man have undergone many pressures. Since the 1979 Act, we have learned a great deal more about the circumstances that lead to such conditions and the demands on families who are trying to cope with them. There is a great will among Members of Parliament to do something about that. In many cases, parents become ill and less able to cope as they get older. They need the kind of recognition that my hon. Friend the Member for Eccles seeks.

Before I conclude, I should like to re-emphasise three points that my hon. Friend made. First, it is manifestly absurd to stick to the 80 per cent. condition, because that assumes that it is less difficult for the parents of a child who has a 79 per cent. acceptance to cope with the situation than it is for those of a child who has an 81 per cent. acceptance. The arguments in favour of the taper are therefore overwhelming.

Secondly, despite all the facts that have been made available, there should be more research into ways of dealing with these matters. I passionately believe that the pharmaceutical industry has a role to play in that.

Thirdly, we should consider what is happening in other countries, because we can learn a great deal from them. I hope that the time will come when they look to us as a model for the treatment of the condition and its consequences for children and their parents.

I congratulate my hon. Friend on his success in securing the debate, and on his contribution to it, and wish him God speed in everything that he seeks to achieve. As many of us know from cases in our constituencies, such situations can be tragic for families and friends. If the debate has at least offered some aspect of healing and hope, it will have achieved a great deal.

10.43 am

Mr. David Chidgey (Eastleigh): I, too, congratulate the hon. Member for Eccles (Mr. Stewart) on the way in which he led the debate and on the way in which he has, over many months, led the campaign. I lend him all my support.

In common with many hon. Members, I have examples of such tragedies in my constituency. I should especially like to mention Roy and Jean Stokes and their son Keith. Keith suffered severe brain damage as a result of a vaccination when he was a baby. As in many such cases, he is now in his late 30s, but remains at the mental age of an infant. We have heard dramatic descriptions of what that means to parents.

I am pleased to mention Roy Stokes because, for more than 35 years, he has been a leading campaigner on behalf of parents throughout the country who are trying to get justice for their children. As a Member of Parliament, I feel shame that, during that period, nothing was done—regardless of which party was in power—to address seriously the injustices that parents have suffered. The Labour party promised much in its pre-election pledges, and we were all hopeful. However, it is now time to deliver; the Minister should realise that.

The hon. Member for Eccles mentioned the compensation that was offered by the Government of Lord Callaghan. The Vaccine Damage Payments Act 1979 came into force as a result of the report produced by the Pearson commission, which was accepted by everyone as a fair interpretation of the situation. The payment of £10,000 was to be an interim payment, not the end of the affair.

The hon. Gentleman mentioned the deed of trust. I have a copy of Roy Stokes's deed of trust, which states clearly that

[Mr. David Chidgey]

the Secretary of State is satisfied that Keith Roy Stokes—

the son—

was born...disabled as a result of vaccination and is about to make a payment of £10,000 to the First Trustees to hold on the trust.

There is the statement. There is no question that there is any reason other than vaccination for the child being so severely disabled. As the Pearson commission said, there should be, in cases involving severe brain damage, a right to court judgment and to just and appropriate compensation. That was 25 or more years ago, but nothing of any substance has happened since. The ensuing Governments must recognise that, to their eternal shame, they have not grasped the issue. They have ignored the key issues and have changed the rules.

I shall illustrate what I mean by changing the rules. How can a logical mind accept the view that a child who is brain damaged by vaccine should be treated the same as a child who is born with brain damage? There is a world of difference between a tragic accident of nature and the effects of a vaccination programme for which, as Governments know, it is a statistical certainty that there will be casualties, even if the health of the nation as a whole will be improved. More importantly, parents also know that there will be casualties, which might explain why take-up rates are falling. That worries those of us who are concerned about the health of the nation.

It is important that parents know that, if they are unfortunate enough to suffer this tragedy, they will get just compensation. Over the past few years, the confidence of parents that they will be supported if there is an accident has been eroded. It is not acceptable to offer the normal social services support packages, as if the children had suffered natural damage. We all know the hoops and hurdles that people must navigate to win what should be theirs as of right. Often, there is means testing, or the funds in local authority budgets are curtailed. That is an almost bestial way to approach the problem. We are supposed to be a civilised society, in which people in need are cared for. We should be able to take pride in the fact that, in our society, such people are not left wanting, through no fault of their own.

We should follow the examples provided by other countries, where parents have received compensation adequate to allow them to ensure that their children are properly cared for. We need to reassure parents, who are offering their babies for vaccination for the public good, that they will be compensated with sufficient funds to help them cope with the burden of a lifetime of caring, if something goes tragically wrong.

I would like to draw attention to the five key points made by the Association of Parents of Vaccine Damaged Children. First, we should take the Pearson report off the shelf, dust it down and, 20 years on, establish what to make of it. It makes some very good points. Secondly, we should consider awarding a lump sum in accordance with what would be achieved in the courts. Thirdly, we could pay a lump sum to top up existing allowances, but that must be additional to, and not a substitute for, local authority services. Fourthly, we could set up a special fund through the pharmaceutical industry. If that worked in the thalidomide case, why should not it work for vaccine damage? I see no difference between the two cases. Fifthly, the exceptionally severe disability payment pension could be paid to children, which would take the burden off parents.

The Government have a chance to act, and they should take it. They should also recognise that the cost of supporting causalities in a vaccine programme should be costed into that programme—it should be part of the package. We need to live in the real world.

Finally, I return to my constituents, Roy and Jean Stokes, who are now in their seventies and who have given a lifetime of care to their son, Keith. One can only begin to imagine how that affected their quality of life, although they gave willingly and lovingly. As they grow older and more infirm, they are less able to support their son. However, rather than getting extra help, the fact that they are in their seventies means that they have lost their marriage allowance and their carers allowance. Roy's pension is also now taxable, which leaves them £3,000 a year worse off. That is, frankly, a disgrace.

10.51 am

Dr. Peter Brand (Isle of Wight): I join others in congratulating the hon. Member for Eccles (Mr. Stewart) on securing this debate. Powerful speeches have been made today and were made on 2 December 1998. There is a sense of déjà vu about today's debate—the review that was promised in 1998 has still not taken place.

I am glad that the Under-Secretary of State for Social Security, the hon. Member for City of York (Mr. Bayley), will respond to our debate. My hon. Friend the Member for Eastleigh (Mr. Chidgey) pointed out that this matter involves not only benefit payments but public health, so it might have been more appropriate if the Minister for Public Health had been present to respond. Unless we ensure that there is confidence in the immunisation system, take-up will drop. The imminent measles epidemic which has been predicted for parts of Europe may be relevant in this context.

The hon. Member for Banbury (Mr. Baldry) made a powerful speech, but I disagree with him—TB has not been eradicated. One of the lessons that we have to learn is that such diseases are always around. We must remain vigilant and find the best form of protection for the wider community. However, if we are to do that, we must compensate those individuals who have suffered from, or whose condition is linked to, receiving a vaccination.

As a medical practitioner, I cannot be certain in every case I see that there is a distinct causal link when a person becomes ill after an immunisation. However, one must give the benefit of the doubt to anyone who had a perfectly nice, normal baby who became ill after a course of immunisation. There are conditions that do not show themselves until a baby is about three months old, which is the age when immunisations are usually offered. To have the population's confidence, we need to protect our society at large.

Frankly, this matter should not be left to the pharmaceutical industry. In this area, there is not a competitive market. Selected manufacturers are chosen by the Department of Health to supply a vaccine, and it is that Department and the state that should take responsibility.

I am wary of the Department of Health's statement that the vaccines are safe—it has maintained that for many years. At the same time, it is encouraging research into newer, safer vaccines. If a safe vaccine already exists, why are we conducting research into newer, safer ones? As with the 1979 Act, that is an admission of a link; it admits that a small number of people run a statistical risk of suffering the devastating consequences of immunisation.

The willingness of successive Governments to allow people to litigate against deliverers or producers of the vaccine has not proved particularly helpful, and runs against a desire to protect the community. Manufacturers are being restricted and are increasing the number of contraindications. For example, it is nonsense to regard a history of epilepsy as a contraindicator to giving vaccine, but should a condition worsen after vaccination the manufacturer could be sued. That illustrates the need for some form of no-fault compensation, to which the hon. Member for Banbury referred.

The right hon. Member for Coatbridge and Chryston (Mr. Clarke) illustrated clearly why the 1979 Act is failing older people. I, too, have a number of constituents whose parents are elderly and can no longer cope, and they need to know that the work that they have carried out devotedly for 30 or 40 years will be continued. The hon. Member for Eccles said that nothing has changed since 1979, but the initial payment, which was understood to be an interim payment, has become a final payment. The 1979 Act acknowledged that some people carry an extra burden. Such people are owed a review, and it is our collective responsibility to do something about this issue.

I do not want to have to participate in yet another debate on this issue in 18 months' time. The Government cannot keep shirking their responsibility, and they certainly should not pass responsibility to the pharmaceutical industry or the courts.

10.57 am

Mr. Eric Pickles (Brentwood and Ongar): This is the second time that I have contributed to a vaccine damage debate initiated by the hon. Member for Eccles (Mr. Stewart). It is clearly a subject about which he feels passionately and, once again, he has spoken most powerfully. However, his language was simple and unemotional, and his argument was the more powerful for that.

Hon. Members have spoken eloquently on this issue today. The right hon. Member for Coatbridge and Chryston (Mr. Clarke) neatly illustrated that it is not only children who have been damaged by vaccines, but adults. He also mentioned carers. Carers who have been dealing with such problems for many decades are no longer able to provide the same level of personal care that was provided previously. There is a duty on the House and the Government's shoulders to find a solution to the problem.

As hon. Members have said, the previous debate on this subject took place on 2 December 1998, which was a significant date. There was a certain amount of excitement about compensation for vaccine damage and a feeling that an announcement from the Government was imminent. The Government made several promises. The hon. Member for Eccles described it as a run around the paddock, so let me make it clear what that run involved.

On 23 June, in the First Standing Committee on Delegated Legislation, the then Minister of State referred to

> the vaccine damage payment scheme being considered as part of the welfare review.—[*Official Report, First Standing Committee on Delegated Legislation*, 23 June 1998; c. 3.]

Shortly before that debate, in a written answer on 2 November, Baroness Hollis said in the other place that

> an announcement will be made in due course.—[*Official Report, House of Lords*, 2 November 1998; Vol. 594, c. 28W.]

In replying to the debate on 2 December, the then Minister of State said that the Under-Secretary of State for Social Security

> hopes to conclude our review early in the new year.—[*Official Report*, 2 December 1998; Vol. 321, c. 817.]

That was 1999. Early that year, on 27 April, Baroness Hollis said that

> an announcement will be made as soon as possible.—[*Official Report, House of Lords*, 27 April 1999; Vol. 600, c. 26W.]

We heard recently from the Minister that the Government are examining the feasibility of setting up a fund to provide help for people who have suffered vaccine damage. That seems to represent a slight pulling back in that the Government are no longer saying that they will do something as soon as possible; they are just looking into the matter. I agree with the hon. Member for Eccles that we should try to ensure that the review is concluded by July at the latest. We know from the newspapers that negotiations between the Government and drugs companies seem to have broken down. It would be helpful if the Minister would take the Chamber into his confidence and tell us a little about the progress of those negotiations.

There are good reasons why we should reach a decision reasonably quickly. Every time the story raises its head and every time it receives news coverage, fears are raised among parents about the immunisation programme and this may cause some people not to have their children vaccinated. Of course, most newspaper coverage has been serious and sensible but, regrettably, some has been sensational. My godson is of an age to receive immunisation. I know that his parents have genuine worries and there is a niggling doubt at the back of their minds about whether the process is sensible.

As hon. Members have said, the public vaccination programme has been a great success. I look around Westminster Hall and, with the exception of one or two senior and distinguished hon. Members, I see that we are all of much the same age, an age that benefited from the vaccination programme. When I was a child, there were 157,000 cases of whooping cough a year, of which 300 resulted in death. Now, 40 years later, there is, fortunately and pleasingly, only one death a year. Those childhood illnesses killed many and denied many children the opportunity to develop a happy and successful life. The vaccination programme has enabled many children to live, and many of us perhaps owe our existence to it.

[Mr. Eric Pickles]

As the then Minister of State, the hon. Member for Southampton, Itchen (Mr. Denham), said in reply to the last debate,

> No child in England and Wales has died from acute measles-related illness since 1992. All those figures establish that the immunisation programme provides benefits not only to society as a whole but to the individual and his or her family.—[*Official Report*, 2 December 1998; Vol. 321, c. 816.]

There cannot be a better illustration of the need for vaccination programmes than tuberculosis, to which my hon. Friend the Member for Banbury (Mr. Baldry) and the hon. Member for Isle of Wight (Dr. Brand) referred. As you may know, Mr. Deputy Speaker, there is an acute shortage of the tuberculosis vaccine, and there is a backlog in the school immunisation programme which can cause delays of up to two years in our schools. A comparison of last year's figures with those of 1970 is unsurprising in the light of that shortage. In 1970, 1,901 cases of tuberculosis were reported; last year, 6,144 were reported. If ever there was an illustration of the need for a vaccination programme, surely it is tuberculosis.

There is a further reason why we should solve the problem. Vaccination policy is there in the public interest; it saves lives. However, any mass vaccination programme involves a risk—it may be slight, but it is a risk nevertheless. Mr. Mike Watson, the medical director of Aventis Pasteur, which distributes vaccines, said:

> There is a quantifiable risk, even though it is tiny, so you should have a scheme in place to compensate people—

the people who suffer from vaccine damage. In the United States, the vaccine companies contribute to a central fund.

Parliament, the Department of Health and the Department of Social Security say that parents should immunise their children, because the argument in favour of doing so is overwhelming. We advance that argument in the full and certain knowledge that accidents will occur and that the victims are victims for the common good. Those people deserve our protection, and it is the protection of compensation that the House should offer.

Two principal changes, to which hon. Members have already referred, can be made. First, good and compelling arguments suggest that there should be a sliding scale below the 80 per cent. disability limit, although that rule is common to most methods of calculating disability. Secondly, it is argued that the six-year rule for making a claim, which involves a cut-off point, is too restrictive and should be abandoned. Those arguments were addressed by Ministers on two recent occasions in the Chamber and in another place. On 29 June, when she introduced uprating, Baroness Hollis said:

> Fixing the extent of disablement at 80 per cent. or more was based on a well-established social security principle assessed for the purposes of section 57 of the Social Security Act 1975. In fact, it is the same basis as the industrial injuries benefits scheme and the 80 per cent. threshold reads across the severe disablement allowance. So it is a fairly standard measure for disability.—[*Official Report, House of Lords*, 29 June 1998; Vol. 590, c. 509.]

On 2 December 1998, in response to points about the six-year rule, the then Minister of State for Health said:

> Marginal changes in the time limit would not assist in the overwhelming majority of cases. The substantial length of the process would make obtaining medical and other relevant evidence after long periods increasingly difficult.—[*Official Report*, 2 December 1998; Vol. 321, c. 816.]

I believe that those views are wrong in two important respects, which have been addressed by hon. Members this morning. The difference is that the 80 per cent. disability rule has been engendered by the state on its own behalf and is part of the immunisation process of which some people are victims. The suggestion that the rule makes no difference belies the fact that appeals and applications are turned down. An average of 73 per cent. of cases have been turned down each year since 1992 because applications have been made more than six years after vaccination.

One point that my hon. Friend the Member for Banbury made about the 80 per cent. rule needs to be emphasised. The 80 per cent. disability must relate to vaccine damage. An application from a person who, in the opinion of the assessors, is 70 per cent. disabled through vaccine damage and 10 per cent. disabled through another cause would fail. That makes no sense.

I disagree with the hon. Member for Isle of Wight, who said that it was a pity that the Minister for Public Health is not present. I have every confidence in the Under-Secretary with regard to the settlement of the case—he does not share the views of hon. Members mentioned previously. We know that he wishes to see an end to the 80 per cent. rule and to the six-year period because he was a signatory to two early-day motions—one on 16 April 1996 and another on 23 May 1994.

People sometimes sign early-day motions that come back to haunt them, but that is not the case here. The Under-Secretary signed both motions and was not isolated in doing so. More than 300 signatures were gained. The Minister of State for Social Security signed one of the motions. His colleagues, the parliamentary private secretaries in the Department of Social Security and the Whip responsible for that Department, signed. If the hon. Member for Eccles is right to say that the argument is between officials and politicians, the weight of the political argument lies in the Department. Everyone signed the early-day motions, with the exception of the present Secretary of State, who no doubt was precluded from signing because of his position then as a member of the shadow Cabinet. The entire Department—possibly with the exception of Ministers serving in another place—are behind ending the 80 per cent. limit and the six-year rule. I have no doubt that the Under-Secretary will make clear the way in which it is intended to end them.

The matter should not become political. However, politics enter the question of what is in a Government's programme. I want to make it absolutely clear that, if the Government seek to amend the Act or to make the necessary changes by secondary legislation, Opposition Members promise to do everything in their power to co-operate and to work towards a speedy resolution of the case.

11.13 am

The Parliamentary Under-Secretary of State for Social Security (Mr. Hugh Bayley): I congratulate my hon. Friend the Member for Eccles (Mr. Stewart) on securing the debate, which is important not only for

those who have received vaccine damage payments but for their parents, families and carers. Many of us have constituents who must contend daily with the difficult circumstances of caring for a severely disabled child or, too often now, a severely disabled adult. I pay tribute to the relentless devotion of the families to their children, and to the tenacity of their campaigns to establish a vaccine damage payment scheme in the 1970s and to have that reviewed.

I also pay tribute to my hon. Friend the Member for Eccles for his constructive and helpful role—which has not always been comfortable for me as a Social Security Minister—in leading the all-party group on vaccine damage. His speech reflected his depth of feeling on the issue and his sensitivity towards the families involved. I congratulate other hon. Members who, for many years, have tried to bring the matter to the attention of the House.

I shall begin by responding to specific points. The hon. Member for Banbury (Mr. Baldry) mentioned the case of his constituent, Hamish Thompson. There is medical evidence of a causal link between polio vaccine and injury, which I shall address in more detail if I have time. The hon. Gentleman asked whether it remains Department of Health policy to administer polio vaccine in the way in which it was given to his constituent. The Department of Health programme is based on advice from the Joint Committee on Vaccination and Immunisation. It continues to recommend oral polio vaccine for the United Kingdom. The situation in the United States is different. The whole of the Americas, from Baffin island in Canada to the tip of Chile, is declared free of polio, which is not the case in our hemisphere.

I differ from the hon. Gentleman on one point: the policy has not been subject to a game of pass-the-parcel between Departments—certainly not by this Government. Departments have worked closely together. Indeed, I have worked with colleagues in the Department of Health and other Departments. I do not want to make this a party political issue, but if there was a time when Departments tried to duck their responsibility, it was in the 18 years of the Conservative party's Administration when, despite requests for a review, none took place.

My right hon. Friend the Member for Coatbridge and Chryston (Mr. Clarke) has discussed his nephew's case with me. I acknowledge and congratulate him on his role as a long-standing and committed campaigner for all disabled people, not just members of his family. Indeed, he has outlined the Labour party's policies to disability groups in my constituency. He graphically explained how the six-year time limit restricts the ability of his nephew to receive further consideration of his case. I assure him that the review is addressing that issue, and the Government's views will be made known when it is published.

The hon. Member for Isle of Wight (Dr. Brand) made several points on the medical benefits and risks of vaccination. I agree with much of what he said. He asked whether the initial vaccine damage payment scheme was envisaged as being an interim scheme. It was not. At Second Reading of the Vaccine Damage Payments Bill, the Opposition spokesman, Patrick Jenkin, said to the Secretary of State, the late Lord Ennals:

> I do not think that at any stage has the right hon. Gentleman used the phrase "an interim payment" ... the right hon. Gentleman has been extremely careful at no stage ever to use that expression.—[*Official Report*, 5 February 1979; Vol. 962, c. 69.]

David Ennals's reply was "Quite right." In Committee he said that he had never looked on the Bill as an interim measure.

Mr. Stewart: How can the late Lord Ennals's statement that the issue was not at an end be squared with the statement that the payment was not an interim measure?

Mr. Bayley: I cannot, of course, speak for the Secretary of State 20 years ago, but I imagine that he had in mind the many and varied recommendations of the Pearson report. It dealt with people damaged by vaccine and there was a recommendation on vaccine damage, but it was a much wider-ranging royal commission, and the debate concerned the wider issue. It was made clear during the passage of the Vaccine Damage Payments Act 1979 that there would be a response at some point to wider issues raised by the Pearson committee.

It might help my hon. Friend and hon. Members if I said something about the background to the review of the vaccine damage payment scheme announced by the Government. Of course, through the 18 years when the Conservatives were in power, parents pressed for a review of the scheme. Shortly after the general election, Labour Ministers were approached both by the organisations campaigning on the victims' behalf and by the newly formed all-party group. On 19 May 1998, my right hon. Friend Baroness Hollis announced that a review would be undertaken in consultation with the Department of Health as part of the Government's welfare review programme. During the review, several meetings have taken place between Ministers and members of the all-party group. On occasion, they have been attended by members of the parents' groups, who have powerfully and movingly made their case to me and to others.

The parents' groups want several changes and not all have made the same points. However, they want five principle issues to be dealt with: the abolition of a six-year time limit; a reduction in the 80 per cent. disability threshold and/or its replacement with a sliding-scale basis for vaccine damage payment awards; an additional lump sum for previous recipients of vaccine damage payments; a specific on-going benefit for those damaged following vaccination; and a contribution from the pharmaceutical industry towards the support of those damaged by vaccines. They have also raised questions about vaccination incentive payments and the promotion of vaccines.

To return to the origins of the scheme, after a campaign by parents in the 1970s an extra-statutory scheme was begun in May 1978 and the Bill relating to the present statutory scheme was introduced in February 1979. That provided for a lump sum for people severely damaged as a result of vaccination under a routine public vaccination programme. I have read carefully the *Hansard* reports of debates on the Floor of the House and in Committee and perhaps I should pay tribute to three people. One is Rosemary Fox, who was cited time after time in those debates as a parent and campaigner who brought the issue to the attention of

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Parliament. I firmly believe that, without her campaigning, the Vaccine Damage Payments Act 1979 would never have reached the statute book. The other two people are Jack Ashley and Alf Morris, who was then in my shoes, as the junior Minister responsible for the Bill.

When the Bill was introduced, the Secretary of State for Social Services, the late Lord Ennals, made it clear that the scheme was not about compensation but about payments. It was designed to provide a lump sum payment of £10,000 to ease the present and future burdens of those suffering from severe vaccine damage. The amount has been progressively increased over the years and was last raised to £40,000 on 1 July 1998, shortly after my right hon. Friend announced the Government's review. That increase more than restored the payment to its 1991 value, when it was previously increased. Based on the retail prices index, simple indexation would have produced a figure of £38,194.

Mr. Andy King (Rugby and Kenilworth): Does my hon. Friend agree that, even though the original figure has been upgraded to £40,000, it is a derisory sum which does not ease the burden of care on the families, to which he has referred so eloquently?

Mr. Bayley: I thank my hon. Friend for raising the issue. In the time that is available, I shall explain as much as I can about the progress of the review. The sum is one of the issues under review.

I said in response to the hon. Member for Banbury that, although there is a one-in-a-million risk of contracting paralytic polio from the oral polio vaccine, as the Government acknowledge, there is a lack of clear scientific evidence linking routine childhood vaccinations to permanent damage. The High Court judgment in 1988 in the Loveday case dealt with whether, on the balance of probability and for the purpose of tort damages, it had been proved that the pertussis vaccine had caused permanent brain damage. In his judgment, Lord Justice Stuart-Smith concluded:

> I have now come to the clear conclusion that the plaintiff—

Loveday—

> fails to satisfy me on the balance of probability that pertussis vaccine can cause permanent brain damage in young children. It is possible that it does: the contrary cannot be proved.

That is not the same as saying that disability as a result of vaccination cannot happen. For that reason, each claim is given individual consideration. I say to my hon. Friend the Member for Eccles that nobody from the Government is seeking to open the question of causation in any cases in which a vaccine damage payment has been made.

Mr. Stewart: My hon. Friend took a risk in mentioning names before, because there are many names, not least of which is Olivia Price of the Vaccine Victims Support Group. She tells me, and I believe that it is correct, that confidence is directly related to the success of the vaccine programmes. Does my hon. Friend accept that and accept that a lack of confidence in one vaccine programme can have a negative knock-on effect on other vaccine programmes?

Mr. Bayley: Yes, I agree, but I am heartened by what a number of hon. Members have said today about the importance in public health terms of a vaccination programme.

I recently wrote a foreword to a book by a constituent, Brian Sanctuary, about the open-air schools in York, the hospital schools which were the predecessors of special schools. In 1922, out of 112 pupils in the Fulford school in my constituency, 25 were suffering from TB, seven from polio and two from diphtheria. As a result of the vaccination scheme, the health of the children who receive education in special schools has changed beyond recognition.

In the short time available, I must respond to the questions about the timetable and the conduct of the review. My hon. Friend the Member for Eccles asked whether the DSS has requested additional funds from the Treasury. He is right to say that the review involves several Departments, including the Treasury. It is not normal for a Minister to comment on internal Government processes, but I can confirm that, when an announcement is made, it will be with the full agreement of the Treasury. That will need to be built into the timetable.

I very much regret that the review was not concluded earlier, and I know that the parents concerned are desperate that it should be concluded. Two years is indeed a long time.

Mr. Deputy Speaker (Mr. John McWilliam): Order. Time is up.

Rural Abattoirs

11.30 am

Mr. Christopher Gill (Ludlow): I preface my remarks by drawing attention to the declaration under my name in the Register of Members' Interests and by stating that I am a paid-up member of the National Trust and the Country Landowners Association and a life member of the Rare Breeds Survival Trust. Those are three of the seven national organisations that are campaigning to save Britain's smaller abattoirs. However, they are only the tip of the iceberg. In March this year, no less than 137 bodies and associations were co-signatories to a letter that was sent to the Minister of Agriculture, Fisheries and Food. That is a huge increase on the 12 national organisations that endorsed a letter that I wrote to Baroness Hayman last August.

Given that small abattoirs represent a tiny sector of a relatively small industry, that level of concern and support is unprecedented. It is about to be underscored by a public petition that is being organised by the Country Landowners Association, the Council for the Protection of Rural England, the National Federation of Meat and Food Traders, the Rare Breeds Survival Trust, the National Trust, the Royal Society for the Protection of Birds and the Soil Association.

My constituent, Mr. Colin Kinmond, is one of those business men on behalf of whom the campaign is being waged. Mr. Kinmond is the proprietor of the Bishop's Castle Meat Company. When I visited him 10 days ago, he was beside himself with anger and frustration—not about the state of the trade or his ability to supply a product, as between a willing buyer and a willing seller, but about the oppression and interference that he experiences from the Meat Hygiene Service. He is not alone in that. Scores of other craftsmen running small abattoirs feel the same way: pilloried and persecuted by what is euphemistically called a service—and for which, ironically, they must pay—but is in fact an enforcement agency, which should, if there were any justice and consistency, be paid for out of public funds.

That brings me to the nub of the issue: the level of meat inspection charges. I am grateful to Mr. John Chadwick of the Small Abattoir Federation for supplying the following statistic. He calculates that, when 100 per cent. veterinary supervision is implemented next April, a low-volume abattoir will pay £44 per unit for inspection. That is 11 times the unit charge of £4.14 in a high-throughput abattoir. Those figures are entirely consistent with those that were given to me by the noble Lady in her letter of 21 September, in which she stated that the current hourly rates of official veterinary surgeons employed in abattoirs range from £25.01 to £106.18. I am sure that the Minister will appreciate that that is intolerable and unsustainable for small abattoirs paying the higher charges. The inevitable consequence will be an acceleration of closures as the April 2001 deadline approaches—unless something is done, such as scrapping the present charging regime in favour of a universally applied headage charge.

I shall avoid going over the same ground that I have covered in parliamentary debates, at Question Time and in countless meetings and frequent correspondence with Ministers, so as to be able to devote some time to another aspect of the matter. On 1 April this year, the Meat Hygiene Service, which had previously been under the aegis of Agriculture Ministers, became the responsibility of Health Ministers. I welcome that change because it creates a better environment in which to examine the issues involved more objectively than was previously the case. The issues at stake—no pun intended—are those of public health and the safety of individual consumers.

In another place, Baroness Hayman said that

> red meat slaughterhouses in this country declined in number from 1,385 in 1975 to 339 last year. Over the past 25 years, there has been an inexorable reduction.
>
> One of the most important things we can do is to move from a prescriptive approach to a risk-based approach in abattoirs.—[*Official Report, House of Lords*, 6 March 2000; Vol. 610, c. 797.]

I trust that Health Ministers will endorse that sentiment, and I hope that they will also accept my invitation to reassess the risks and hazards associated with abattoirs in the context of all their other public health responsibilities.

A recent report by the National Audit Office—HC230—entitled "The Management and Control of Hospital Acquired Infection in Acute NHS Trusts in England" says:

> Around 9 per cent. of patients have a hospital acquired infection at any one time.

It goes on to say:

> None of the studies . . . took into account hospital acquired infections that develop after a patient leaves hospital . . . This suggests that the true extent of hospital acquired infection is higher than the prevalence or incidence studies suggest.

Another paragraph is headed:

> Some patients die each year as a result of hospital acquired infections.

It goes on to say that

> a crude comparison indicates that if US—

that is, United States of America—

> rates were applicable in the United Kingdom, 5,000 deaths . . . might be primarily attributable to hospital acquired infection and in a further 15,000 cases . . . hospital acquired infection might be a substantial contributor.

To the best of my knowledge, there are no such horror stories associated with abattoirs, least of all with craft abattoirs regularly producing bacteriologically sounder carcases than is often possible in plant abattoirs. I am sure that the Minister will recognise that any breakdown of hygiene standards in big abattoirs obviously prejudices the health of many more consumers than such occurrences in small abattoirs. However, the risk of fresh meat causing illness, whether sourced from large or small abattoirs, is infinitesimal because almost no meat is eaten raw in this country, and such bacteria as there might be are destroyed in the cooking process. Current methods of inspection in abattoirs cannot detect bacteria in any case. My plea to Health Ministers, now that they have assumed responsibility for the integrity of meat hygiene, is that they should carry out an urgent reassessment of risks.

An editorial in *The Daily Telegraph* on 4 April 2000 stated:

> Worrying about food safety has become a slightly batty and extremely damaging national obsession.

It is hard to disagree with that assessment in the context of fresh meat being low risk compared with other comestibles, of more cases of sickness and death being

[Mr. Christopher Gill]

caused by hospitals than are ever caused by abattoirs, and of small craft abattoirs being driven out of business by the burden and cost of a totally disproportionate inspection regime that does not exist in hospitals—as we have seen from recent scandals such as the Rodney Ledward case. The facts speak for themselves—abattoirs and slaughtermen must, by law, be licensed and supervised, while hospitals are neither licensed nor monitored.

Mr. Richard Livsey (Brecon and Radnorshire): Does the hon. Gentleman agree that the recent closure of Mead Webber, an abattoir in Herefordshire, perfectly illustrates his argument? It closed because totally unacceptable conditions were placed on it, which meant that throughput went down and it ceased to be economically viable.

Mr. Gill: Had time permitted, I should have discussed the Mead Webber abattoir in more detail. As the hon. Gentleman said, that case illustrates my point to a T. A new official veterinary surgeon imposed arbitrary conditions on the continuation of its licence, notwithstanding the fact that 16 predecessors in his office thought that it should continue in production.

I continue my theme of inspection. The Public Health Laboratory Service Board monitors food poisoning, but there is not an equivalent body for hospitals. One in 11 acute admissions to hospital ends up with some form of hospital infection, but there is no independent certification of hospital standards or of causes of death. With regard to communicable diseases, hospitals are the biggest single source of infection. Whichever way one examines the matter, it is hard to escape the conclusion that failings in terms of public health occur not so much in abattoirs as in other areas. To coin a phrase, Ministers and Departments are looking through the wrong end of the microscope.

The number of hon. Members who signed early-day motions 187 and 689 during this Parliament and early-day motion 845 during the previous Parliament shows that this issue is not party political and that it involves common sense and natural justice.

Mr. Anthony Steen (Totnes): Before my hon. Friend ends his interesting speech—I congratulate him on his delivery—I draw his attention to the problems that face Henry Lang, a small craft boutique abattoir in Ashburton in my constituency. I have fought its cause for six months, but it has only just received a full licence. The bureaucracy, rules and regulations and limited throughput may drive it out of business during the coming months. The proof of the pudding lies with the quality of the abattoir—the goods that have been produced during the past 100 years show that my hon. Friend's comments on hospitals are spot on. I should rather have products from Mr. Lang's abattoir than from the local hospital.

Mr. Gill: I would be grateful to my hon. Friend if he would convey to his constituent my sincere sympathy. I am a fourth generation butcher—my family has produced meat for consumers in the west midlands for four generations. We operated before there was relevant legislation, compulsory meat inspections or refrigeration. There is a presumption that those who have not spent any length of time in the industry, and who may have obtained their learning from studies and books, know more about the industry than those of us who have been in it for generations. My hon. Friend's constituent has my full sympathies.

The Under-Secretary, who is obviously an astute politician—that is evidenced by her rapid rise to the Front Bench since her entry into Parliament in May 1997—has my assurance that the consensus on the Back Benches is that small abattoirs should be supported. However, I am sure that she recognises that, if the action that is needed to save small abattoirs is not taken urgently, the odium for that failure will inevitably attach itself to the Government, of whom she is a member.

When the Under-Secretary replies to the debate, I hope that she will give us four assurances. If she does so, the industry will be relieved and thankful. First, will she give an assurance that she will reassess the specific level of risk to human health posed by abattoirs, given her Department's overall responsibility for health matters? Secondly, will she take the initiative to move from the prescriptive method of meat inspection to one based on a realistic assessment of risk? Thirdly, will she champion the cause that meat inspection, like almost every public health protection measure, should be carried out at public expense? Fourthly—but much more urgently—we should put Britain on a similar footing to other European Union countries, by instituting a charging regime based on headage payments. I urge the Government to do that while there is still time to save the relatively few remaining rural abattoirs, which are central to the aspirations of people of all parties and none for the future well-being of the rural economy.

11.45 am

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): I congratulate the hon. Member for Ludlow (Mr. Gill) on securing a debate on such an important topic. I know that he takes a particular interest in the issue and that he has been involved with it for a long time. As his speech demonstrated, it is an area in which, as I readily acknowledge, he has expertise.

From the outset, I must emphasise the fact that the Government recognise the importance of small and specialist abattoirs to the rural economy. The Minister of State, Ministry of Agriculture, Fisheries and Food, my right hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin), made that clear in the House on 25 May, during Agriculture questions. The hon. Gentleman described some of the problems faced by the sector and referred to individual cases. I will respond to the points that he made and set out details of the action that we are taking in response to those concerns.

Hon. Members will be aware that food safety is the first priority of the Food Standards Agency, which is responsible for meat hygiene. The agency is, rightly, determined to ensure that fresh meat is produced as hygienically as possible and will not accept any lessening of public health safeguards, no matter what the size or location of the abattoir concerned. The current system of veterinary supervision and official meat inspection

provides key public health safeguards. However, as the Department of Health agrees, the system is outdated and expensive. The Food Standards Agency, therefore, is pressing for early changes to European meat hygiene law, so that we move from the prescriptive system to one based on risk. That is an important matter, and we are pressing for the change to be made. Such an approach is better for addressing modern microbiological hazards, puts the responsibility for the production of safe meat on the shoulders of the industry and brings abattoirs into line with other food-producing sectors. We must be realistic and accept that it may not be an easy task. Inevitably, it will take time, but it is important that we move in that direction.

We also understand the importance of local slaughtering facilities, especially those that service small rural communities. We want all animals to be slaughtered as near as possible to their farms of origin. If animals have to travel, welfare legislation provides a number of controls to protect them, including maximum journey times, vehicle standards and transporter competence. Those rules are rigorously enforced. In the meantime, current inspection rules will apply.

We acknowledge that there are difficulties that result from increased levels of veterinary supervision and the associated Meat Hygiene Service costs. We have, therefore, acted in a number of ways to help small and medium-sized abattoirs and the farmers who supply them, while we try to make progress on the key issue of changing the European position. As my right hon. Friend the Minister of Agriculture, Fisheries and Food announced last year, the Government continue to meet the cost of enforcing specified risk material controls and cattle passports. We will do so until 2002-03, at the earliest. Together, the two measures will save the industry £89 million, over three years.

Mr. Gill: I understand exactly what the hon. Lady is saying. We have heard it from Ministers so many times. Does she realise that it is no consolation to people who run abattoirs that the Government have not imposed a charge that might otherwise have been imposed? Such people already face cost burdens that they cannot sustain.

Yvette Cooper: I appreciate the concerns that the hon. Gentleman raises. We are making progress and I shall outline other measures that I think will prove helpful, but it is important to point out that this measure makes a difference. Although others might make a greater difference, it would be wrong to dismiss it out of hand.

Mr. Steen: The Minister is blaming the European Union for much of the cost, but does she agree that the real problem is the Government's interpretation of the EU directive? It is our fault that charges in British abattoirs are horrifically higher than in other European countries.

Yvette Cooper: I will come on to the Government's implementation of the EU directive and action taken by the European Commission, and I hope that that will address the point that the hon. Gentleman raises.

My right hon. Friend the Minister of Agriculture, Fisheries and Food announced in December that the Government froze Meat Hygiene Service hourly rates for 1999-2000 at 1998-99 levels, saving the meat industry about £7 million. We also restricted the increase in hourly rates for 2000-01 to 2.2 per cent. from 1 May, which is in line with inflation and the commitment made by the Government last year. That restriction is worth about £4.5 million to the meat industry.

The Government also obtained and published advice from the European Commission stating that full-time supervision by a veterinarian of permanently derogated low-throughput abattoirs is not required during post mortem inspection, but is required during ante mortem inspection. The Food Standards Agency is considering how best to give full effect to the Commission's advice, so that there is maximum benefit to low-throughput plants while maintaining public health safeguards.

Mr. Lembit Öpik (Montgomeryshire): I am glad to hear that, because derogation is extremely important to low-throughput abattoirs. When will the Ministry of Agriculture, Fisheries and Food make a formal policy statement on implementation?

Yvette Cooper: I cannot answer that now. It is a matter for the Food Standards Agency, but I shall write to the hon. Gentleman with an answer.

The Meat Hygiene Service has frozen veterinary supervision in low-throughput plants at May 1999 levels while work is on-going. In addition, the Government have accepted, or are considering, 32 of 35 recommendations made by the meat industry red tape working group—the Pooley group—and are pressing on with implementation. The Food Standards Agency is taking forward the 29 recommendations that fall to it, and will consult widely on specific proposals as they emerge.

Mr. Gill: I am glad that the Minister has mentioned the Pooley report, and I am delighted that, by and large, the Government have accepted it. We realise that there are two or three recommendations on which the Government cannot proceed without European Union approval, but can the Minister confirm that shifting charges for British abattoirs on to a headage basis is within the Government's power, and requires no sanction from Brussels? Will she also promise today that she will institute immediately the change that is desperately needed to preserve our small abattoirs?

Yvette Cooper: The issue is being considered by the meat charges task force, which is due to report later this month, so I cannot give a specific answer at this stage. We are implementing most of the Pooley group's recommendations, including the radical overhaul of meat inspection. As I have said, the Food Standards Agency is pressing hard for the early introduction of a risk-based control system for fresh meat plants. In addition, the agency is supporting the Commission's initiative for a fundamental review of meat inspection procedures. Early discussions in Brussels have indicated almost unanimous member state support for a rapid review of those procedures. They are recognised to be outdated and it is accepted that they must be replaced by controls that are based on risk.

As the hon. Gentleman said, we are unable to accept some of the recommendations because it is not legally possible to do so without changes in the European

[Yvette Cooper]

position. For example, the need for increased veterinary supervision arises from the previous Government's under-implementation of Community meat hygiene rules, for which the European Commission has begun infraction proceedings against the United Kingdom. The legislation specifies the level and frequency of such supervision and the Commission has made it clear that it regards under-implementation by the UK of veterinary supervision requirements as a serious matter.

Mr. David Heath (Somerton and Frome): Does the hon. Lady accept that the way in which the veterinary inspection is carried out in this country is different from how it is done in other EU member states? British abattoirs undoubtedly have to meet an additional cost. Will she also confirm that the time scale for reform of the EU processes is likely to be elongated and that the changes may come too late for many of our smaller abattoirs?

Yvette Cooper: The European Commission is currently undertaking infraction proceedings against the British Government because of under-implementation by the previous Government. We must accept that and respond to it. Obviously, a timetable is involved and the process will take time, but we must recognise our legal position.

The Pooley group has considered many of the issues in detail and has made recommendations, which we are taking forward. We will continue to explore solutions to the problems faced by small and medium-sized abattoirs, as long as they allow the public health safeguards to be maintained. The Food Standards Agency has set up a task force, as was recommended by the Pooley group, to explore the issues associated with a capping approach to meat hygiene inspection charges for low-volume abattoirs.

Following the meeting of stakeholders in March, Colin MacLean, the former director general of the Meat and Livestock Commission, was appointed as chairman. The remaining members have an understanding of the wider meat industry and of the way in which it works, and collectively represent the interests of the industry as a whole. As I said, the task force is due to report back to the wider stakeholder group before submitting its report and recommendations to the Food Standards Agency.

Mr. Gill: Will the hon. Lady assure us that she and her Department are conscious of the facts and that they will re-examine and reassess the levels of risk associated with meat produced in abattoirs in conjunction with risk in all other areas of public health for which she and her Department are responsible, so that we can get the matter into proportion?

Yvette Cooper: Questions about risk in this area are a matter for the Food Standards Agency. It is right for that independent agency to take that responsibility, not least for the sake of consumer confidence. The hon. Gentleman mentioned broader risks; indeed, there are risks that we should be working to reduce across the national health service. We are doing so and are undertaking a programme of action to address risks associated with hospital-acquired infection. For example, we introduced the Commission for Health Improvement to take further action on that matter. I do not think that many people would regard the fact that we need to take further action in one area as a reason to relax some public health safeguards in another. The hon. Gentleman's question about the assessment of risk must be addressed as part of making the changes that are necessary in Europe, which will be a matter for the Food Standards Agency.

The agency is also tackling the issue in another way. It has established a task force to study the burden of food regulation on small food businesses, in whose scope small abattoirs will be included. This is a major programme of Government support, especially for the small rural abattoir.

Mead Webber has been mentioned. I am unable to comment on the matter, not only because of lack of time but because it is the subject of an independent investigation by the Food Standards Agency. The outcome of its investigation will be published, in line with its principles of openness and transparency.

I have noted the hon. Gentleman's comments. We share his concern about the future of small abattoirs. They are important to the rural economy, which is why we have introduced a programme of support. In addition, we are pressing for changes in Europe and for implementation of the Pooley group recommendations. We are committed to putting the consumer first, as are the Food Standards Agency and the Meat Hygiene Service. The protection of public health in relation to food must be our priority.

Former British POWs

12 noon

Mr. David Winnick (Walsall, North): The Minister will know of the long-running campaign to compensate former British prisoners of war who were held by the Japanese. The campaign, which will continue until it is successful, aims to get these prisoners of war financial recognition of the immense suffering and outright brutality and torture that they endured under the Japanese. I pay tribute to organisations such as the Japanese Labour Camp Survivors Association, the Far East Prisoners of War Association and the Royal British Legion, which have done much to keep the issue alive. I also pay tribute to hon. Members on both sides of the House who have raised the subject in this and the previous Parliament and who, like me, are determined to keep it going.

Five years ago, on the 50th anniversary of the ending of the war, I and many other Members of Parliament and the Lords—perhaps you, too, Mr. Deputy Speaker—attended a large gathering at Church house. The former prisoners of war of the Japanese who were there expressed two strongly felt views—that the present Japanese Government should apologise for what happened and that there should be financial compensation. It would be fair to say that, according to their custom and tradition, the Japanese have properly apologised, but that is all. It goes without saying that those of us who have asked the British Government to make a financial contribution would have preferred the Japanese authorities to do so, but that was not the case. All representations to the Japanese Government have been without success and, moreover, the recent court case there failed.

The Japanese argument, which has been reiterated many times outside and inside Parliament, is that the 1951 San Francisco treaty concluded the matter and that there was no need for the British authorities to continue to raise the issue. The treaty awarded a maximum of £76—some people received less—to former British POWs. That sum nearly 50 years ago was obviously worth more than it is today, but at most it was equal to eight to 10 weeks' average pay. It was totally inadequate, and no one could say otherwise.

The situation has moved on somewhat. On 3 May, in reply to a question from the hon. Member for Tatton (Mr. Bell), my right hon. Friend the Prime Minister informed the House that former POWs had told him about the appalling suffering that they had endured. He said:

> They are immensely brave people, to whom we owe a great debt.—[*Official Report*, 3 May 2000; Vol. 349, c. 143.]

Indeed, we do owe them a great debt, and their contribution to our allied victory in 1945 can never be forgotten. It was encouraging to hear my right hon. Friend say that he and the Under-Secretary of State for Defence had met the Royal British Legion and agreed to reconsider the issue of compensation for former POWs. It is understandable, in response to a question on the Floor of the House and, indeed, to a later question, that my right hon. Friend wanted to make it clear that he was not making a commitment, but his assurance is the closest that we have come to a Minister—and the most senior of Ministers at that—recognising that there is a case for the Government to consider. That was encouraging.

This debate is intended as a plea for no further delay in coming to a favourable decision, which is the wish of the House. Hon. Members divide on many issues, with disagreements between individuals and between parties, but there is agreement on this issue, if not on others; perhaps even among Ministers. There should be financial compensation to our fellow citizens who suffered so much at the hands of the Japanese during the war.

The numbers involved are inevitably and sadly growing smaller. The longer the delay, the smaller the number of people who will receive financial recognition and compensation. That is why I asked for the debate. The House is to break for the summer recess by the end of July at the latest. I hope that my hon. Friend the Minister will reply favourably today and that the House will not go into recess with the situation outstanding and certainly not with a negative response from the Government.

The point has been made that the Government at the time could have done more long ago to press for further compensation from Japan. In May 1955, the then Minister of State in the Foreign Office, Lord Reading, took the view that the Government should not take advantage of article 26 of the San Francisco treaty. That treaty provided for further claims if Japan concluded agreements with other countries involving sums more advantageous than those originally agreed three years earlier. That was the position concerning Burma. The Government could have taken advantage of the situation at that time. They might not have been successful—who knows?—but at least they would have taken the opportunity. Lord Reading's point, which was not put into the public domain, was that the Government's pursuit of the matter would have been unpopular with the Japanese. What did he mean by that? Did we have a guilt complex? What would have made us more unpopular? Were we so unpopular in 1955? I find the decision somewhat odd but make no party point—the same decision was likely to have been reached even if another Government had been in power. However, the decision was wrong.

The Canadian Government have agreed to pay compensation to its former POWs held by the Japanese. That is welcome. I do not accept that such payments might lead to other claims by ex-POWs, which, I suspect, has been one reason why the Government have been reluctant to come to a favourable decision and to concede on the issue. What other claims would there be from former POWs? I have no reason to believe that those held by the Germans or those held as POWs in Korea are pressing such claims. The Germans treated Russian prisoners of war brutally, starving or beating them to death in some cases. However, they abided by the Geneva convention with regard to British prisoners of war. The Japanese did not abide by that treaty, having not signed it. The Government must come to a favourable decision on those matters.

I want to conclude by referring to two of my constituents and what they suffered during the war. I have mentioned the position of one of them before. The first case concerns Mr. Stephen Long, who was 19 when he was taken prisoner in Singapore. Like many others, Mr. Long was put to work on railway construction, known to POWs as the railway of death. On more than one occasion, he was given what was described as the

[Mr. David Winnick]

water treatment. He was squeezed into a box, where, for eight hours, he could not move at all. When he was dragged out, the Japanese soldiers forced a hosepipe into his mouth and then jumped up and down on his stomach for some time. That was the experience of so many people who were held by the Japanese. It is no wonder that Mr. Long has suffered nightmares since and feels such bitterness. It is no wonder that, when Mr. Long attended the gathering in 1995, he was so keen to receive an apology and would like to receive financial compensation. I do not know how long he has to live—I hope that it is a long time—but if compensation is to be paid, there is no reason why he should wait any longer.

Another of my constituents, Mr. John Mitchell, was a POW who worked on the Burma railway. He was made to work 12 to 18 hours a day. The prisoners were often subject to beatings and they were on a near starvation diet. As we talk about such immense suffering, let us also remember all those British POWs, our fellow citizens, and other allied prisoners of war held by the Japanese, who would receive no compensation whatsoever since they died at the time because of the ill-treatment and brutality that they endured.

The time has come for justice. The time has come for the British Government to make a payment in recognition of that suffering, about which my right hon. Friend the Prime Minister has spoken and to which I have referred, and to concede that this is a special and unique case. Whoever must decide what should be done, whether it is the Ministry of Defence or the Treasury, I beg them—I use that word, which I do not usually use in Parliament—to make a favourable decision before the House breaks up for the summer recess.

12.12 pm

The Minister for the Armed Forces (Mr. John Spellar): As hon. Members know, we addressed this subject only recently in the House in the debate secured by the hon. Member for Tatton (Mr. Bell), whom I am pleased to see in the Chamber today. In that debate, he eloquently set out his request on behalf of those held as POWs in the far east during the second world war and surviving widows of deceased former far east POWs.

This further debate, secured by my hon. Friend and neighbour the Member for Walsall, North (Mr. Winnick), is a demonstration of my hon. Friend's support and concern for those held as POWs in the far east during the second world war, a cause that he has championed in the House on several occasions, both in debates and through various questions. That concern is widely held. Those hon. Members who are involved in all-party groups on this or related matters and hon. Members who have raised the matter on behalf of constituents have similarly championed the cause of those ex-service men, whose case naturally arouses sympathy. I congratulate my hon. Friend on gaining an opportunity to air again so soon the claims of that group for further compensation and I note the hope that he expressed in the House recently for a fresh and positive approach from the Government.

The Royal British Legion is also conducting a vigorous campaign in support of the claims of those men. Senior representatives of the Royal British Legion met my right hon. Friend the Prime Minister and my hon. Friend the Under-Secretary a few weeks ago to discuss the matter, and I shall return to that meeting later in my speech. I regret the fact that my hon. Friend the Under-Secretary was unable to be here today to address the issue, but he was already scheduled to conduct other ministerial business.

The question of compensation and support for those held as prisoners of war in the far east during the second world war is, as my hon. Friend said, dealt with by several Departments. My response today therefore embraces issues that also fall within the responsibility of my colleagues in the Foreign and Commonwealth Office, the Department of Social Security and the Department of Health.

The subject arises from the historical events of the second world war. With the fall of Hong Kong and subsequently of Singapore and other areas in early 1942, just over 50,000 British service men were captured by the Japanese. During that conflict, prisoners of war were in theory protected by the 1929 Geneva convention. Japan had not ratified the convention but said that in general it would recognise its provisions. However, as the world knows, it did not keep that promise. The prisoners of war of this and other nations were held in camps throughout the far east, where conditions and supplies varied. In almost all camps, even the best, conditions were demanding and often debilitating, particularly where prisoners had to carry out heavy physical work, often in terrible conditions. That, together with undernourishment, made them even more vulnerable to disease, as my hon. Friend graphically described. In addition to those factors, indifference and sometimes deliberately brutal treatment by guards took a toll on prisoners, 25 per cent. of whom did not survive their captivity. My hon. Friend was right to draw attention to the need to remember them as well as those who survived.

During the war, the British Government were unable to achieve much improvement in the conditions of the prisoners, but in the aftermath of Japan's defeat, in conjunction with our allies, they brought some of those responsible for the ill-treatment of prisoners of war to justice before allied courts. Furthermore, under the terms of the 1951 peace treaty, the former far east prisoners of war, uniquely, as a group, received some compensation from their former captors. In addition, the British made other funds available from Japanese resources, to which there was an entitlement under the peace treaty, to provide further compensation for the prisoners of war and some compensation for certain British civilian internees—another group who suffered grievously under the regime.

We fully accept that many people consider that the amount that became available in that way was too small. My hon. Friend mentioned the £76 maximum, which is roughly equivalent, in cost-of-living terms, to £1,200 today. Nevertheless, that payment established the principle of the responsibility of the captor for the proper treatment of detainees. That was at the time a firmly stated primary goal of the former far east prisoners of war and their organisations. Subsequently, as we know, there have been many calls for the Japanese to make further compensation payments. That is, of course, a matter for my right hon. Friend the Foreign Secretary. However, we have several times raised the

matter with the Japanese Government at the highest levels, reminding them of the strength of feeling that the issue arouses in the House and throughout the country.

Mr. Mark Oaten (Winchester): Does the Foreign Office plan to continue to raise the issue of an apology in discussions with Japan?

Mr. Spellar: The hon. Gentleman anticipates my next sentence. We have examined matters, including the responses of the Japanese Government, most carefully, and the clear legal advice is that the peace treaty many years ago closed the matter of further compensation from the Japanese Government. We have raised this matter with the Japanese Government at a range of levels, and that is the position that the Foreign Office has reached in that regard. Nevertheless, we continue to seek ways of achieving reconciliation between our two nations to overcome the legacy of past conflict and the associated feelings of those who suffered, who understandably may find it hard to be reconciled.

We are aware of the argument advanced in recent times that, in 1955, the British Government consciously let down the far east prisoners of war through their handling of the peace treaty negotiations and over the amount of compensation that was obtained as a result. Although we understand the feelings that lead to this view, which were expressed by my hon. Friend the Member for Walsall, North, that argument is not borne out by the evidence, which is based on the views and actions of the Conservative Government in 1955 in deciding not to seek to invoke article 26 of the treaty to claim more compensation on the ground that other countries had signed more favourable agreements.

Examination of the contemporary records that have been publicly available for many years shows that that decision reflected the fact that it was extremely difficult to ascertain what additional benefits, if any, this country would in practice be entitled to and what their worth might be, or whether, had the treaty been reopened, Britain would have received additional funds from Japan to enable individual far east prisoners of war to receive further compensation. It is perhaps a broader issue than the one outlined by my hon. Friend.

Linked to the claim about the 1955 decisions is the view that, as further compensation cannot be obtained from Japan, the Government should make an ex gratia payment. As my hon. Friend the Member for Walsall, North will be aware, that suggestion represents a major shift from the position of those speaking on behalf of far east prisoners of war in the early 1950s, when the issue was thoroughly aired in public discussion and in the House. At that time, they made it clear that they were making no claim on the British taxpayer. Brigadier Smythe, a leading champion of the cause in the House, said:

> On no account will they accept money from the British taxpayer. If it cannot be obtained from the Japanese, they do not want anything at all.—[*Official Report*, 10 May 1951; Vol. 447, c. 2223.]

We accept that times and views change and that the conclusions of the 1950s, which were based on the experience at that time, may not be the same today. Furthermore, many hon. Members and the Royal British Legion consider that recent payments by the Canadian Government to their former far east prisoners of war, which amounted to some £10,000 each, and a motion in the Isle of Man's Tynwald, which proposes to make a similar payment to its small number of former far east prisoners of war, are precedents that should guide us in resolving this matter. Therefore, external circumstances have changed.

Although we understand that view, decisions of this nature are a matter for individual Governments and authorities to decide in the light of all the circumstances in their countries. Their decisions reflect the different ways available to them to address their citizens' needs. We acknowledge, and have always acknowledged, the harsh treatment and suffering that characterised detention for those held as prisoners of war in the far east and led to the death of some 25 per cent. of those in captivity or to ill health, which often continued following repatriation at the end of the war and which, in a number of cases, still seriously affects individuals. My hon. Friend the Member for Walsall, North drew attention to two moving cases in his constituency, but many other hon. Members can outline similar cases and describe the long-term physical and psychological impact of such suffering.

As hon. Members know, in this country the emphasis has been consistently placed on addressing the suffering and needs of those whose health has been adversely affected as a result of their military service, including any period of captivity—whether in the far east or elsewhere—primarily through the provision of war pensions by the Department of Social Security. Such pensions are available to the dependants of those who died during their service, or whose subsequent deaths can be linked to their service, and to those service men who have received a war pension since they left the forces because of the impact of their suffering on their long-term health.

Mr. Winnick: In reply to the hon. Member for Tatton (Mr. Bell) on 3 May, my right hon. Friend the Prime Minister, having met the British Legion to discuss this issue, said:

> I make no commitment at this stage, but we told them that we would consider carefully the points and the representations that they had made, and we will do so.—[*Official Report*, 3 May 2000; Vol. 349, c. 143.]

Will my hon. Friend tell us, working on the basis that a decision will be reached, whether his answer is final? I hope that it is not. Will the House be given the answer—yes or no—before the recess? As I have said, it is the wish of the overwhelming majority of right hon. and hon. Members that this matter should be resolved with a favourable decision.

Mr. Spellar: I am coming to the outcome of the meeting with the Royal British Legion in the next couple of paragraphs of my notes.

I shall complete my previous point by saying that people whose health disabilities from service have appeared or worsened later in life have received war pensions at that point. The special health needs and problems of far east prisoners of war are also recognised in the availability to them of special tropical disease investigations, so that problems peculiar to the far east, which might not otherwise be recognised as relating to their military service, can be picked up.

[Mr. Spellar]

However, we are aware that, as hon. Members and the Royal British Legion have commented to us, the understandable perception of many British far east prisoners of war and their families is that the provisions that form the basis of the present support system through war pensions and health care do not adequately meet their needs. Although we believe that that judgment may be harsh, such feelings are a matter of concern.

My colleague the Under-Secretary of State heard those concerns expressed again at a recent meeting of the Royal British Legion, which he attended with the Prime Minister. During that meeting, the Royal British Legion, in setting out the case for additional compensation to be paid, described clearly the facts of the ill-treatment and suffering, and the subsequent problems that they have caused. Following that meeting in April, my right hon. Friend the Prime Minister assured the House, in the statement drawn to our attention by my hon. Friend, that, although he could make no commitment at that point, he had promised the Royal British Legion that the points and representations that they had made on behalf of former prisoners of war in the far east would be carefully considered.

That is what we are doing. We are re-examining the policy on far east prisoners of war, including the question of compensation. I mentioned earlier that, given the range of aspects involved, this subject concerns several Departments. We are, therefore, in touch with colleagues across Government to consider these points. We have not set any rigid parameters or ruled out particular solutions, but the consultation and consideration process is not yet complete. When it is, it will be considered by my right hon. Friend the Prime Minister.

I fully understand that hon. Members would have preferred me to give them further news or hints on the tenor of our considerations. However, as we have reached no conclusions, hon. Members will understand that it would be difficult for me to say any more at this stage. We look forward to being able to say more in the future. I shall draw to the attention of Ministers engaged in the consultation process my hon. Friend's request that an announcement be made before the recess. I cannot give him a commitment today; his views have been strongly represented, and I shall make sure that his message is relayed to those concerned.

Asthma

12.29 pm

Mr. David Amess (Southend, West): I begin by registering an interest. In common with many thousands of people, I suffer from hayfever. In my case, by the end of the hayfever season it will have turned into asthma. My first challenge to the Minister is to come up with a cure for hayfever, which would delight me and many others.

When I developed hayfever as a child, I was told that I would grow out of it, but I am nowhere near having done so. I have tried every medication available. I applaud pharmaceutical companies, which seem to produce a different nasal spray or tablet every year. I have had injections. I have been to a major hospital to be tested for allergies. On discovering that I was allergic to practically everything, I decided to forget it. Eventually, my wife, annoyed by my constant fits of sneezing, told me to go to the doctor to get it sorted out with the latest product on the market, with which I was injected using a huge needle. It made no difference whatsoever. I have even been to a Chinese herbalist. I faithfully followed the instructions for boiling up the leaves, but it tasted revolting and had no effect.

If the Minister is unable to come up with a cure today, she will do me a great favour if she can reassure me that she recognises that it is a real problem that causes misery to many people. Although I may appear to be perfectly fine at the moment, it can start up again at any time. The problem affects the quality of people's lives—for example, children taking examinations—and seems, for whatever reason, to be getting worse. People are developing it at all ages.

I want to concentrate on a call for national standards of health care for people with asthma. I pay tribute to the National Asthma Campaign, which I am sure all hon. Members regard highly and which is, as much as any organisation can be, above politics. It would like me, with another hon. Member, to highlight the issue with the aim of trying to find a solution.

We all have constituents who are affected by the problem. Regardless of their postcode or their medical condition, they should have the best possible treatment available. As Members of Parliament, we have a responsibility to ensure that constituents who live with long-term medical conditions receive proper care. I accept that that has cost implications, but I would like to suggest to the Minister an idea that might not cost too much.

No one pretends that achieving consistent standards of care across the country is easy—it is difficult, but it is something for which we should strive. Unfortunately, many patients are bypassed as a result of where they live or because their illness is not on the Government's target list of health priorities. I understand why the Government target coronary heart disease and cancer. I tried to get stroke included on the list. Important as those conditions are, I hope that they will consider widening the terms of reference to include people with chronic long-term medical conditions, including asthma.

National standards of care are nothing without the expertise and impetus to implement them where it matters—locally on the ground, in health authorities

and in primary care groups and trusts. Although I am critical of primary care groups and trusts, the Government support them, and if they can run with this issue I shall be delighted.

The Government and the Minister should take the opportunity to give greater direction from the centre, ensure that local health care professionals recognise asthma as a long-term problem, which they do not always do, and provide the means for people with asthma to receive the quality care that enables them to take charge of their own condition instead of simply struggling on valiantly, as many do.

Mr. David Drew (Stroud): I should declare an interest. I suffer from hay fever and, as a result, am asthmatic.

We welcome the asthma clinics that many surgeries now operate, although they tend to be for newly recognised symptoms. Does the hon. Gentleman agree that one of the biggest problems is that people who have had asthma for a long time think that they are using their inhalers properly but often need educating in better ways of treating themselves?

Mr. Amess: The hon. Gentleman makes an excellent point. Although such clinics do a superb job, like accident and emergency units, long-term sufferers, as he eloquently said, badly need this extra help. I hope that the Minister will acknowledge that. If the clinics are to make an impact, national direction must be backed up by local initiatives.

The National Asthma Campaign, the independent United Kingdom charity, works as hard as it can, with others, on research to combat this problem, which is suffered by 3.4 million people. That is a huge number, which would fill 7,000 jumbo jets or sell out Wembley stadium more than 40 times. In my constituency 2,600 people suffer from asthma, which is one in 25 adults. More disturbing—I know that the Minister has a child herself—is the fact that in Southend, West one in seven children suffers from asthma, and in the rest of the country on average four or five children in every classroom will have asthma.

Apart from hay fever, the symptoms are difficulty in breathing, tightness of the chest, wheezing, coughing and sleepless nights. One feels absolutely miserable because one does not get a good night's sleep and wakes up feeling like death warmed up. Inflammation and constriction of the airways can be triggered by different things including tobacco smoke—something that I am not particularly enamoured with—house dust mites, pollen or even a sharp change in temperature. As many as 20 per cent. of people with asthma experience it so severely that they have to make frequent trips to hospital. As the national health service is under such pressure, it would be wonderful if we could make it unnecessary for people who have an attack to go to hospital.

More children miss lessons because of asthma than because of truancy. A National Asthma Campaign survey found that nearly a third of children with asthma miss more than a week of school because of their illness. According to Devon's health and safety adviser, 100,000 school days are lost in that county every year because of asthma, 10 times more than are lost through truancy. Large numbers of children are losing out on their education as a result of the failure of all of us, not just the Government, to help people with asthma.

Asthma does not simply affect children. As I said, I have not grown out of it yet. People from all walks of life and in all areas, rural and urban, suffer from asthma, and I am sure that every hon. Member has constituents who suffer from it. It is extraordinary that at the beginning of the new century asthma is on the increase, and no one seems to know why. We all have theories about it, but no one has come up with a convincing, well-tested explanation.

The number of children aged between five and 11 who reported an asthma attack during the past 12 months was three times higher than the figure for 10 years ago. A comparison of the health survey results for England for 1991 and those for 1996 shows that the percentage of people who reported attacks of wheezing or whistling in the chest increased last year from 16 per cent. to 21 per cent.

The Minister knows only too well that, unfortunately, asthma is not going to go away. The National Asthma Campaign tells me that, sadly, we are a long way from establishing the cause of the increase. The problem impacts on many people's lives. In broad terms, the cost of hospital admissions due to asthma is more than £50 million a year. We could use that money to train extra nurses.

More than 1,500 people die from asthma each year. A young man and close family friend who lived in my previous constituency died in tragic circumstances—no one could get to him when he was at the peak of an asthma attack.

Excellent initiatives are being carried out in some parts of the country. I am advised that Leicestershire—I believe that no hon. Member who is present has a constituency interest in this—has an effective local health improvement management plan. In Birmingham, the Small Heath primary care group, which is close to the constituency of one of the health Ministers, is working to improve local care of children with asthma by producing new standardised documentation that will be held in the child's medical notes. My own South Essex health authority has, according to a survey conducted by the National Asthma Campaign, recognised the importance of asthma in its HIMP. Such efforts are commendable, but the situation throughout the country is patchy. In some parts of the UK, health professionals pay only scant regard to the problem. The primary care groups offer us an opportunity to do much better.

We understand that there will be local variations, but such diversity should be reflected in the methods that are used to tackle the disease, not in the level and quality of care that is available to people with asthma. Treatment is currently a bit of a lottery, and we need national standards so that health professionals and people with asthma know what is expected of them.

I return to a point that I made eight or nine minutes ago: a small investment by the Government could solve the problem and promote a sea change in the way in which people with asthma are cared for and manage their illness. I welcome the fact that the Government identified the need for national standards in health care, but the delivery of those standards is currently inadequate. National standards would benefit our constituents by giving them access to better care and a benchmark against which to measure their experience.

[Mr. Amess]

They would also know that they would be treated similarly to patients elsewhere in the country. Will the Minister explain, either in her response or later in writing, when national standards might become a reality for people with asthma? National standards are vital if the present inequalities are to be ended.

People with asthma have the right to expect equal access to the best possible asthma care, which should be delivered by experienced and committed health professionals according to nationally agreed guidelines. What progress is being made in that regard? Specially trained health professionals should review the management of a person's asthma at least once a year. When a GP and a practice nurse share asthma care, the nurse should expect to have access to the best available asthma training and to regular updates—which is probably what the hon. Member for Stroud (Mr. Drew) had in mind. He also made the point that, when the severity of a person's asthma warrants it, prompt referral to a specialist should be provided as a matter of course. Young children, young people in transfer to adult care and elderly people with asthma should receive special consideration. I hate the expression "joined-up government", but the Minister will know what I mean with regard to the need for that kind of provision.

Scientific research has proved the safety and effectiveness of complementary therapies. I condemned Chinese medicine at the outset of my speech, but I am sure that all other aspects of such therapies are marvellous. Perhaps the Minister would like to comment on that. If appropriate standards were implemented nationwide, every person with asthma would be able to make informed choices about their own care.

Does the Minister agree that people with asthma have the right to expect care from the NHS on a broader basis? What are the Government doing to encourage health authorities to include asthma in their HIMPs? What instructions are being given to primary care groups? National standards are useless without effective mechanisms to ensure that they are implemented and monitored locally. It would be more than possible for the Government to establish national guidelines for asthma care relatively quickly. Some guidelines already exist, but they are somewhat out of date.

I draw the Minister's attention to early-day motion 676, supported by 91 hon. Members, which calls on the National Institute for Clinical Excellence—of which I have also been critical, but, none the less, we have it—to update the British guidelines on asthma management as soon as is practicable. Will she also give us an idea of the timetable for revising and issuing new guidelines?

I congratulate those asthma sufferers who are able to control their condition, but that is not always easy. It is no wonder that people panic when they suffer a serious attack. Asthma currently costs the NHS about £670 million a year, including GP consultations and accident and emergency visits. That is an even larger figure than the £500 million that I mentioned earlier.

Finally, I shall leave the Minister with these thoughts. Any hon. Members who visit schools will be shown the headmaster's secretary's room. Nine times out of 10, the secretary will open the medicine cupboard, out of which will fall a variety of ventilators. Young people are our future. This is a real problem and I should be grateful if the Minister would take on board the points that I and the hon. Member for Stroud have made, and give us some hope for the future.

12.48 pm

The Parliamentary Under-Secretary of State for Health (Yvette Cooper): I congratulate the hon. Member for Southend, West (Mr. Amess) on raising the subject of asthma. I only wish that I could come up with a cure for hayfever. As a fellow sufferer, I have a personal interest in that, and would certainly derive a great deal of relief from such a discovery. I find that sea air helps, so perhaps additional constituency duties will help the hon. Gentleman with his condition during the worst time of year.

I shall respond to many of the points that the hon. Gentleman has made about asthma, which is a most important issue. It is the most common of all chronic diseases, affecting thousands of families every year. I welcome many of the points that he has made, and his support for Government action to introduce national standards and to tackle the problem of the postcode lottery in care. The Government feel strongly about that issue, and have set out a programme of action to tackle many of the variations in care across the country.

The hon. Gentleman is right to say that the prevalence of asthma has increased in recent years. In the mid-1950s, when the population was about 44 million, the first national survey of morbidity in general practice estimated that 380,000 people had consulted a doctor about asthma at least once. According to figures published in the document "Key Health Statistics for General Practice 1996", the prevalence of asthma in England and Wales was 6.7 per cent. for men and 6.9 per cent. for women. That amounts to as many as 3.5 million sufferers.

It is difficult to be precise about the trend, given variations in measurement, improvements in diagnosis and wide variations in the way in which figures are recorded, but it is clear that the number of cases of asthma has increased in the past few decades. As a result of improvements in diagnosis, drug development and changing diagnostic thresholds, more people are prepared to consult general practitioners to get prescriptions for asthma. Nevertheless, however one looks at the matter, the figures are going up, and that is a cause for serious concern.

For general practitioners and nurses, the increase is also very real. My hon. Friend the Member for Stroud (Mr. Drew) talked about services provided in primary care, and average general practice staff will see a tenfold increase in the number of asthma patients, compared with figures when the NHS was formed. Treatment options are now clearer. Beta 2 stimulants are used to prevent the potentially lethal symptoms of asthma in young children. As a result of such improvements, and

despite the increase in prevalence, the number of deaths for which asthma is the underlying cause is declining, and the number of patients requiring hospital admission is on the wane.

The number of asthma-related deaths in England and Wales fell from 1,700 in 1993 to 1,366 in 1998, and the number of hospital admissions also declined. The number of children who were admitted in that period fell by almost a third—from 47,700 to 32,000. Despite those changes and improvements, I share the hon. Gentleman's concern that too many people are suffering. In particular, I share his concern about asthma among children. I join him in paying tribute to doctors, nurses and other health professionals who have done so much to make the improvements a reality, and to those patients who have taken responsibility for managing their own care. I, too, would like to mention the National Asthma Campaign, which has played a vital role in providing information and support to patients and their families for many years. It has been at the leading edge of asthma-related research, and it worked with the British Thoracic Society to establish important guidelines on asthma care.

Progress has been made, but there is still much more to do. The hon. Gentleman is right to say that asthma imposes substantial costs on the NHS. The NHS spends almost £500 million a year on GP-prescribed drugs for asthma, and the Government spend almost £4 million a year on research into asthma. The National Asthma Campaign estimates that a substantial number of working days—and, as the hon. Gentleman rightly said, school days—are lost every year through asthma. I am particularly concerned about the impact of inequalities in this regard. Often, it is the children of parents on low incomes who are most likely to die from asthma attacks.

The hon. Gentleman referred to making improvements by establishing national standards. The Government recognise the importance of national standards and the need to tackle the postcode lottery, and we have put in place measures to that effect. He also mentioned the national service frameworks for coronary heart disease and mental health, which have been published, and for older people and diabetics, which are still in progress. They are not simply about acute conditions, but include long-term chronic care issues and require considerable time and investment from the NHS and from experts and patient groups. In addition, we are working with the National Institute for Clinical Excellence to improve the clinical effectiveness of health services.

The role of NICE is to ensure that, by identifying best practice, every patient in England and Wales has fair access to quality treatment. NICE will promote the uptake of successful innovations and will appraise treatments, both new and old, to ensure that there is good evidence to support their effectiveness. On asthma, NICE is carrying out an appraisal of inhaler systems, and its guidance is expected in the late summer. In addition, two major reports from our health technology assessment programme on inhaled steroids are expected later this year. They, too, will provide the evidence base to supply clinical guidelines and better care for people with asthma.

The Department of Health is assessing a number of topics for possible referral to NICE in the next year. Clearly, NICE has a finite capacity and cannot look at every technology or intervention with evidence of variations in practice in the first year. No service anywhere in the world, no matter how it was funded, could do so. The selection criteria will include the potential impact on patient care, on Government priorities and policies and on NHS resources. The Department will also consider whether NICE is likely to add value. We are considering the programme of work for NICE for next year, and announcements will be made about that programme later this year. Unfortunately, I cannot pre-empt those announcements.

While NICE and the NSFs are vital steps forward, they are not the only way to spread best practice, provide high-quality care and tackle the postcode lottery across the NHS. Systems must be put in place across the board, not simply in priority areas or for asthma but in every area, to promote the rapid take-up of new technologies, to promote improvements and best practice and to ensure that that best practice is spread across the country. Those issues are being addressed as part of the development of the national plan. Experts and patient groups across the field are being drawn together to study the key priorities and ensure that the systems are in place to implement best practice, as the hon. Member for Southend, West described, and not simply to set national standards.

The national plan will set out the way in which we intend to use the record extra resources available to the NHS not simply to expand services but to reform them fundamentally. A key aim is to ensure that patients are at the centre of the process. The hon. Gentleman referred to the need for patients to take responsibility and manage their own care. Last year, in the "Saving Lives" White Paper, we signalled our intention to introduce an expert patients programme to help those with chronic illnesses better to manage their health. The expert patients task force, which has been set up by the chief medical officer, will promote self-help and self-management for asthma patients and others and will ensure greater awareness among asthmatics of their condition. That is being done through a series of joined-up initiatives—that wonderful phrase that the hon. Gentleman used. That includes working not only with patients but also, as he said, with various aspects of the NHS, linking in-patients, out-patients, emergency care and primary care.

The health improvement programme is one way to do that. Its main role is to develop the programme to improve the health of the local population. We have highlighted key national priorities for heart disease, cancer and mental health, but local areas must look at their own strengths and weaknesses and at their needs and set their own priorities. We expect areas that have problems with asthma care to address them as part of the health improvement programmes. Many already recognise the needs of people with asthma.

[Yvette Cooper]

The hon. Gentleman mentioned other examples. I know that primary care groups in Croydon and west Kent have identified asthma as a key local priority, and a scheme in Cornwall involves giving grants to councils to fund central heating and insulation improvements for homes occupied by families with children suffering from asthma.

To make a long-term difference, we must tackle prevention as well as treatment, which means taking action on smoking. That is why we have done so much to reduce smoking and have taken action in schools as part of the national healthy schools programme and the national healthy schools standard to help pupils to understand and manage their own illnesses. We are also undertaking more research, because the hon. Gentleman is right: we must know about this illness and the difference that we can make.

We are addressing many of the hon. Gentleman's concerns. I hope that we shall continue to do so, because this is clearly an important issue for many children and families across the country.

It being One o'clock, the motion for the Adjournment of the sitting lapsed, without Question put.

Westminster Hall

Wednesday 7 June 2000

[MR. MICHAEL J. MARTIN *in the Chair*]

Sri Lanka

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Pope.*]

9.30 am

Mr. Simon Hughes (Southwark, North and Bermondsey): I am very glad to have the opportunity of a debate on the civil war in Sri Lanka, although I am sad that we need to have such a debate. I am grateful to the Minister for his attendance. Coincidentally, he and I were last together at the lunch given by the Foreign and Commonwealth Office for the high commissioner of Sri Lanka before his departure, so we were able to speak together to people with an interest just a few days ago.

I should like to declare my interest. It starts with nostalgia: when I was a little boy, the story that I was told very often was how my mother gave up the chance of an appointment to be on the British forces staff in Kandy to marry my dad. I think that the ultimatum my dad gave her was "there or me". My mother always said that she regretted, at least up to 49 per cent., making the choice to marry my dad and not go to what was then Ceylon. But from then on, my family always had an interest and an aspiration to go there.

Sri Lanka became independent just over 50 years ago and was recognised as one of the world's beautiful and historic countries. We in Britain increasingly felt that we had strong links with Sri Lanka. I retained my nostalgic interest until I moved to London and gradually met more and more people from all the different communities in Sri Lanka. I got to know their character and their contribution here, as well as the deep sense of despair and desperation of many about what was going on at home. That led, over the following years, since I have been in the House, to an increasing interest and a desire to do something to help the process of peacemaking in Sri Lanka.

At the beginning of last year, I went to Sri Lanka for the first time. I arrived on new year's day with Simon Hunt, who works with me here, and with a Sri Lankan Sinhala party colleague of ours, Dai Liyanage, who has recently finished his year as mayor of Medway. The visit was also made with the encouragement of the Tamil community in this country, whose headquarters in London had moved into my constituency. I have been often to Eelam house and talked to people there.

So I come to this debate with historical interest, the experience of having been to Sri Lanka and increasing concern that the country, which has huge opportunity and possibility, is frustrated at nearly every turn by the civil war which has effectively been going on, unbroken, since 1983. That in many ways handicaps a country that would naturally be so outgoing, effervescent, fun-loving and enriching—and I am not just talking about the cricket. I should add that I have enjoyed nearly all the recent Sri Lankan contributions to cricket, although the last match that I witnessed, not very far from here, was not a great English success. *[Interruption.]* The Minister, with at least two partisan interests, no doubt has to split his allegiance somewhat.

The point about cricket may be superficial, but it is representative. The country wants to contribute internationally in all sorts of ways, but often it cannot do so to the full.

At International Development questions the other day, I asked the Secretary of State what her Department's priorities in Sri Lanka were for this financial year. Her answer was this:

> Finding a lasting solution to the long-running conflict is the major priority in reducing poverty in Sri Lanka.—[*Official Report*, 3 May 2000; Vol.349, c.130.]

She sent me the country strategy paper produced by the Department for International Development at the end of last year. This well-written document makes it clear that although poverty exists, there is little "extreme" poverty. It says that groups of extreme poor exist in the conflict zones, but that resolution of the war is the first priority in reducing poverty, and that for future stability, the fundamental causes of chronic conflict in Sri Lanka also need to be addressed. The country, with its huge potential for economic development, is perpetually thwarted by the endemic conflict within its borders.

I should like to give some statistics. The population of Sri Lanka is between 18 million and 19 million people. About three quarters are Sinhala and about 18 per cent. are Tamil. Some 7 per cent. of the population are Muslims, of Moorish extraction, and there are small Burgher, Malay and Veddas communities. The Sinhala community is effectively Buddhist—about 70 per cent. of the population are Buddhist. That is very important—Buddhism is written into the constitution, as pre-eminently important, which I respect. I had helpful and constructive discussions with some Buddhist religious leaders when I was there.

The Tamil community is effectively Hindu—15 per cent. of the population is Hindu. Then, 8 per cent. is Christian, and there is a Muslim population of 8 per cent., too. Sinhala is the predominant language, and Tamil the minority language. Interestingly, the language that is the great link between both communities is English. I was told very clearly by everyone that the development of English in Sri Lanka is a unifying feature and is not perceived as a colonial or ex-colonial contribution at all.

When I was there, I confirmed how much the politics of Sri Lanka is dynastic. Some families have been in power for generations—the current President's mother is still the Prime Minister, for example. That means that there is a determination for the Sinhala to defend the unity of the country, because it is the centre of their world tradition. There is also a desire for independence among many of the Tamils. That is not the universal Tamil view, but there is a huge desire for self-determination, and that will not go away.

As in all other places, we cannot pretend that there are not different communities with their own aspirations which will want to reassert their differences until self-determination is achieved. As a result, there has been, effectively, a continuing attempt by each community to assert its predominance. There is a form of

[Mr. Simon Hughes]

proportionality in the election system, but the Government have a pro-Sri Lanka majority and want to preserve the unity of Sri Lanka. They have used the armed forces, in no uncertain terms, to do that.

The Tamil community, some of them through the Liberation Tigers of Tamil Eelam, has grown and, at different dates, has been more or less effective in occupying territory and resisting Government intervention. In effect, it controls much of the northern part of Sri Lanka, especially the Jaffna peninsula—the area in which the Tamils are most concentrated.

The result of that conflict is that both sides are so committed to their own resolution that it is clear that neither will win the conflict outright. The Government will not manage to suppress or eradicate the Tamil freedom fighters—they will not go away. Likewise, the Tamil Eelam Liberation Tigers are unlikely to able to take over and hold, without contradiction or challenge, the Tamil Eelam territory in the north and the east that they espouse. There has to be a way to mediate and accommodate them.

Sri Lankan politicians say that they want to try to achieve peace through their words, but often they act and speak in ways that undermine that exercise. However, I do not seek to cast aspersions on the good faith of politicians. I understand the huge historical baggage that exists and the huge pressure from the communities that people represent. I realise how difficult it must be for the President, for her mother, the former Prime Minister, as for previous Presidents, to deliver a peaceful solution.

My first proposition to the Chamber—especially to the Government—is that we must do more to bring about discussion, negotiation and resolution of this conflict which has taken probably 60,000 lives. For reasons that I shall give, it is almost a forgotten civil war. However, it is a devastating, painful and absolutely awful conflict, with the most horrible casualties. It is the responsibility not only of Sri Lanka, but of the Commonwealth and the international community.

Yesterday, my right hon. and learned Friend the Member for North–East Fife (Mr. Campbell) reminded me that Kofi Annan had said that we must now be more concerned with the sovereignty of the individual in the world than with the sovereignty of the state. We must say to the Sri Lankan Government clearly, but in friendship and support, that the resolution of this conflict is not only for them; the rest of us have a duty and an interest, and should be involved.

That is true not least because many people in the United Kingdom were born in Sri Lanka and have links with that country. According to the last census, about 40,000 permanent residents of the UK were born in Sri Lanka. That number is growing. Furthermore, many people from Sri Lanka seek asylum in this country and many are accepted—although I shall raise a point on that matter later in my speech. My London colleagues, my hon. Friends the Members for Richmond Park (Dr. Tonge) and for Kingston and Surbiton (Mr. Davey), who are in the Chamber, have many Sri Lankans in their constituencies—as do I. Colleagues elsewhere in London and beyond regularly have dealings with Sri Lankan members of our community—both Tamil and Sinhalese. They contribute hugely in Britain—in business, medicine, the caring services, local authorities and so on. I pay tribute to that enormous contribution; we value it greatly.

Mrs. Cheryl Gillan (Chesham and Amersham): The hon. Gentleman makes a powerful argument that the international community should have an even greater involvement in the internal problems of Sri Lanka. What is his view of the recent calls from the European Parliament for the matter to be brought before the UN Security Council? Is that a helpful intervention? Will it make any contribution to the peace process?

Mr. Hughes: I am grateful to the hon. Lady for her interest. I have a specific proposal to make on that point, but I also note that colleagues in the House are increasingly lending support to a proposal made by the hon. Member for Meirionnydd Nant Conwy (Mr. Llwyd) that a UN peacekeeping force should be sent to Sri Lanka. It is not only the European Parliament, but colleagues in this House, across the party divides, who are asking for something to be done.

The direct answer to the hon. Lady's question is that I welcome the proposal that the UN should take a greater interest. I think that the UN would be ready to do so, were it not for the fact that the Sri Lankan Government have always made it clear that they would not welcome external intervention. That is why I make an alternative proposition.

When my colleagues and I visited Sri Lanka, we were determined to explore the ways in which a peace process could be developed. Before I left, I talked to people who might be players—with the knowledge of the Foreign and Commonwealth Office, the Sri Lankan high commission and the Tamil community in London. Following those discussions, the Norwegians have offered—and been accepted—to lead the facilitation process. They see their role as being at the disposal of the Government and all other parties. They will talk to all parties, but they do not see themselves as the people who will come up with proposals and solutions. I understand that.

Given this position, will the Minister consider what initiatives it might be appropriate for him to take? Would he consider holding consultations with the Norwegian embassy? Could the Commonwealth meet—in some appropriate form—to decide whether to make representations to Sri Lanka? For evident reasons, it may be that the Commonwealth, rather than the UN, is the best mediating body.

There are some additional reasons for that. India has a direct interest—as it always has had—although it is unlikely to want to make another military intervention because of its previous experience. Australia, New Zealand and the south Asian Commonwealth countries have commercial and other interests. Many Sri Lankans work and travel in Australia. There are many good reasons for Commonwealth interest. The highest proportion of Sri Lankans abroad live in Commonwealth countries—not only in the UK, but in Canada, for example.

Will the Government think positively, within the context of the Commonwealth, about supporting the Norwegian initiative and about putting that matter

higher on the agenda? Before the debate, my hon. Friend the Member for Richmond Park and I were discussing the fact that we need to move from what seems to be almost a passive position to one that is more proactive. After nearly 20 years of civil war—there is no point in beating about the bush, it is a civil war—we can no longer say that the matter is one on which only the Sri Lankan Government can set the ground rules.

My assistant, Simon Hunt, Councillor Liyanage and I met various people in Sri Lanka. The enormity of the conflict was brought home further to us when, after our return, we learned that two of those people whom we met were later assassinated. One was killed in the very car in which we had travelled with him a few months before. Those people—from different perspectives—were trying to do something to bring about the peace process.

In Sri Lanka, people live in perpetual fear of assassination if they are involved in the political process. It is not only in the north, the Vanni or the Jaffna peninsula that those matters impose. In Colombo, the police and armed forces are everywhere. In effect, the city and the country are under a martial law regime, because the Government consider that that is necessary. When an assassination attempt was made on the President just before the election, thousands of people were rounded up and arrested. Thousands of people are held in detention. That is the sort of place it is at present.

I also want to put to the Minister a proposal about humanitarian issues which lies in the area of responsibility of my hon. Friend the Member for Richmond Park, the hon. Member for Chesham and Amersham (Mrs. Gillan) and others. The areas of conflict in Sri Lanka are almost unique in that they do not benefit from the humanitarian support that other places would receive in similar circumstances. The north of Sri Lanka is effectively a no-go area. The Red Cross, Médecins Sans Frontieres and other agencies have, I understand, almost no presence there because the Government of Sri Lanka will not allow many of them in. They will not allow people in because they regard their presence as likely to prevent continuing military action. We cannot tolerate a position in which relief agencies are unable to go in, evaluate what is needed and take action.

I qualify my remarks because information is difficult to come by, but disease is apparently rife, many injured people are apparently not being treated and supplies, such as penicillin, that would normally be allowed in are sometimes not allowed in because it is felt that they might assist the Tamil freedom fighters. That is not acceptable. It is also not acceptable that the civilians who are not involved in the conflict are not allowed to leave. They are effectively being held as prisoners of the civil war. I want us to consider how better the international community can ensure that the humanitarian aid and support that is needed reaches the areas of Sri Lanka in which there is conflict.

Mr. Edward Davey (Kingston and Surbiton): Is my hon. Friend aware that food aid was used as a weapon of war against refugees in the Vanni? Will he tell us how he thinks the British Government could put pressure on the Government in Colombo to ensure that such action never happens again?

Mr. Hughes: My hon. Friend makes another point in the litany of points about what is being used as a method of war. It must be possible for the international community to exert pressure. I am sure that the Minister and his colleagues will be sympathetic to the idea of negotiating so that we can ensure that food, water and drugs, for example to prevent malaria, get to where they are needed. When people need hospital treatment that cannot be provided, they should be taken out of the region. I shall not go through the litany of the United Nations obligations, but I know that many of them seem to be broken or are not being upheld.

I gather—again I cannot say it categorically—that the number of people in Sri Lanka who have disappeared and cannot be traced is the second highest in the world. According to human rights agencies, it is second only to Iraq.

A linked issue is that the press has been censored in a way that has not happened in Sierra Leone or Kosovo to the same extent. There has been a much more effective ban that has prevented information from coming out.

In that context, will the Minister answer a further point? Licences have been granted to arms exports to Sri Lanka. The normal rule is that such arms must not be used for the purposes of internal repression. How do we know that they are not being used for repression if no one can get into the areas of conflict to see what is happening? We cannot be certain that they are not being used for that purpose. I am not criticising the Government precisely or saying that I know for certain that the arms are being used for repression, but information from around the world and not just from Tamil sources confirms that foreign arms are being supplied. For example, it is not coincidental that Sri Lanka has recently restored diplomatic relations with Israel. Will the Minister give us a specific statement on past, present or future supplies of military equipment and hardware? What mechanisms are in place to ensure that no abuse of that equipment takes place?

Mrs. Gillan: The hon. Gentleman mentioned the exchange that he had with the Secretary of State for International Development. He said that he was pleased with her response and with the position paper that was sent to him. He raised with the right hon. Lady the question of arms sales to Sri Lanka and she said that she would write to him. Has he received a reply and will he tell us what she said on the subject?

Mr. Hughes: I do not think that I have yet received the reply, but I will copy it to colleagues when I do. I am a bit circumspect because the reply may have arrived, but I have not seen it. However, I raised the matter some time ago, so I will check to see whether any reply has been received and pursue the matter with the Department. It is important that we are not wittingly or unwittingly involved in anything that adds to what is already a desperate situation, where there are mass graves, many people are unable to leave and human shields have been used.

I appreciate that my next point relates to a matter that the Minister should pass on to his colleagues in other Departments. One of the consequences of the civil war

[Mr. Hughes]

is the number of people who have left Sri Lanka to come to this country to seek asylum. Because of the work, in particular, of Tony Paterson, who is a specialist in immigration cases, I want to express concern about the way in which this country has handled those cases.

According to last year's Home Office statistical bulletin, the Home Office granted asylum to 3 per cent. of Sri Lankan asylum seekers on initial consideration and 1 per cent. more were granted exceptional leave to remain. The applications of the other 96 per cent. were refused outright. However, after hearings by the adjudicators, 48 per cent. of those who appealed had their appeals allowed. Therefore, once the adjudicators considered the cases, nearly half of the applicants were allowed into this country when only 4 per cent. were allowed in initially. Those, I believe, are the worst figures for the ratio between the initial decision and appeal for the applicants from any country in the world. Someone must examine what is happening.

I believe that the people who take the decisions do not properly use the information available to the country assessment civil servants. There is no joined-up government between the caseworkers and the information. There is a further serious point. People receive a standard reply when their application is turned down. It says:

> Regarding any ill-treatment which you may have sustained whilst in detention, the Secretary of State is aware of reports of continuing abuses of human rights by members of the Security Forces in Sri Lanka and concerns about the impunity of those responsible. However, he understands that the government of Sri Lanka, and in particular, the President herself, are firmly resolved to improve the country's human rights record . . . human rights training programmes for the Security Forces have been set up . . . the Government has undertaken to prosecute those responsible for human rights violations . . . the Secretary of State is satisfied that the Government has taken genuine steps to address this issue.

Our officials appear regularly to conclude that it is safe for someone from Jaffna to return to Sri Lanka, because he can live in Colombo. I have been to Colombo and life is not safe or secure there. Is it acceptable to say to a Sri Lankan from Jaffna that it is fine to return because he or she can live in Kandy? As I suggested to my right hon. and learned Friend the Member for North–East Fife, that is like telling him that his asylum application has been dealt with and, even though we know that he cannot return to North-East Fife, the Scilly islands are a nice place to live, and he could go there. It is not acceptable to tell people to go to the other end of a country where they have no family or roots and where they are not part of the community. Will the Minister ask the Home Office to undertake an inquiry into the processing of the asylum applications of people from Sri Lanka and to make sure that those who consider the cases do not give the fatuous and unacceptable reply that it is safe for them to return to a place that is less risky than the one from which they came or to one where, in theory, the Government are in control?

Other colleagues want to contribute. We do not have enough debates about Sri Lanka, which is a friend and Commonwealth country, so I am glad to be having this one. The Sri Lankan Government must sometimes think that those of us who get exercised about such issues are all allied to the Tamil cause, but I hold no exclusive brief for either community. However, I am sympathetic to the idea that there must be a better process for self-determination and that there must be a solution that gives the much greater autonomy and self-government sought by the Tamil people. The Government in Sri Lanka have not delivered that for 50 years.

We cannot stand aside and watch as tens of thousands more people are killed and injured. We have a responsibility to Sri Lankan residents in this country but, more importantly, we have a responsibility to a poor country which is in need of international community support and which should not have a terrible drain on its own resources. I hope that there can be an initiative that urgently will bring the parties to the table. There are difficulties every time elections loom—indeed, a parliamentary election looms later this year—and political tensions mount. However, I hope that another peacemaking initiative can be made as soon as is humanly possible and that all parties in Sri Lanka understand that that is not just their responsibility. The rest of us have a responsibility, and the Sri Lankans are responsible to the rest of us for ensuring that peace, not more years of conflict, is brought to that beautiful country.

10.2 am

Mr. Edward Davey (Kingston and Surbiton): I pay tribute to my hon. Friend the Member for Southwark, North and Bermondsey (Mr. Hughes) for securing this debate and for his tireless work in trying to bring about peace in Sri Lanka. He undertook such work during his recent visit, as well as before and since. I also pay tribute to the remarkably balanced and fair way in which he presented his case.

I shall try to follow my hon. Friend's example. I have an interest in the issue following a visit by some of my constituents to one of my advice sessions. To my discredit, I knew little of what was going on in Sri Lanka before their visit. They told me about the tragedy taking place in that lovely island and talked me through the experiences of their families. One family in my constituency has lost loved ones in Sri Lanka: some have disappeared and some have been murdered.

That is the background to my interest in the issue, which also informs my approach to it. I therefore apologise if my argument is slightly less balanced than that of my hon. Friend. However, I agree with many of his points, especially his plea to the Government to take a more active role in the peace process. He is right to suggest that the Norwegian initiative is the way forward. It has the greatest chance of success and I believe that the Government support it. Will the Minister tell us how the Government intend to give that initiative active backing?

My hon. Friend said that the election in August may create difficulties. However, it also creates opportunities, as outside sources could give parties contesting the election an indication that a commitment to the peace process would be in their interest. The previous Government did a good job in ensuring that all parties contesting elections signed up to a peace process. The constitutional package put forward by the Kumaratunga Government in the approach to the August elections may not be liked by some in the Jaffna peninsula, but they are trying to get wider support for it,

especially from the United National Party, which is the main opposition party. I hope that, in becoming more active in the peace process, our Government will push that further and suggest that more parties should try to commit themselves to that package prior to the election. That may be difficult, as nothing is easy in any peace process. However, such measures could underpin the Sri Lankan peace process, although I accept that the Government may have others in mind.

My hon. Friend referred to export licences for arms, which is an area in which the Government need to be rather less active. It is unfortunate that some export licences have been granted since the election. Will the Minister assure us that his Government will grant no more arms export licences? Indeed, I hope that he will go further than that. My hon. Friend spoke about the recent amazing thaw in relations between the Colombo Government and Israel, and explained how that is tied up with the purchase of jet aircraft and other arms supplies. The defence budget in Sri Lanka is now projected to rise to 6 per cent. of gross domestic product, which dwarves the amount spent on health and education. That extra money will go towards buying jets from Israel. Has the Minister—or his colleagues—had discussions with representatives of the Israeli Government or, indeed, of the American Government to prevent such escalation? A large, expensive introduction of new arms cannot be in the interests of peace.

My hon. Friend spoke about the press and raised the media embargoes sometimes imposed by the Colombo Government. We are told that those embargoes have been lifted recently: we shall wait and see. I wish to encourage the Colombo Government to remove them permanently and ensure that the international community can report events there fully so that we can monitor on the ground whether the Sri Lankan Government are meeting their United Nations and international obligations on aid, medical supplies and so on.

We cannot lay the lack of coverage of the dispute only at the door of the Colombo Government. The wider media are to blame, as they have stepped back from reporting it and have not tried hard enough to get to the truth. Of course, there are difficulties, but, in other international conflicts, certain broadcasting stations, channels and other media outlets have tried hard to get to the truth. However, they are not so willing to do so in this area. It is incumbent on all media outlets, such as the BBC, CNN and others, to ensure that the terrible tragedy of the civil war is exposed to an international spotlight so that it moves up the political agenda. In many ways, the media's role is more important than that which we are playing here. If they gave the conflict greater coverage and it became a more important priority for the Foreign Office, that might create a greater sense of activism in the Government.

I conclude on one point that is directly relevant to my constituents. If Jaffna falls, as is possible in the next few weeks, there is real concern that there will be a backlash against the members of the Tamil minority living in the rest of the island. We know that 55 per cent. of Tamils in Sri Lanka live in the Sinhala south. It is to the credit of the Colombo Government that, despite the war that is going on there and despite suicide bombers, for example, such a backlash has not been allowed to happen so far. I am not saying that there are not abuses of human rights and I am not saying that it is easy to be a Tamil living in Colombo, but there has not been a major ethnic backlash.

If Jaffna falls, the situation will be much more difficult. The Colombo Government must prepare for that possibility, and the British Government must give their support to them in that respect. If Jaffna falls in the next few days, we must ensure that Tamil citizens living in the rest of the island are not attacked in any way. We must ensure also that their civil rights are fully protected by the Colombo Government.

I say that passionately on behalf of my constituents. Many people living in Kingston and Surbiton have loved ones who are living in Colombo or in the rest of Sri Lanka. They expect the British Government to make representations in the strongest way possible. They expect also that the Colombo Government will respect the rights of their relatives.

10.11 am

Mr. Jeremy Corbyn (Islington, North): I apologise for missing the first few minutes of the speech of the hon. Member for Southwark, North and Bermondsey (Mr. Hughes), and I thank him for securing the debate. Like other Members, I have some constituents who come from Sri Lanka. Over the years, I have been involved in many asylum cases, divided family cases and cases of missing persons from Sri Lanka.

It is difficult for people who have been resident in the United Kingdom all their lives with families who have been so resident to understand how painful it is when a member of one's family simply disappears and there is no possibility of locating him or her because there is no Red Cross access. Indeed, there is no way of knowing what has happened. It is assumed that the person is dead, but one can never be quite sure. That constant pain that goes through the lives of many people, mainly from the Tamil community, throughout the world. There is an enormous Tamil diaspora in all parts of the world. Those concerned are often high achievers who are making an enormous contributions to their communities here, throughout Europe, in the United States, Singapore and many other places.

We should recognise that there is a strong human feeling, both for people in this country and, obviously, for those in Sri Lanka. I became involved in the issue in 1983 when I was first elected to this place. Riots took place in Colombo during the European summer. In a sense, the riots were a continuation of the civil strife between the Sinhala and Tamil communities that had gone on before, particularly from 1958 onwards. I went to Sri Lanka in 1984, shortly after the 1983 riots. I will never forget the sight of many Tamil people holed up in the Hindu college in Colombo, which was the only safe place for them. If ever there were internal refugees, they were in that category. There are many more internal refugees in Sri Lanka.

There is not time this morning to go into the full history of everything that has ever happened in Sri Lanka, but clearly there was manipulation by colonial Governments in the past between the Tamil and Sinhala communities. That was fairly normal in most British colonies throughout the world. It was a method of

[Mr. Jeremy Corbyn]

government. Tamil people on tea estates in central Sri Lanka were treated appallingly. There has been systematic discrimination against certain people, particularly Tamil people, for a long time. That background has led to the current crisis.

I have spent hours in discussions with people from the Sinhala community and from the Sri Lankan Government. I have also had discussions with representatives of the Liberation Tigers of Tamil Eelam and other Tamil groups, especially in Geneva last August when I was at the United Nations human rights session. In a sense, one can understand the strong feelings that both sides express. The national pride that is exemplified in many of the statements made by the Sri Lankan Government is understandable. They do not want foreign interference or outside influences. They say that they will sort the issue out. Also involved is the integrity of Sri Lanka. Issues of national self-determination quickly come to the fore.

When talking to the LTTE and other Tamil groups, I hear them express feelings of injustice and discrimination. Against that background, there is the sheer brutality of the war. The hon. Member for Southwark, North and Bermondsey talked about roughly 60,000 being dead. I have no reason to dispute that figure. I do not know how accurate it is any more than the hon. Gentleman does, but a massive humanitarian disaster has happened throughout Sri Lanka. There have been suicide bombers and assassinations. Many of us know people who have died as a result of their involvement in the conflict and their desire for peace. I think of the huge efforts that Neelean Tiruchelvam made to bring about peace, for which he was assassinated.

We must reflect on the military methods that have been used. Since the early 1980s, when the conflict reached a new intensity, arms sales to Sri Lanka have been taking place. Many arms brokers have made a great deal of money out of the conflict. The latest delivery of Israeli KFIR planes to Sri Lanka means that the Sri Lankan air force will be able to undertake high-level bombing of Tamil positions. It will be able to fly above the anti-aircraft positions that the LTTE holds. As far as I am aware, the LTTE does not have any air cover.

We are either in a situation of turning the corner and bringing about a ceasefire and a peaceful solution to the issue, or we are into a fight to the death. Many of the soldiers in the Sri Lankan army are deeply demoralised by the process of the war and by what has gone on. Having lost brothers and families in the war, they have little inclination to continue. They will either withdraw from the Jaffna peninsula in almost the style of the USA from Saigon, or there will be a fight to the death, in which event air cover will be used and there will be heavy bombardment of many Tamil positions. As the hon. Member for Kingston and Surbiton (Mr. Davey) said, the majority of Tamil people do not live on the Jaffna peninsula or in the north-east area; they live in the rest of the country. In that context, one fears for the future.

There is enormous rhetoric from both sides. The LTTE says that it will not negotiate on any terms. It claims that it is on the threshold of a military victory. There is rhetoric from Sinhala chauvinist politicians to the effect that they are not prepared to concede anything. The run-up to an election is always a dangerous time. Chauvinist politicians will make the most of alleged military inefficiencies and defeats, for example, and pledge to fight their way through to the death. That is a terrifying prospect.

Parliament—and the UK as a former colonial power—has some responsibility for the antecedents of the conflict. What do we do about it? I understand that the Government have attempted to promote a resolution at the UN. No doubt my hon. Friend the Minister will explain that. I understand also that the Russians and the Chinese were unhappy about such a move and threatened to veto any proposed UN involvement or resolution.

In a sense, we are left with the Norwegian efforts. I applaud and admire Norway for its patience and involvement. It has been a far more effective involvement in many instances than the US will ever muster. The Norwegians proceed quietly, patiently and persistently. High-profile visits from US Under-Secretaries of State are not necessarily an enormous help.

One always has half an eye on the economic interests of the powers that are promoting peace. I suspect that the South Asian Association for Regional Co-operation, of which Sri Lanka is a member, will try in the long term to turn Sri Lanka into a tiger economy. Many US companies see that as a basis for their operations in south Asia. They see it also as the basis for the development of free-market economies in that area. We must be slightly sceptical about US involvement.

Our immediate message must be that we are horrified by the loss of life in Sri Lanka and that we are terrified by the prospect of a fight to the death in the near future, with all that that would mean. We therefore must support what Norway is trying to do. We must insist that the Sri Lankan Government allow all necessary humanitarian aid to go in as quickly as possible. The embargo on medicines going into the Jaffna peninsula is outrageous. By any stretch of the imagination, it is not acceptable. Unfettered access for the International Committee of the Red Cross must be allowed.

Likewise, introducing censorship in the media and political control over methods of expression is no way to defend a democracy. Therefore, the early-day motions that we have tabled on that subject are particularly welcome.

We must say to the British Government and to others, "Please stop all arms supplies to the region." The normal rule is that any arms supplies carrying an end user certificate cannot be used for internal repression. There is no external threat to Sri Lanka. Those weapons are and can be used only as part of the prosecution of the war internally within Sri Lanka, so there is a strong case for an international arms embargo.

There are many signs that the peace talks that Norway is promoting will achieve something and, indeed, that the LTTE is prepared to negotiate, but it must be a peace with honour. There must be an understanding of the integrity—parity of esteem is a good way of describing it—of both communities in bringing about any solution. I look forward to what the Minister has to say in response. I hope that the Government fully support what Norway is trying to

achieve and will persist with trying to gain some United Nations involvement. However, UN involvement can come only if there is some understanding from both sides.

It may be that, if the Norwegian efforts prove fruitful, there will be a role for the UN in monitoring a ceasefire. It may become involved, but, if we are looking at a war where there will be victors and defeated, I fear for the human rights of minorities on both sides of any devolved Government who emerge in Sri Lanka.

It is a tragedy which the world's media have not covered with anything like the degree of intensity that they should have done. It has cost the lives of tens of thousands of people. Unless the peace talks come to some good end, thousands more young lives will be lost in a war that should never have been started and could be stopped. The way forward must be respect both within and between both communities, and recognition that they will both have to live on the island in future, whatever form of devolved government is set up.

The idea of a single unitary state with no form of devolution is not an option. There must be some agreement on that and some acceptance of the right of self-determination and self-government within the island of Sri Lanka by the Tamil people. That is the only way to bring about a long-term and lasting peace.

10.23 am

Dr. Jenny Tonge (Richmond Park): I shall be brief.

I congratulate my hon. Friend the Member for Southwark, North and Bermondsey (Mr. Hughes) on raising the debate, which is of great concern to us all. As he says, many of us have Sri Lankans living in our constituencies. Sadly, the war in Sri Lanka is, as he said, a forgotten war. In the world today, there are an awful lot of forgotten civil wars. Some of them—indeed, a lot of them—are hangovers from the old colonial days, when, for administrative ease, two distinct peoples were slapped together and ruled as one. That happened with Sri Lanka, with the Tamils in the north and the Sinhala in the south.

I do not think that there are any natural resources involved; the Minister may be able to tell us. Often, one cause of civil war is that there are natural resources in one spot and everyone is trying to get at them, but I do not think that that is the case in Sri Lanka.

In the early 1980s, Sri Lanka was a success story. Child mortality was falling rapidly. The number of children in education was very high. Literacy rates among adults in Sri Lanka are about 95 per cent. I have no idea what the rates among the children are, but Sri Lanka was not a third-world country, or considered to be a developing country in that sense. However, now, with $850 million a year, which is nearly 8 per cent. of its GDP, being spent on the war effort, education and health spending is tumbling. That will have a serious consequence for future generations of Sri Lankans. Despite that, the war rages on.

There are two main aspects, but the main one is always the supply of arms. In 1998 alone, 56 SIELs—standard individual export licences—for heavy machine guns, projectile launchers and sub-machine guns were granted to Sri Lanka. I must question that again and again when we see what is happening in that country. Those must all have been used in some way for internal repression. What does the phrase mean? It is meaningless in this situation, and the Government must provide some clarity. There is no European Union or UN arms embargo on Sri Lanka, so the arms are flowing in there.

On the other hand, the other half of the equation, the Tamils, have become a fearsome guerrilla force built on arms trafficking and child soldiers. They have mastered the art of dealing in the world's small arms markets. They buy from Ukraine, Bulgaria and North Korea, no doubt helped by European arms brokers.

I think that the Minister says that I say this every week—but I now have to say it daily: when will we get some legislation to control the arms trade, and arms brokers in particular, before the world descends into chaos? What has happened to the EU resolutions to combat the excessive accumulation of light weapons? Landmines are used on both sides. What pressure have we put on Sri Lanka to sign the anti-personnel landmine treaty? What steps have we taken to condemn the use of child soldiers in the north? A lot of questions need answering.

We do not know how many tens of thousands of people have lost their lives in the war, but I know that there are 270,000 displaced children out of a total of 1 million displaced people. They are living in extreme poverty. They have nothing. They have had all their documentation taken away. I saw the same thing in Rwanda. People cannot prove who they are now. They are no one. They have no evidence to show where they came from or who they are, and no access to education and health care.

As we have heard, access to those people is difficult because the Sri Lankan Government block access to the north. One of the excuses about the delivery of aid is that the Tamil Tigers will misappropriate the aid and use it for themselves, and it will not go to the people—yet the Department for International Development has spent £7 million per annum in Sri Lanka over the past few years, half of which is spent on relief and half on education and reconciliation. It is channelled through non-governmental organisations, but how is it getting to the north?

What is our policy on development and humanitarian aid in situations of conflict? The situation in Sri Lanka differs from that in Sudan. Aid is not given to the north because it will be misappropriated, but the aid still goes to the south, where the perpetrators of the violence in the north are. I do not understand what the Government policy on aid is. I am puzzled by what they do in many other countries in the world, particularly Sudan. When will we persuade the Sri Lankan Government to help the displaced people and to allow the NGOs in?

The Tamils in south-west London whom I met in February asked me—and I will ask the Minister on their behalf—to call for sanctions on arms sales, more monitoring of human rights in Sri Lanka, relief for the displaced people, and ultimately expulsion from the Commonwealth. I support all those demands except the last. I do not think that that would help. I think that Sri Lanka needs to remain in the Commonwealth and that Commonwealth leaders should put pressure on Sri Lanka to negotiate a settlement. Like many other hon. Members, I urge our Government to take a more

[Dr. Jenny Tonge]

vigorous and proactive role in the future to achieve some peace in that poor country, through the European Union and the United Nations.

10.29 am

Mrs. Cheryl Gillan (Chesham and Amersham): We have had an interesting debate, which was movingly introduced by the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) with a guide not only to his family history, but to his developing awareness of the problems in Sri Lanka. He spoke of the development of Sri Lanka and the questions that he has raised in the House about what is going on in that country. I urge him to press the Secretary of State for International Development for a response to the questions that he posed on 3 May, as I am rather distressed to find that to date he has not received a response.

The hon. Members for Kingston and Surbiton (Mr. Davey), for Islington, North (Mr. Corbyn) and for Richmond Park (Dr. Tonge) made valuable contributions, a common theme of which was a criticism of the press for failing to highlight sufficiently the terrible goings-on in Sri Lanka.

It is therefore with a heavy heart that I tell hon. Members that during the debate, I received a message from outside the Chamber that BBC news and other media have a breaking story from Sri Lanka of a Cabinet Minister and at least nine others who have been assassinated today. The story was posted on the BBC at 9.36 am, and I know that the Minister of State will have news of this sad bombing and assassination. I hope that when he sums up, he will give us the latest information.

I am sure that the entire House sends its commiserations and condolences to the families of those who have been brutally murdered. We do not yet know the details, but we hope that the information will be forthcoming from the Foreign Office before the end of the debate. Today in Sri Lanka it is War Heroes day. One assumes that the bombing is a result of the events held in Colombo by the Government.

The conflict in Sri Lanka is a continuing story of violence and endless war. Like all hon. Members who have spoken this morning, we, too, want a political settlement, an end to the crisis and a return to normality and peace. The international community has rightly been engaged in the search for a solution. Mention has been made of Norway, but India and the United States have also made great efforts to broker a peace—sadly, largely to no avail.

When the Conservatives were in government, we called for a directly negotiated settlement between the Sri Lankan Government and the Tamils. Despite recent visits by the United States Under-Secretary of State, Thomas Pickering, and the Norwegian deputy Foreign Minister, Raymond Johansen, who have reiterated those calls, the military situation has deteriorated rapidly and the offers of mediation by the Indian Government have failed to gain momentum with either side.

Earlier this year the importance of securing a peaceful outcome was highlighted during the visit of my right hon. Friend the Member for Richmond, Yorks (Mr. Hague), the leader of the Conservative party, who, as chairman of the International Democrat Union, chaired the executive meeting that was held in Sri Lanka in March. During that meeting, we as fellow Conservatives welcomed the membership of the United National party, which has joined the Asia-Pacific Democrat Union, one of the regional bodies of the IDU. At the same time, the UNP took up observer status at the IDU, which will lead to full membership at the next IDU party leaders conference in 2002.

Sri Lanka has gained an important new link with the international community through the inclusion of the UNP in that group. Now there is yet another opportunity of a forum in which Sri Lankans can pursue the shared values of democracy and freedom, which is essential for the resolution of the conflict.

During the IDU's executive meeting, there was an opportunity for some of the widespread problems experienced during the presidential elections to be aired. That led to a call, which we support, for the placing of independent monitors at an early stage in the forthcoming general election, to which the hon. Member for Southwark, North and Bermondsey referred. I hope that the Minister will support us in asking the Sri Lankan Government to issue early invitations to observers, particularly from the Commonwealth, the Inter-Parliamentary Union and the European Union.

I understand that when the leader of my party was there, nothing served as a more graphic example of the troubles in Sri Lanka than the bomb attack that took place during the IDU meeting. Again, the atrocity resulted in enormous loss of life and a huge number of injuries. Like the bomb today, it demonstrates the need to find a solution to the on-going problem.

The hon. Member for Kingston and Surbiton was generous enough to acknowledge the efforts of the Conservative Government. I single out the efforts made by my hon. Friend the Member for Woodspring (Dr. Fox), when he was a Minister, to promote the bipartisan approach that we seek. I believe that it was called the Liam Fox agreement, and has been promoted in Sri Lanka, not least by the opposition party. Part 1 of the agreement was signed by the Sri Lankan President. I should be interested to hear what steps the Minister and the Foreign Office have taken to build on that agreement.

There will be no winners in the war. It is an impossible war. There must be a negotiated settlement leading to a bipartisan solution. I hope that the Minister will let us know, as the hon. Member for Southwark, North and Bermondsey pressed him to do, what active role has been played in the three years of the Government's tenure.

Mr. Simon Hughes: I pay tribute to the hon. Member for Woodspring (Dr. Fox). The leaders of the Tamil liberation movement rightly accept the premise of that agreement—that if there is to be a settlement, negotiation must take place and there must be a bilateral view among the parties of government. It is no good reaching agreement with one party and then discovering that another party which might come to government is not bound by it. I understand that there is a general view, certainly in the opposition, that that is the way to proceed. There have been talks between the President

and the leader of the opposition. They must be as one in their agreement, so that genuine negotiations can take place. That is the only way forward.

Mrs. Gillan: The hon. Gentleman makes a logical and powerful point, and I look forward to hearing the Minister's response. I thank the hon. Member for Southwark, North and Bermondsey for his kind remarks about my hon. Friend the Member for Woodspring. I am sure that my hon. Friend will read those with interest.

One of the main political issues in Sri Lanka is the emergency regulations imposed by the President on 3 May. It is believed that the Government's objective was to block reporting critical of the war, particularly at a time when 25,000 Government troops were trapped in the Jaffna peninsula. The early-day motions tabled on the issue have been mentioned in the debate. One was initiated by my hon. Friend the Member for Windsor (Mr. Trend).

I hope that in the Minister's response, he will take the opportunity to join us in condemning those draconian regulations, which limit the freedom of association and the freedom of the press, and allow for detention without trial for up to a year. That, coupled with the restrictions on political and trade union meetings, is deeply worrying in the run-up to the elections.

Mr. Corbyn: Sri Lanka's prevention of terrorism legislation, which has been in place for most of the past 20 years, is also a denial of civil liberties. The more recent draconian measures are to be deplored, but so are the earlier measures.

Mrs. Gillan: I was not implying that the earlier legislation was less problematic. However, the developments are disturbing, especially in the run-up to the elections. They send the wrong signals. What representations have the Minister and the Foreign Office made to the Sri Lankan high commissioner? Does the Minister believe that the regulations run counter to the recent European Union note, which requested that Sri Lanka show respect for human rights? Does he believe that the regulations contravene the United Nations charter on human rights? If so, what action does he propose to take?

It is not unreasonable to conclude that the Sri Lankan Government are trying to shut down political debate and handicap the opposition in an attempt to cover up some of the defeats that they have suffered, primarily through poor political leadership and apparent corruption. Sri Lanka needs free and fair elections. That is an important issue in many parts of the world. How can the United Kingdom contribute to the process and support conditions in which free and fair elections can take place?

I should like to know the Minister's response to the European Union proposals. That has already been requested during the debate. As the Minister knows, the European Parliament has called for European members of the United Nations to introduce the subject for discussion before the Security Council of the UN. That caused a furore in Colombo, where a senior Foreign Office official perceived such a discussion as the precursor to the development of what he described as a mess such as those in Bosnia or Sierra Leone. Does the Minister believe that the EU demands are helpful and justified? Does he support them? If so, how will he pursue them?

We all want an end to the conflict, which has consumed thousands of innocent lives. I appreciate that numbers are always doubtful, but the latest reports state that some 62,000 people have already been killed in the conflict. I hope that the Minister will explain what commitment the Government will make to applying diplomatic pressure, thus contributing to a solution and hastening the end of a seemingly endless and pointless war.

10.42 am

The Minister of State, Foreign and Commonwealth Office (Mr. Peter Hain): I am most grateful to the hon. Member for Southwark, North and Bermondsey (Mr. Hughes) for raising this subject and for the timely opportunity to respond to his speech. It allows me to make the first ministerial statement on Sri Lanka for seven years. I readily acknowledge the hon. Gentleman's involvement with Sri Lanka, his family's connection with that country and the expert knowledge with which he spoke today. Madam Speaker also has a long and close association with the island. That underlines the importance that Britain attaches to the people of Sri Lanka.

I welcome the opportunity to express the Government's deep concern about the tragic situation in Sri Lanka, which was so well described by my hon. Friend the Member for Islington, North (Mr. Corbyn), by the hon. Members for Richmond Park (Dr. Tonge) and for Kingston and Surbiton (Mr. Davey), and by the hon. Member for Chesham and Amersham (Mrs. Gillan), with whose speech I agreed to a large extent. We are especially worried about the fighting on the Jaffna peninsula. The hon. Member for Southwark, North and Bermondsey urged us to do more. We are doing a great deal, which I shall explain.

I shall outline what we are doing, together with our international partners, to try to encourage a peaceful resolution of the ethnic conflict in Sri Lanka. However, I shall first bring hon. Members up to date, as the hon. Member for Chesham and Amersham invited me to do, with the appalling incident that took place today. As we have been speaking, reports have reached us about a suicide bomb near Colombo. The Minister for Industrial Development, C. V. Gunaratne, and at least 10 others have been killed, and several people have been seriously wounded at a memorial parade to commemorate War Heroes day. The British Government condemn such acts of terrorism in the strongest terms, and extend the deepest sympathy to the Sri Lankan Government and to all the families of those who have been killed and injured. I am sure that I speak for all hon. Members.

It is a tragedy that Sri Lanka, a country with such huge potential, should have been blighted for so long by civil strife. I agree with the hon. Member for Southwark, North and Bermondsey when he described the conflict as, to some extent, the world's forgotten civil war. The human cost of the conflict has been awful. More than 60,000 people have been killed, many more have been injured or maimed, and there are hundreds of thousands of refugees, both inside and outside Sri Lanka. Those are the people who have been directly affected.

[Mr. Peter Hain]

Indirectly, the conflict has touched many more: the families of the victims, those who have remained in poverty because of the damage that has been done to Sri Lanka's economic development, and, as has already been said, the distortion of the economy into one that is arms directed rather than one that provides humanitarian relief and decent public services for its citizens. Young Sri Lankans, both Sinhalese and Tamils, have been forced to leave their country to find new lives overseas.

Mr. Barry Gardiner (Brent, North): I am especially grateful to my hon. Friend the Minister for giving way to me, because I could not be here earlier as I had to attend a constituency engagement. I would dearly have liked to participate more fully in the debate.

The Minister spoke of refugees and people who have been displaced by the conflict. Will he join me in expressing anxiety about the Sri Lankan Government's refusal to allow a ceasefire during the current conflict in the peninsula, although the Liberation Tigers of Tamil Eelam offered one, to permit the 15,000 civilians who were there to leave the area? I believe that the United Nations High Commissioner for Refugees condemned that refusal. What representations did our Government make to the Sri Lankan Government on that specific point?

Mr. Hain: I agree with my hon. Friend. We made strong representations to the Sri Lankan Government, who were wrong to refuse to agree a ceasefire to allow such an exodus. The scale of the human disaster has been dreadful. The conflict has had a huge economic cost, not only in the money that has been spent on the war effort, but in the work that has not been done, and the opportunities that have been lost due to lack of investor confidence. The war has held back Sri Lanka when that country should have been forging ahead to the benefit of all its citizens.

Our anxiety about the dreadful situation is compounded by two factors. First, Sri Lanka is a good friend. It is not a distant island about which we know nothing or care little. On the contrary, Britain has had a long and close relationship with Sri Lanka for more than 200 years. Our bilateral relations are excellent, with strong links in many areas. Approximately 200,000 people in this country have their roots in Sri Lanka. It pains us to see what is happening there. We cannot stand idly by and watch yet another humanitarian disaster unfold in a country with which we have such close ties.

The second factor is the unshakeable belief that Sri Lanka's ethnic problems cannot be resolved by military means. Seventeen years of conflict have made it abundantly clear that, to put it bluntly, the war is unwinnable. I agree with the hon. Member for Southwark, North and Bermondsey about that. We are not alone in the international community in that view, and many in Sri Lanka share it. The cycle of violence, which has afflicted Sri Lanka for so long, must be broken if peace is to have any chance of taking root. For those reasons, we have long called for a lasting solution through a political settlement.

Since the Liberation Tigers of Tamil Eelam launched their "Unceasing Waves" offensive against Sri Lankan forces last November, they have occupied the Vanni and the strategic Elephant pass entrance to the Jaffna peninsula. While the battle ebbs and flows from day to day, the LTTE are close to Jaffna town, which they last occupied in 1995. In the past week, there have been reports that Sri Lankan forces are counter-attacking. There have been heavy casualties on both sides. The intensity of fighting has diminished in recent days, but the future of Jaffna remains uncertain. However, I must stress to the Chamber that, in the absence of reliable information, our assessment cannot be definitive.

There are also up to half a million civilians, the vast majority of whom are Tamil, trapped in the war zone—an area the size of Buckinghamshire. Although both sides have advised civilians to move away from the areas of fighting to safety, international non-governmental organisations believe that a significant number of civilians are trapped by the fighting. A curfew is in place, which not only hinders the movement of civilians, but hampers the aid agencies trying to help those displaced by the fighting.

It is difficult to be sure how many are affected, but there could be as many as 150,000 people. It is one of the most serious situations in the world. Water and sanitation appear to be the major problems. Government authorities and NGOs are trying to address those problems, but access to the areas affected by the conflict is difficult. The difficulties faced by the civilian population are therefore very real.

It would not be helpful to speculate on what might happen next in Jaffna, but continued fighting would add to the death toll on both sides, both civilian and military. Further heavy fighting would also delay the start of negotiating a political settlement of the conflict. It was because of our concerns about the continued impact of the fighting on civilians and on the prospects for peace that we pushed for a statement by the European Union on the deteriorating situation. The statement was issued on 15 May and called upon the Sri Lankan Government and the LTTE to cease hostilities and begin negotiations immediately, with a view to securing a peaceful resolution to the conflict.

The EU reminded both sides of their responsibility to ensure the safety of the civilian population in conflict zones, in particular on the Jaffna peninsula. The EU joined the UN Secretary-General in urging both parties to co-operate with the Norwegian Government in their endeavours to facilitate a negotiated settlement of the conflict. I should add that Kofi Annan, in his statements of 9 and 24 May, expressed concern about the humanitarian consequences of the recent upsurge in fighting. He, too, urged both sides to avoid placing civilian lives at risk.

We have taken that matter up with the Sri Lankan Government, and the LTTE is also well aware of our position. They know that the safety of civilians is of paramount importance and that we call on them to abide by international humanitarian and human rights law and to look after prisoners. We also call on the LTTE not to carry out attacks against its Tamil opponents. We cannot forget the killings and abuses of human rights that occurred when the LTTE last occupied Jaffna, in particular those against members of the minority Muslim community. The eyes of the international community are on the LTTE.

A peaceful resolution of the conflict in Sri Lanka is vital, and Britain stands ready to help in the search for peace if both sides want us to play such a role. Far from being passive, as the hon. Members for Southwark, North and Bermondsey and for Kingston and Surbiton suggest, we are proactive, and I shall explain how. We have held discussions to make it clear that we welcome and support the Norwegian facilitation efforts. Let me take this opportunity to say that we recognise the importance of India's role in the search for peace, as the key player in the region. We welcome India's willingness to provide humanitarian assistance, if requested, and we are in close touch with the Indian Government.

As I said earlier, Sri Lanka is a good friend. We support its sovereignty and territorial integrity. The precise terms of any settlement are a matter for the people of Sri Lanka, but they will have to respect the rights and aspirations of all communities, including those that the LTTE claims to represent.

We welcome President Kumaratunga's firm commitment to a negotiated settlement and her attempts to reach consensus with the opposition United National party and other political parties, including the Tamil parties, on some form of devolution package to put to the LTTE. The constitutional status quo is neither politically desirable nor viable. We also welcome the undertaking given by the leader of the opposition, Ranil Wickremesinghe, to put aside political differences to try to achieve a bipartisan position on a future constitutional framework. Those are important steps forward, and we have been encouraging them.

I pay tribute to President Kumaratunga. She is a brave woman who commands our respect. I also pay tribute to one of my predecessors, the hon. Member for Woodspring (Dr. Fox), whom the hon. Member for Chesham and Amersham mentioned, for the efforts that he made in 1997 to persuade the president and the opposition leader to adopt a bipartisan approach to the peaceful resolution of the conflict. We continue to take forward the Fox agreement. I welcome the Leader of the Opposition's recent visit, during which he adopted a similar position; it was a valuable visit.

The process of negotiation will not be easy, as we know from our experience in Northern Ireland. Both sides will need to show patience and flexibility as talks get under way. They will need to make compromises. After 17 years of bitter conflict, it is wholly unrealistic to expect negotiations to be concluded quickly. It will take time to build up trust between the two sides.

I agree with the hon. Member for Chesham and Amersham in reiterating the last point in the EU statement. We strongly regret the restrictions on civil liberties and press freedom under the emergency regulations introduced by the Sri Lankan Government. The EU called on them to lift the restrictions as soon as possible. Therefore, I welcome the lifting of restrictions on political meetings and processions on 2 June and the easing of the censorship rules for the foreign media on 5 June. I hope that that first step towards lifting the emergency regulations will soon be extended to the local media as well, as has been suggested by the Sri Lankan Minister responsible for the media.

We will continue to raise civil liberties and human rights concerns with the Sri Lankan authorities, although we acknowledge that they have taken steps to improve their human rights record. Our high commissioner in Colombo has provided funding to several NGOs that promote good governance and democracy.

The LTTE has been responsible for serious human rights violations. We condemn the terrorist attacks in Colombo and elsewhere, which have killed and wounded many innocent civilians, including President Kumaratunga herself. On the points made by the hon. Member for Richmond Park, we are strongly opposed to the LTTE's continued use of child soldiers, despite a 1998 commitment to the UN special representative for children and armed conflict not to use children under 18 years of age in combat.

Much diplomatic activity is taking place to try to bring about a cessation of hostilities and create the conditions for peace. I assure the Chamber that the Government, while happy for now to play a supporting role in the search for peace, remain in close and regular contact with the key international players. I have held discussions with the Indian deputy Foreign Minister, and my right hon. Friend the Foreign Secretary has held discussions with the Indian Foreign Minister. They undertook to keep in touch with us on the subject.

On 24 May, I held a meeting in London with my Norwegian counterpart, Raymond Johansen, as I did with his predecessor a few weeks before. I was keen to hear his impressions of the situation and we shared a perspective on it. We continue to keep in close touch and stand ready to help. We have kept in regular contact with the Sri Lankan Government. I have met, among others, leading bishops from Sri Lanka, who are in touch with a range of bodies, including the LTTE.

Mr. Simon Hughes: The Minister may not have time to deal with everything now, but I ask him to ensure that if he cannot give us answers on the arms issues now, answers will be given, and publicly. Specifically, will he consider the idea that Britain should make it clear to the Sri Lankan Government that there must be international access to all parts of Sri Lanka, both to make the facts and the public's views clear and to facilitate the solution, in terms both of peace and of a new constitutional settlement?

Mr. Hain: Indeed, I am very content to do that. I am about to respond to the points about arms, but first I shall respond to the issues raised about relief. I shall ask my right hon. Friend the Secretary of State for International Development to provide a detailed reply, a copy of which can be placed in the Library. We have made representations to Sri Lankan Government about the restrictions that have been placed from time to time on relief supplies into the Vanni, and we shall continue to do so.

On the detailed points about asylum seekers, which are obviously of concern, I shall ask my ministerial colleagues in the Home Office to reply in detail, taking account of the points that hon. Members have made, and to place a copy of the reply in the Library.

I understand the points that several hon. Members have made about arms sales. Our policy is very clear: we approve arms export applications only if they do not involve arms that could be used for internal repression or external aggression. However, Sri Lanka has an

[Mr. Hain]

elected Government who have legitimate defence needs. Again, I shall write in detail to the hon. Member for Southwark, North and Bermondsey and place a copy of my letter in the Library.

We are discussing with the EU the dispatch of election monitors to monitor the parliamentary elections later this year. Although we have held discussions with our colleagues—the Indians, those in the United States and others—to try to reach a common position at the UN, we were unable to do so, but we continue our efforts.

Education Standard Spending Assessments

11 am

Mrs. Anne Campbell (Cambridge): I am pleased to have the opportunity to talk about a subject that is dear to the hearts of people in my constituency. I pay tribute to my hon. Friend the Member for Stafford (Mr. Kidney); he cannot be here today, and has made his apologies, but he convened the all-party group on this issue, which I think will be a very effective force. I hope that it will make a real input into the reforms of the system.

I want to express my gratitude for the increase in the education standard spending assessment in my constituency since 1997. I have asked a number of parliamentary questions on the subject over the past few months; indeed, my right hon. Friend the Secretary of State must be rather fed up with signing answers to my questions, but I have managed to elicit some useful information.

Cambridgeshire's SSA per pupil was at its previous highest, in real terms, in 1992-93. Schools then received today's equivalent of £2,578 per pupil. Throughout the years of the Tory Government the amount fell steadily, reaching its lowest level of £2,455 per pupil in 1995-96. There was a fall of £23 per pupil in three years. In those days we had a Labour-Liberal county council, which markedly increased the top-up provided from its own funds. It was at its highest in 1995-96, when it topped £15 million—but not for long: unfortunately, in the following year the council's budget was capped by the then Conservative Government, and it was no longer able to provide such a large top-up.

It is not difficult to see that it is the Labour party that believes in education, and the Conservative party that does not. Throughout the 1990s, the same pattern was repeated—a Conservative Government cutting money for schools, and a Labour-Liberal county council increasing the top-up. Since 1997, it has been a different story. The education SSA per pupil has increased in real terms year on year, and at £2,591 is now higher than it has ever been. However, the county council, which is now Tory-controlled, has reduced its top-up from £15 million in 1995-96 to under £5 million today. In 1998 and 1999, the council failed to pass on £3 million that was intended for school budgets. This year, pressure exerted by myself and others has forced it to pass on the full increase in education spending. At last schools are beginning to experience some relief from the downward spiral in their budgets.

Of course, SSAs are not the only source of funding for schools. The Government have also markedly increased the amount available for capital spending, and new classrooms and additional facilities are springing up like mushrooms all over the county. The cash that has made the largest difference has come from the standards fund: money to match the numeracy and literacy strategies, for computers, drug prevention and ethnic-minority achievement, and for many other important purposes. It totalled a massive £11 million last year, and will reach £15 million this year. That money has not been provided through the SSA, but has gone directly into school budgets.

We were all delighted with the additional £1 billion that the Chancellor found in his Budget this year

specifically to support school budgets. David Somerville, head teacher of St. Matthew's primary school, received £9,000 extra in his school budget. He wrote to me:

> Please continue to do all that you can to support growth in school budgets. The modest increase in my school's budget this year has had a positive impact on morale—it is a pleasure to be having discussions with the staff about what to spend the extra money on rather than having to decide what to cut.

Another school in my constituency, Priory infants school, has been able to reinstate the post of home-school liaison officer, which was removed some years ago because of the loss of funds. It will make a huge difference in a part of my constituency where levels of social deprivation are high. Chesterton community college will be able to create an extra teaching group in year seven, thus reducing class sizes. It will also be able to create two groups for GCSE music, rather than one that would have consisted of 32 pupils. The head teacher, Bev Jones, e-mailed that information to me on her new laptop, provided from Government funds.

That money has been handed directly to schools, and is making a real difference. It is a source of enormous frustration to me, and, I am sure, to my right hon. Friend the Secretary of State, that money made available for education has not always found its way into school budgets. Sometimes that is because it has been siphoned off for other services, like the £3 million that I mentioned earlier; sometimes it is because the local education authority is top-slicing the money allocated and spending it on unnecessary central support services. I was quite shocked by the answer to a question that I asked my right hon. Friend last year about the percentage of the general schools budget that was devolved to schools by each LEA. In one of our neighbouring counties, Suffolk, the figure was nearly 80 per cent., but in Cambridgeshire it was a paltry 64.9 per cent., lower than in any other shire county.

I wrote to the Conservative chairman of the education committee, Councillor Wilkinson, to ask why the amount was so low. His reply made it clear that he did not consider the matter important. It would have been of enormous interest to schools. If Cambridgeshire had delegated its budget at the same level as Labour-controlled Suffolk, schools would have had an additional £27.7 million to spend. It is true that they would have had more services to buy, but they could have made their own choices about expenditure rather than the decisions being made for them centrally.

With the introduction of fair funding, Cambridgeshire has had to delegate more of its budget to schools. The way in which that has been done is a complete sham. I do not believe that any school has yet noticed a difference, or has been able to make decisions different from those dictated by the county council. In the past, Cambridgeshire held a very high proportion of the special needs budget centrally, and allocated resources to schools on the basis of the number of statemented children. Now the council is required to delegate that money to schools. Its pamphlet containing guidance for special-needs delegation to schools operating bank accounts was issued in March this year, and makes it clear that it regards the fair funding scheme as a bit of a distraction. It admits in the pamphlet that for new statements

> The nominal budget allocation bears little relation to the allocation of resources to the school.

It also says:

> A number of schools have expressed concern that having a budget on their budgetary control printouts that bears little resemblance to the actual allocation of resources could create a distraction and perhaps confusion.

I should say so! There is a considerable disincentive for schools to run their own bank accounts and to take control of their budgets.

The LEA points out that all is not lost: if schools were prepared to join its learning support assistance indemnity scheme, lo and behold, the LEA would continue to operate the existing familiar arrangements. In other words, nothing changes. It is clear that Cambridgeshire LEA is doing its best to ensure that it retains control of the school budgets. The method of achieving the 80 per cent. required delegation is highly questionable. I recently spoke to inspectors from the Office for Standards in Education who were completing their inspection of Cambridgeshire county council, and I hope that those concerns will be reflected in their report.

I welcome the recent announcement by my right hon. Friend the Secretary of State that he was considering funding schools directly from Whitehall, without the money being filtered by the LEA. That would certainly overcome the problems that I have outlined. His statement produced a mixed reaction in Cambridgeshire. Conservatives condemned the proposals, but Labour councillor Josephine Percy was quoted in the *Cambridge Evening News* as saying:

> This government is trying to do something about it by giving money to schools to spend their own way and not to someone else's sticky fingers at Shire Hall.

She went on to make the good point that

> Some School Governors are better business people than County councillors. It's a very good idea.

In Cambridgeshire, it is clear that Conservatives want to hold on to central control of budgets while Labour councillors are prepared to give schools the autonomy that they want.

Finally, wide differentials in funding per pupil between LEAs are immensely important to parents and schools in my constituency. We are still operating a system introduced by the Conservative Government, and I am disappointed that the method of allocating funds has not been reformed. Most authorities compare themselves with Hertfordshire, one of the most generously funded shire counties. Cambridgeshire has the misfortune to share a boundary with Hertfordshire, and our schools know that others a few miles down the road have £160 a year more for each primary pupil and £206 a year more for each secondary pupil. The system is unfair, and I know that my right hon. Friend the Minister for School Standards is as keen as I am to see it reformed.

Mr. David Taylor (North–West Leicestershire): Does my hon. Friend acknowledge that Leicestershire, which has a short common border with Cambridgeshire, is the worst-funded of all counties? We are £332 per secondary school pupil adrift of Hertfordshire, and that plus our primary underfunding amounts to £13 million a year.

Mrs. Campbell: I am grateful to my hon. Friend for making that point. Propaganda is often put out that

[Mrs. Campbell]

Cambridgeshire is the lowest funded shire county for education, but I know that that is not true as Leicestershire is in an even worse position.

A White Paper is expected in July, and I hope that it will produce a workable and fair system. It will take time to implement its proposals, and schools cannot therefore expect real reform before 2002. In the meantime, however, some extra money allocated for education should be used to raise the funding of authorities in the bottom half of the league table to the funding of the middle one. Answers to my questions suggest that the costs of implementing that idea in England would be £511 million. It is a large sum, but the idea is affordable given the expanding education budget that the Government have provided. It would bring primary funding up to £2,435 per pupil, and secondary funding to £3,130, in each of the bottom 75 English authorities. That would aid my hon. Friend's county as well as my own and others.

That system would win widespread support, and it could be implemented quickly and easily. It would be seen to be fair, and it would not reduce funding for authorities in which there is high social deprivation. It would do an enormous amount to reduce pressure on authorities languishing at the bottom of the league. I hope that my right hon. Friend the Minister will consider the proposal seriously. She is not responsible for deciding how SSAs are allocated, but I hope that she will press for the proposal, at least as interim relief for authorities, such as Cambridgeshire, that are in the bottom half of the league.

11.14 am

Mr. Andrew Lansley (South Cambridgeshire): I am pleased to be the first to congratulate the hon. Member for Cambridge (Mrs. Campbell) on securing the debate. Like hers, my constituents see this as a matter of great importance and will welcome a debate that allows us to examine it. Several Members wish to speak, and the debate is a short one, so I shall make just three points on my constituents' behalf and leave it to my hon. Friend the Member for Hertsmere (Mr. Clappison) to make points from the Front Bench.

My first point is that the Government have plainly shifted the basis on which standard spending assessments—education and others—have been calculated. Far from being unable to change the system inherited from the previous Administration, the Government have, the evidence increasingly suggests, distorted the system. I recall the Government's introduction of a plain English guide to grant distribution. In the first edition, in 1998, the document contained a section on SSAs entitled "Assessing Spending Needs". It referred to the fact that an SSA, though not a spending target, was an assessment of the budget required for an authority to meet a standard level of service, given its needs and costs.

When the second edition came out in 1999, that sentence had disappeared, and the paragraph was retitled "Sharing Out Resources", which is indicative of the route taken by the Government. They have stopped trying accurately to assess the needs, costs and relative resource of areas when it comes to distributing grant. Instead, they take account only of their own choice of social deprivation indices and raw population statistics. The net result is a mechanism by which the Government have shifted resources away from shire counties and districts to metropolitan areas outside London. I am sure that my hon. Friend the Member for Hertsmere will pursue that point further.

Secondly, that policy has unhappy consequences for Cambridgeshire, which has the lowest SSA per head among education authorities in 2000-01. The Government are increasingly moving away from recognising the additional costs and needs associated with counties such as Cambridgeshire. The Secretary of State for Education and Employment was bold enough to admit that in a letter to me of 20 December. He acknowledged that Cambridgeshire's SSA increase was below the national average on a per pupil basis, but added that that

> reflects a reduction in the share of the national total which it receives to reflect social deprivation and area costs.

The point is that matters that should have been considered for the SSA on a per head or per pupil basis were not included. The Secretary of State and other Ministers have acknowledged that the difference in funding for education SSAs between areas has largely to do with differences in area cost adjustment and the additional educational needs index. On both counts, I share the view of the hon. Member for Cambridge that the Government could and should have done more to arrive at a more equitable basis for distribution of funding.

The combination of failure on those two counts disadvantages Cambridgeshire pupils. The hon. Lady mentioned the relationship between Cambridgeshire and Hertfordshire—the border lies in my constituency, and I know only too well that there are variations between £150 and £200 per pupil in some schools.

Thirdly, not only should the Government have done something, but they promised that they would. The hon. Lady did not refer—unsurprisingly—to a an interview given by the Prime Minister to the *Cambridge Evening News* on 30 April 1997, days before the general election, when he said that he would review the area cost adjustment and that its abolition would deliver at least £5 million more for Cambridgeshire. He also said that he would review it in time for the next financial year. The Prime Minister is presently making a speech elsewhere about traditional values, and I reckon that one traditional value that he should have maintained after the election was honesty. When he said that he would review the area cost adjustment in time for the next financial year, he did not mean that he would look at it; it had been looked at already.

Mrs. Anne Campbell: I hope that the hon. Gentleman will accept that my right hon. Friend the Prime Minister said that he would review it, and that he would do so in time for the next financial year. Review it he has certainly done, and that promise has been met. I am just disappointed that the review did not lead to fundamental changes in the formula and that we are still undergoing that process. However, my right hon. Friend has met his promise to review the SSA.

Mr. Lansley: I am grateful to the hon. Lady for making precisely the point that I was making. The Prime

Minister made a pledge to review it in time for the next financial year. However, a review had already been done. The subsequent specific costs inquiry was, in practice, a basis on which a decision could have been made—arguably, not necessarily for the 1998-99 financial year, but certainly for the 1999-2000 financial year. The reason that the Government give for not having made a change to the area cost adjustment is that local authorities were not able to reach a consensus on it.

Forgive me, but I thought that the job of Government was to decide on grant distribution on the basis of consultation, not necessarily to delegate their responsibility to the Local Government Association. It would come as an interesting revelation to the LGA if it were told that it was in charge of the standard spending assessment and grant distribution structures, as the association thought that the Government were in charge of them. The way in which, in particular, the Deputy Prime Minister has worked other changes in grant distribution demonstrates that he does not necessarily take the actions that the LGA would have told him to take.

It is also true that the Prime Minister, in saying that he would review the area cost adjustment, made it very clear that, on the basis of the current Elliott review, he was prepared to take action. He made it absolutely clear that he was making effectively a promise to the people of Cambridgeshire—it would have been read similarly in other places—that the system would be reformed. It has not been reformed. The hon. Member for Cambridge is disappointed that it will not be reformed until 2002—not that there is a promise that it will be—but I think that it is a disgrace. This summer's consultation paper—it may or may not be a White Paper—should be a proposal for substantial reform, so that something can be achieved by 2001.

Mr. David Heath (Somerton and Frome): Would it surprise the hon. Gentleman if I told him that the view that he has just ascribed to the Prime Minister is exactly the same as the one that was presented year after year by the right hon. Member for Suffolk, Coastal (Mr. Gummer), who required consensus between the then Association of County Councils, the Association of Metropolitan Authorities and the Association of District Councils on reform of the area cost adjustment? That requirement is precisely why no change was ever made.

Mr. Lansley: The hon. Gentleman may make that point, but we are not here to debate the previous Conservative Government. Moreover, it was the previous Administration who instituted the Elliott review, which provided a basis for the work. He may also care to read my Adjournment debate of July 1997, in which I acknowledged that the Government had a responsibility to undertake further work and that the specific costs inquiry was intended for that purpose.

The question is, which Government made promises to change the system, which Government undertook the second review to do it, and which Government had the material on which to do it, but have failed to do it? The answer is the current Government.

Mr. David Taylor: I agree with the hon. Gentleman that there is still some way for the Government to go in reforming education finance. However, does he agree that the problems and difficulties that we need to resolve pale into insignificance compared with the distortions that the previous Administration incorporated into education finance in relation to, for example, grant-maintained schools and the chronic neglect of the fabric of British schools, including information technology systems? The current Government have dealt with those matters in a major way.

Mr. Lansley: The hon. Gentleman is tempting me into the debate on grant-maintained schools. I should dearly love to do that, because many of the schools in my constituency that were grant maintained, but have lost that status precisely because of the Government's interference, were exhibiting precisely the qualities that the hon. Member for Cambridge exhorted when she said that the county council should be passing money to schools.

I should add that the hon. Lady should have applied that principle not only to the county council but, even more so, to the Government. The need for the principle to be applied to the Government is demonstrated by the size of the standards fund and by the fact that the annual report of the Department for Education and Employment lists 38 schemes—I counted them the other week—by which the Government are top-slicing money for this and for that. The Department has even top-sliced the SSA to cover the teachers pay and performance review. If the principle of getting money into schools applies to the county council, it applies even more to the Government—who are engaging in bureaucratic management from desks in Whitehall, rather than concentrating on supporting teachers at desks in schools.

Mr. David Chaytor (Bury, North): Although we are not debating the previous Government's record, we are concerned about consistency. Did not the previous Government say, year after year, that there was no agreement among local education authorities, and use that as an excuse for not changing the system? The real question is, which Government are now about to publish a document that will introduce proposals for the definitive reform of the system that I think all hon. Members in the Chamber desire?

Mr. Lansley: The hon. Gentleman is a rampant optimist, as the Government may or may not make such proposals—although such proposals already existed. There were 23 proposals in the specific costs inquiry on mechanisms to reform the area cost adjustment, but the Government chose to adopt none of them. If consistency is what he is looking for, he should have been there making that point—perhaps he was—in December 1999, when the Deputy Prime Minister said that he was dealing with the unfairnesses in the grant distribution system and the standard spending assessment. He clearly did not deal with unfairnesses in SSA in December 1999. He did not do what the Prime Minister, back in 1997, had promised my constituents, and, I think, what he had promised the constituents of the hon. Member for Cambridge. I am afraid that the Prime Minister and the hon. Lady will have to suffer, at the minimum, the embarrassment and, potentially, the harm that will come when, at the next general election, my constituents and theirs realise that that promise has not been fulfilled.

[Mr. Lansley]

I hope that the Minister will be able to give us a positive statement on what will be said in the document that will be published in July.

11.26 am

Mr. David Chaytor (Bury, North): I, too, should like to congratulate my hon. Friend the Member for Cambridge (Mrs. Campbell) on initiating this debate. It is extremely timely in view of the imminent publication of the Government's proposals, which I believe are expected in July. The matter is extremely important for the local authority in which my constituency is located.

Although I do not necessarily wish to contradict the hon. Member for South Cambridgeshire (Mr. Lansley), on the figures that I have, Cambridgeshire is not the lowest-funded local education authority by any stretch of the imagination. For the current year, the standard spending assessment for my local authority of Bury is £2,299, whereas it is £2,313 for Cambridgeshire. In my local authority, the secondary SSA is £2,941, whereas in Cambridgeshire it is £2,964. I should like, therefore, to shift the emphasis a little from Cambridgeshire and describe very briefly some of the difficulties faced by the local education authority in Bury.

Mr. Lansley: There will be a limit to how often we can trade statistics, but my hon. Friend the Member for Hertsmere (Mr. Clappison) has very kindly supplied me with the figures. According to an answer given on 10 May by the Minister for Local Government and the Regions, for 2000-01 Bury has an SSA per head of £782, whereas Cambridgeshire has an SSA per head of £613—which, according to the Department's table, is ranked 150th out of 150 education authorities—*[Interruption.]* The hon. Member for North-West Leicestershire (Mr. Taylor) interrupts, but—

Mr. Deputy Speaker (Mr. Frank Cook): Order. The hon. Member for South Cambridgeshire (Mr. Lansley) is making an intervention, not a speech.

Mr. Chaytor: I think that the confusion may have arisen because I am quoting education SSAs, not per capita SSAs.

Mr. James Paice (South-East Cambridgeshire): The point is that there is a direct correlation between the education SSA and the SSA per head. The hon. Member for Cambridge (Mrs. Campbell) failed to emphasise the point that Cambridgeshire county council, under several different political leaderships, has consistently added to the education SSA, because it was not enough. However, as she said, the council has done it at the expense of other services. The fact is that, if the overall education SSA were higher, it would be much easier not only to pass on education SSA increases, but to improve the other services that have had to suffer, rightly, to maintain the higher level of education spending.

Mr. Chaytor: Of course there is a relationship. The hon. Gentleman's argument is exactly the same as the one that we in Bury put to the previous Government. Our local education authority spent at about 10 per cent. above SSA to ensure that schools were adequately funded. It is interesting that, in the year before the last general election, our capacity to spend above SSA was almost entirely taken away by the spending cuts in the Conservatives' last Budget.

I shall move on from trading statistics relating to Bury and Cambridgeshire and focus entirely on Bury. In addition to being in the bottom sixth of authorities for education SSA, Bury is one of the smallest metropolitan districts in the country, and the combination of low funding and small size causes particular problems. Bury has historically been underfunded—it was underfunded by Conservative Governments throughout their 18 years in office—but, as I said, the local authority was able to compensate by spending above SSA. It spent about 10 per cent. above SSA for several years, which provided a degree of protection to Bury schools and laid the foundation for their now widely recognised excellent quality. That capacity was taken away by the Conservatives' last Budget. As a consequence, the local authority had to cut education funding by 10 per cent., which resulted in dramatic cuts in local school budgets. That became one of the most important themes of the general election campaign in my constituency.

At this point, I shall draw another comparison between Bury and Cambridgeshire. It will be the last, because I am not criticising my local authority in any way—it is one of the best-regarded local authorities in the United Kingdom. It received an excellent Ofsted report and it is highly regarded by schools in the district, which is an important test of an LEA's value. Despite the historically low funding, the local authority's fine track record of making valiant efforts to compensate for that means that it has delivered, through local schools, remarkably high achievement. In SATs and GCSE results—I regard league tables with some scepticism, but that is the raw information we have to work with—Bury is always one of the best-performing metropolitan districts. In terms of key stage 2 results, it is one of the best-performing districts in the United Kingdom.

I concede that some might say that, even if it is poorly funded, the authority has recorded high achievement, which undermines the argument for an increase in funding. My response is to say that that high achievement has been achieved by staff, both at the LEA and in schools, working in excess of reasonable expectations. They are overworked, stressed and exhausted, entirely because the funding available to them is significantly less than the national average and significantly less than that received by districts that, to all in intents and purposes, are similar or even parallel in terms of socio-economic indicators.

That brings me to the index of social deprivation produced by the Department of the Environment, Transport and the Regions. There is an interesting contrast between Bury's positions in the SSA league table and in the index of social deprivation. I realise that the index is under review and that consideration is being given to new methodology, but in the 1998 aggregate index of social deprivation, Bury is 116th out of about 355 local authorities—not all of which are LEAs, of course. Therefore, we are in the bottom third of authorities in terms of socio-economic indicators. However, in terms of education SSA funding, we in the bottom sixth of authorities; in primary SSA, we are 126th out of 150 LEAs; and in secondary SSA, we are

128th out of 150 LEAs. There is a clear discrepancy between the methodology used to arrive at education SSAs and that used to compile DETR's index of social deprivation. That discrepancy between Bury's socio-economic status and the funding the authority receives is the cause of our concern.

There are weaknesses in the system. The hon. Member for South Cambridgeshire mentioned the area cost adjustment, which is the subject of our strongest criticism as well. He also said that the Government have not changed the SSA methodology, but that is not strictly true. I recall that a change was made two years ago to the social services SSA to cover the element relating to children's services. There was almost, but not quite, a change made to the additional educational needs allowance. However, a significant feature of the debate in the past two years is that, finally, all sides have come to agree that the area cost adjustment is no longer an accurate or sustainable measure by which to allocate SSAs.

The area cost adjustment gives a significant advantage to London boroughs. No one denies that London boroughs have special needs that have to be addressed, but it is ludicrous that the 20 best-funded authorities in the education SSA league table are all in London, whereas in the index of social deprivation the ratio of the major midlands and northern cities to the poorest London boroughs is about 50:50. There is clearly a problem in distribution between north and south.

Another problem is that all London boroughs and those on the fringes of Greater London benefit from the impact of the area cost adjustment, regardless of the precise needs of their area and their position in terms of socio-economic indicators. Therefore, many boroughs located in the leafier suburbs receive a generous benefit and, even within authorities, many schools located in leafier suburbs receive the general benefit from the increase in authority's funding attributable to the area cost adjustment.

We have made progress in the past two or three years, albeit not as much as we would have wanted. I welcome the announcement of the publication in July of the Government's paper—I am not sure whether it will be a Green or a White Paper. My local authority, Bury's schools and I are not ungrateful for the changes that have already been made—for example, the year-on-year increase in SSA for the past three years, the new funding through the standards fund, and the new deal for schools. In the last year of the Conservative Government, about 50 per cent. of primary school classes had more than 30 pupils, whereas, as of this September, no child in Bury will be in an infant class of more than 30 pupils. There has been a significant increase in funding. Like my hon. Friend the Member for Cambridge, I regret that the standards fund and the new deal have not been used more specifically to correct the deficiencies inherent in the SSA mechanism. The Government could have done that over the past two or three years. None the less, we are grateful for the extra funding.

My main point is that the current SSA system is unsustainable and methodologically unsound. The results stand in contrast with the DETR index of social deprivation because the two methodologies used contradict each other. Reform is needed. To an increasing extent, we are operating a national system of education: teachers salaries are set nationally and we have a national curriculum. There is clearly a minimum amount of spending needed to run a school successfully in any part of the country, so we must examine the possibility of setting a national minimum level of funding. In the interests of fairness and equity, that funding should not vary much between different parts of the country. I support the E40 group of local authorities, which is campaigning for a basic standard of funding that does not vary by more than 5 per cent. from the median SSA for all local authorities.

11.39 am

Mr. Steve Webb (Northavon): I shall be brief because I know that several hon. Members wish to speak.

I congratulate the hon. Member for Cambridge (Mrs. Campbell) on securing this important debate. The first of my three points is to thank her for her role in the all-party group that is trying to tackle the issue on an all-party basis. So far this morning, we have—perhaps understandably—slipped into a bit of a party political dogfight, but the only way forward is for us to come together to recognise common cause. Sniping at each other's records or achievements does not help to achieve a fair deal for all authorities of all political complexions. I hope that we can maintain that cross-party drive, because we will make more progress by doing so.

Secondly, I continue my campaign to ensure that, when the Minister is opened up, the words "South Gloucestershire" are written across her heart. Statistics have been traded, but if I may, I shall quote just one. Of all unitary and metropolitan authorities and shire counties, South Gloucestershire is at the bottom of the league for primary education funding.

I mention that because South Gloucestershire is a young authority. It was created as a shadow authority in 1995, but it is like a child who has been shackled from birth. In every year of its existence, under both major political parties in government, it has been bottom of the table and never received fair funding. That is a dreadful birthright for a new authority which wanted a bright new start.

The Minister knows that I am concerned that the position is made worse by out-of-date data. Many children regularly move into the area, but official figures take a long time to catch up. I have even offered to type them in myself if it would speed up matters. I implore the Minister in this age of the internet and modern technology to consider the use of provisional school numbers. If they turn out to be wrong, adjustments can be made the following year. It is unacceptable for funding to take nearly two years to catch up with pupil numbers. We end up educating a primary school's-worth of pupils for not below average funding, but for nil money. Therefore, we suffer a double whammy: less funding per head than anybody else and many invisible pupils. That is the background against which we are working.

I pay tribute to my local authority, South Gloucestershire, as the hon. Member for Bury, North (Mr. Chaytor) has to his. It has achieved very good results—not least because it is having to spend well above the standard spending assessment for education.

[Mr. Steve Webb]

That extra is found by putting up council tax by much more than anybody would want, and by starving some other vital community services. A low education SSA has a knock-on effect on the range of council services. Many of the things about which people complain in our surgeries are rooted in the fact that education, which my authority prioritises, is starved of adequate cash.

To give an indication of the magnitude of the problem, my authority has calculated that, if it received average education and social services funding, the council tax could be not £20 or £50 but £200 lower. To put that another way, the authority could spend more on education and other services and the council tax could still be lower. The scale of underfunding is huge. In a band D council tax of about £820, £200 makes up the shortfall. My constituents are very angry about the council tax that they must pay. They recognise the council's commitment to education, but such underfunding surely cannot be allowed to continue.

My final point is about how long such underfunding will go on. I hope that the Minister will give a clear idea of time scale. My worry is that, following the consultation paper—perhaps no more—in July and completion of consultation on it, there is no way that, on the brink of an election, there will be any change by April 2001. Therefore, adjustments will probably not be made until the financial year 2002-03. Presumably, in any change, there will be many gainers and many losers, but the Government will not want big losers. Unless there is significant extra money, there will be no big gainers. Therefore, it will be years before the injustice disappears. Children who entered school when the Government were elected in 1997 will have probably completed their primary education and have missed out before the problem is rectified.

I hope that the Minister will give a clear indication that, during the transition, additional money will be made available to oil the wheels in order to protect the losers, so that those who have suffered rough justice will not be told that they will have to wait another five years for a fair deal.

11.44 am

Mr. David Rendel (Newbury): I am also delighted that we have had this important debate, as I am part of the group of 40. Needless to say, I would not be in that group if my local education authority, West Berkshire, were not among those most poorly funded under the standard spending assessment system. I am sorry to see that and hope that something will be done about it. The Government have a wonderful opportunity to do so in the spending review this summer. I hope that we shall see more funding for education, particularly for authorities that are among those least funded.

My point about West Berkshire is not the main subject of my remarks. I should like to make a much more fundamental point about the methodology under which SSAs are calculated. There is an important lesson to be learned in considering future methodology.

As I understand it, the current system is an attempt to decide the standard spending assessment in each area according to need. Obviously, the number of pupils, both primary and secondary, is the main consideration, but SSAs are also based on the number of pupils with additional needs of one sort or another—whether they come from single-parent families, have parents who live outside the United Kingdom or whose parents are on income support—on sparsity, which affects the size of schools and the amount of school transport needed, on the number of pupils who are eligible for free school meals and on the area cost adjustment. Most of us would accept that all those indicators in some sense affect educational needs. The question, however, is how much weight is given to each indicator.

The weight is calculated through regression analysis of education spending in each area in 1990-91. The system works only if one assumes that such spending was a fair indication of each area's needs. The flaw in the logic of the methodology is that we do not know whether such spending was an accurate indicator of real need. Indeed, it is fairly clear that it was not. In 1990-91, a number of shire authorities were Conservative-controlled, and spending on education in them compared with that on other things was probably lower than in areas elsewhere. On the whole, the emphasis in those shire counties was to try to keep down local taxation.

It is not my case to argue whether that was right or wrong; it does not matter to my argument whether it is politically more sensible to try to keep down local taxation or to push up education spending. My point is that, if one assumes that education spending in that year is dependent on need, one fails to take into account the fact that some areas were keeping down their education spending for political reasons rather than because their needs were not as great.

Mrs. Anne Campbell: I am grateful to the hon. Gentleman, who makes the point well. It is one that I shied away from making. It is certainly true that Cambridgeshire county council, which was a very low-spending authority in 1990, has suffered from that legacy ever since. I hope that that will be put right by the White Paper.

Mr. Rendel: I thank the hon. Lady for that intervention.

On the whole, those areas that were controlled by authorities that were trying to keep down local taxation tended to be ones with comparatively high sparsity and comparatively few pupils with special needs, whereas those areas where education spending was higher and the need to keep down local taxation was less of a priority tended to be ones with lower sparsity and more pupils with additional needs. The regression analysis may simply show which parts of the country were controlled by which party rather than the real weight that should be attached to the different need factors.

If we continue to use such regression analysis, we will always come up against that problem. To make sense of such analysis, one would have somehow to find a year in the past in which the spending of local education authorities was in proportion to each area's real needs. If it is not true that 1990-91 is such a year, it is even less true that any subsequent year is, because education spending has continued to be based on what it was in 1990-91 and the flaw has been maintained throughout. If we were to choose a year before 1990-91, we would

have to find one in which every authority in the land was governed by the same party or at least had the same weight given to the area's real needs. Frankly, there is no such year.

My point is not only that West Berkshire would like some more money but that, more importantly, the use of regression analysis to discover what weight should be given to the various additional needs of different education authorities has a basic logical flaw. I beg the Government, when they come up with their new system, not to use such analysis but to try to come to an objective view of what extra money should be given to each area because of sparsity or special needs.

In practice, the Government have already accepted that regression analysis does not work, because the value that would be given to the sparsity factor according to such analysis is lower than the value that is currently given. It has become clear from the level of funding that is given to local education authorities with a high sparsity factor that the regression analysis has failed to come up with an adequate value. The Government have had to intervene and give an artificially high value.

Having accepted that such analysis does not work, I hope that the Government will abandon a false methodology that inevitably leads to a formula that is not fair and does not provide for the real needs of an area. I hope that they will look for a more sensible way of calculating the weight to be given to each value in future.

11.54 am

Mr. David Taylor (North-West Leicestershire): I want to highlight the Leicestershire position and to endorse the comments of my hon. Friend the Member for Cambridge (Mrs. Campbell), whom I congratulate on securing this debate at precisely the right time. We may be having a Dutch auction concerning who has the lowest SSA per capita, but Leicestershire is at the bottom of the league tables for county, not unitary, authorities. We are 6 per cent. adrift of the county average for primary and secondary pupils and about 12 per cent. adrift of the best-funded county, Hertfordshire.

We are pressing my hon. Friend the Minister to ensure that a more equitable system results from the review, which is at such an advanced stage. Yes, we want a national pupil funding rate and a minimum education funding level, but we must not fail to recognise the key measures of social deprivation—London weighting and rural weighting—and squeeze out those attempts to create a fairer system. We all know that there is no absolutely fair system, no holy grail in some cellar of the Department of the Environment, Transport and the Regions that, when opened, will reveal the perfect SSA formula, but we want to alter the mechanisms at the fringes in a way that will improve matters significantly for our own authorities.

I strongly welcome the recent initiatives, especially in the last Budget, for some direct funding of schools. I chaired the governing body of one of the largest schools in Leicestershire, Ashby Grammar school—despite its name, a comprehensive—until the general election. The last governors' meeting that I attended was heartened and encouraged by the announcement that we were to receive £50,000 for our standards fund, and that is most welcome.

This may seem perverse, but I would caution against going too far down the path that leads to very high levels of funding going directly to schools, because that way lies the inevitable demise of local education authorities. I am troubled by the language that I hear, sometimes from Ministers but more often from Opposition Members, about local education authorities top-slicing and siphoning off funding that is intended for schools. If we are not careful, we will starve and accelerate the end of some well-regarded education authorities, with Leicestershire among them.

Leicestershire was one of the very first authorities to introduce an effective system of comprehensive education when the 11-plus was widespread and to introduce high-quality community education. We are highly regarded not only in the United Kingdom but in Europe for the musical, literary and cultural dimension in our schools.

I hope that there is no hidden agenda to let local education authorities wither on the vine. If there is, I cannot subscribe to it. Poorly funded though Leicestershire is, we are immensely grateful for the huge strides that have been made since 1 May 1997. The improvements in our overall grant and other forms of finance outstrip the gaps that we still have.

Let us put the matter in context. There are still one or two steps that my hon. Friend the Minister can take to ensure that the Department of the Environment, Transport and the Regions responds effectively and provides an adequate formula, but let us not overstate the case or have a secret agenda to end LEAs, particularly in areas with a record like Leicestershire's.

11.58 am

Mr. David Heath (Somerton and Frome): I congratulate the hon. Member for Cambridge (Mrs. Campbell) on securing a debate that I have been trying to get for the past two months. She obviously has some secret that I do not share. I also congratulate the many hon. Members who have spoken today. There is an element of repertory company about this debate. My hon. Friend the Member for Northavon (Mr. Webb) and I have certainly had many debates on the subject with the Minister, and it is good to see that some of the old arguments are being rehearsed yet again. They are arguments that we have been urging both at Westminster and elsewhere for many years.

One of the problems is that there was a real expectation, or at least aspiration, that the new Government would introduce changes in this area, and many of us whose education authorities are losers have not seen the changes that we had hoped for. Indeed, to some extent, the distortion in the SSA distribution is increasing, which means that the disparities between the authorities with the highest funding per pupil and those with the lowest are increasing all the time. That is difficult to accept for the education of children in our areas.

I shall start with some basic premises. We cannot get away from the need for a distribution system, and whatever system is chosen will inevitably have its complexities. We should also accept the fact that there will be differences in the total amount of funding available to pupils in different situations in different parts of the country, because there are differences in needs. A simple flat rate would not achieve the sort of education system that we want to see.

[Mr. David Heath]

We should also accept the fact that some variation is acceptable, but it could reach a level that is unacceptable and that is the difficulty that many of us perceive in the system at the moment. The variation has grown to such an extent that it is clear that some children in some schools are not getting the entitlement that they should expect from a state education system in comparison with their better funded peers elsewhere.

Many components contribute to that, and we have already discussed some of them. For example, the area cost adjustment is significant. We have discussed that over the years, and we have asked what possible justification there can be for a system that gives additional funds to London and the home counties to meet so-called additional employment costs that simply do not exist, because we have a national wage rate for the major labour areas of teaching, the police and other services. Indeed, the argument could be made the other way that in some parts of the country—the west country, the midlands and the north—teachers tend to stay longer in their schools and reach the higher end of the scales, so that they cost more than teachers in London schools. That is why the area cost adjustment has been described in my part of the country for many years as a tax on the west. It is equally a tax on the midlands, the north and East Anglia, but not the home counties, which do very well out of it.

Ministers have adduced the argument that stability itself provides a value. My argument—and the Minister has heard it before—is that stability of injustice is not stability but perseverance with an unfair system. Although I acknowledge the fact that we seek stability of funding throughout the education system, we want stability of fair funding, not stability of an unfair system.

My hon. Friend the Member for Northavon and the hon. Member for South-East Cambridgeshire (Mr. Paice) have made the point about the effect on other services of an inadequate education SSA, and it applies within the education service and outside. If a local authority does not have sufficient funding for education, it still has to channel what it has into the statutory education service, because that is a principal responsibility. The effect is that the non-statutory sector loses out. Other essential services have to be robbed to maintain the education service. The social services do not receive the money that they should and highway maintenance is affected.

In Somerset—I was trying not to mention Somerset too often, but I have failed—we have, for many years, moved massive amounts of money out of the highways budget into education to fund our schools and that has the obvious knock-on effect that the roads do not get mended. People eventually wonder why they are paying higher council taxes but getting a lower service for their roads, and they are right to do so. It is a political decision that we are happy to take, but it is based on a basic injustice in the national system of distribution.

We have already touched on the impossibility of reaching a consensus on the issue, and I urge Ministers not to retreat again behind the facade of waiting for consensus from the Local Government Association. That would be like waiting for Godot. It is not possible to achieve consensus, because that would mean that some members of the LGA were failing in their duty to represent their areas properly. Consensus cannot be achieved, because any system would create winners and losers—and the losers cannot be expected wholeheartedly to support that system. For many years, I represented the Association of County Councils in its negotiations with Government, and every time the right hon. Member for Suffolk, Coastal (Mr. Gummer), the then Secretary of State, would say, "Well, you do not agree about the matter, therefore, we cannot do anything." That is not acceptable, because it is the Government's responsibility to make the system fairer.

The Elliott review has been mentioned, but I hope that the Government do not go back to it. It was a disastrous review that made matters worse rather than better in many parts of the country. It was based on false premises and arrived at the wrong conclusions. I hope that we hear no more about Professor Elliott and his review.

The Government have, in previous answers on this issue, laid stress on the other funding mechanisms that are available and the extent to which they have been used to mitigate the unfairnesses in the SSA. It is true that, up to a point, standards funds and other funds have been used for that purpose, but, first, they are no replacement for basic, stable funding. Secondly, they put too much power in the hands of Ministers to decide what is appropriate, rather than the schools themselves—which is where we would like to see it. Thirdly, they involve new thresholds. In my constituency recently, we had the ridiculous situation in which a primary school lost £3,000 from the Government's welcome initiative to provide more money simply because its roll, which had been at 102 for the past six years, dipped to 99 because one family moved in the crucial month. A new family has moved in, so the school roll is back over the hundred mark, but the school has still lost the £3,000. That is an illustration of the blunt instrument of the thresholds for funds. The bidding system itself consumes huge resources.

Adjustments in the distribution formula will be made effectively only in the context of rising overall budgets. If there are real-terms losers across the system, people will object—and rightly—if their schools lose money because of a change in the system. If budgets are rising, a differential can be introduced that enables the poorest authorities to catch up a bit. That is what we ask Ministers to do.

We seek a system based on fairness and an entitlement on the part of children and schools to a basic level of funding. The proposals from the all-party group form one way of achieving that. I do not claim that that is the best way, or that the proposals accord with any party's policy position. The mechanism that has been put forward would not create effective losers, because it does not address the issue of the London boroughs: instead, it proposes that the least well funded authorities should have an increase to bring them up to the level of the median. I hope that the Government will take that seriously. The Government profess an interest in education and social justice, and this is a clear illustration of how they can put that into effect.

Ministers in the Department for Education and Employment understand the arguments very well, but the question is whether they are able to put them

sufficiently forcefully to their colleagues to achieve real change in the system. What is the timetable for that change? Those are the questions that we would like the Minister to answer today.

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. The hon. Member for South–East Cambridgeshire (Mr. Paice) has indicated that he would like to make an extremely brief contribution. He has listened to the whole debate, and I intend to call him.

12.10 pm

Mr. James Paice (South-East Cambridgeshire): I shall start my very brief contribution with an apology for the fact that I missed the first minute of the speech by the hon. Member for Cambridge (Mrs. Campbell). I congratulate her on securing this debate.

The central issue is clear cut. My hon. Friend the Member for South Cambridgeshire (Mr. Lansley) has already spoken about the Prime Minister's broken promise of April 1997. It is nonsense to say that the matter was reviewed. Any fool can hold a review if all it amounts to is looking at the books and then closing them again. A review needs to be comprehensive, and the Prime Minister's promise will not be fulfilled if no changes are made.

The hon. Member for Cambridge criticised Cambridgeshire county council for not spending more than £4.7 million above the education SSA. However, as my hon. Friend the Member for South Cambridgeshire noted, the Government said, in their first 18 months in office at least, that SSAs were designed to provide a standard level of provision. Therefore, if Cambridgeshire were to spend at the level that the Government consider to be the standard level of provision, £4.7 million would be cut from the education budget.

Finally, the hon. Member for Cambridge spoke about transferring other resources as what she called an "add-on" to the education SSA. However, that money would have to come from other services. The hon. Lady criticised the county council for taking £3 million out of education for use in other services a year or so ago, but she failed dismally to suggest which of those services should have borne a budget cut. In the year to which the hon. Lady referred, the social services budget was given a zero rise and so could not possibly have absorbed a cut. That means that roads, public safety, or some other service would suffer.

Thank you, Mr. Deputy Speaker, for allowing me the opportunity to contribute to the debate. Cambridgeshire people feel very angry about this matter. They see what happens over the county border and they believe that the April 1997 promise made in Cambridge to the *Cambridge Evening News* has been broken. Come the next general election, they will remember that broken promise.

12.12 pm

Mr. James Clappison (Hertsmere): I, too, congratulate the hon. Member for Cambridge (Mrs. Campbell) on securing this debate. We have heard good and well-informed speeches from my hon. Friends the Members for South Cambridgeshire (Mr. Lansley) and for South–East Cambridgeshire (Mr. Paice), as well as from the hon. Members for Bury, North (Mr. Chaytor), for Northavon (Mr. Webb), for Newbury (Mr. Rendel), for North–West Leicestershire (Mr. Taylor) and for Somerton and Frome (Mr. Heath).

Two points of controversy arise from the speeches by the hon. Member for Cambridge and by my hon. Friend the Member for South Cambridgeshire. My hon. Friend the Member for South-East Cambridgeshire referred to the promise made just before the general election about the area cost adjustment. There are many differences of opinion on the matter, and the hon. Member for Cambridge offered a defence of the Government's actions, but it is fair to say that nothing came of the Prime Minister's promise. People in Cambridge who relied on that promise will have been disappointed.

My hon. Friend the Member for South Cambridgeshire underlined the extent of that disappointment, when he referred to figures contained in a written answer given by the Minister. It seems that all the hon. Members present for the debate represent authorities that are bottom of the league, but the Department for Education and Employment statistics in the written answer of 10 May show that, on the basis of standard spending assessments per head of population, Cambridgeshire education authority comes 150th out of 150.

That is slightly surprising, as the hon. Member for Cambridge said that Cambridge—and, no doubt, other parts of Cambridge—has its own particular needs. I understand that Cambridgeshire has a rising pupil population.

Mr. David Taylor: Will the hon. Gentleman give way?

Mr. Clappison: I am afraid not, given the time constraint. I shall come to the point that the hon. Gentleman made earlier in a moment. As he knows, tables of SSAs per head of population are important, given the knock-on effects on other services. My hon. Friend the Member for South–East Cambridgeshire underlined that, as did the hon. Member for Northavon.

Why is Cambridgeshire bottom of the league? Is there a clue in the identity of the authority in 149th place, which is Oxfordshire? I began to wonder whether the residents of those authorities were being punished for the presence of elitist institutions in their midst, but I believe that more of an explanation can be found in the detailed speech from my hon. Friend the Member for South Cambridgeshire. His analysis of the changes that have taken place in SSA distribution under this Government was correct. The changes have happened quietly, while the Government held the review and prepared the Green Paper.

The Government appear to have shifted away from the previous system, which took into account needs, costs and resources. The priorities have changed, and weight is now placed on different factors. That has disadvantaged shire counties such as Cambridgeshire.

Mention has been made of SSA per pupil. Cambridgeshire has slipped markedly down these rankings too during the lifetime of the Government and is now further below the average for SSA per pupil than it was in 1997.

[Mr. Clappison]

Other changes have taken place since the election. There has been a shift in resources allocation within the SSA, and there has been a very important change in the proportion of SSA funding devoted to core funding for schools. As my hon. Friend the Member for South Cambridgeshire said, that amount has shrunk since the Government came to power. It has been estimated that this year the proportion of funding devoted to schools from SSAs, after local authority contributions are taken into account, will be 92.4 per cent. In 1997-98, the proportion was 98.2 per cent.

Although it is right to say that the proportion of funding for schools coming through the standards fund has grown, that has been at the expense of the proportion devoted to core funding. Many people have pointed to the consequences for schools. Dr. Keith Major of the Wiltshire Association of Governors found that the core funding for his school fell well short of what the Government promised. In an open letter to the Secretary of State, he said:

> This does not take account of the additional funds for specific purposes available to schools from the Standards Fund. It does seem ludicrous to be having to consider further redundancies in support staff only to be recruiting others, albeit on short-term appointments, supported by the Standards Fund. It should not be necessary for a school to have to rely on this fund to maintain the basic activities of a school.

The debate has to be set against the background of a system that has become ever more complex. It was never exactly straightforward, but the Government have heaped extra layers of complexity on it. They have channelled funds through many different streams of funding, to the perplexity of schools, governors and local education authorities alike. We want a more straightforward system that will bring more direct funding to schools. Money should follow schools, and heads and governors should take their own decisions.

Judging by the contributions from the hon. Member for Cambridge and others, we appear to have some support from hon. Members who want more direct funding for schools. In contrast, the Government seem to want to create a very complex system.

We shall wait and see whether the Green Paper will introduce a more straightforward and fairer system, but we doubt that it will remedy all the cries of disappointment. We believe that those who want a more direct and straightforward system will be disappointed by the Green Paper but it is possible that they will get some consolation and satisfaction in the fullness of time—which may be a shorter period than is currently envisaged by Labour and Liberal Democrat councils.

12.20 pm

The Minister for School Standards (Ms Estelle Morris): May I first congratulate my hon. Friend the Member for Cambridge (Mrs. Campbell) on securing the debate? She told me last night that she first requested it more than two months ago, so the hon. Member for Somerton and Frome (Mr. Heath) has some time to wait yet.

I find myself in an unusual position, although it is always the same when we debate standard spending assessments. I do not disagree significantly with the comments of most hon. Members who have spoken in the debate. There is a genuine issue about authorities that are underfunded. It is perhaps opportune that we are in Westminster Hall, where we do not tend to sit in such party political groupings. In the debate on SSAs, the dividing lines of the battle are not drawn along political lines. There is no member here today who represents an inner London borough. As the hon. Member for Hertsmere (Mr. Clappison) did not say so, I will say on his behalf that we are the only two Members here whose constituencies are not massive losers because of the SSAs that relate to Hertfordshire and Birmingham.

Of course there are massive disparities. I do not for a minute defend the fact that children who go to school in Bury, Cambridge, Northavon, Somerset in Oxford or anywhere else should be worth less than those who go to school elsewhere in the country, or that their teachers should have to manage with fewer resources.

The hon. Member for Newbury (Mr. Rendel) summarised the position. In the past, the formula was not perfect, but it has become less perfect as we have tried to adjust it year after year. It is like trying to keep a leaking boat afloat. We plug each hole as it arises, but new initiatives cause funding problems, so we knock the balance out of the funding system elsewhere.

Hon. Members will know, because I have talked about it so often, that I am deeply unhappy at having to explain a system that is flawed. I wish it were otherwise, and I, too, wish that it could have been changed in a year. I will come on to that in a moment. However, the Government do not believe that the way in which schools are funded and the inequality in funding between children in different areas is somehow defensible for reasons of social justice or fairness. To that extent, we are all on the same side.

Since the election, there has been far more public concern about the funding system, yet it is the same as it was before the election. Opposition Members say that that is because expectations were raised and the change was not made in the first year. The Government were right to put this on the agenda. They were right to be open and say that the funding system was not fair enough. I suspect that it was not on the agenda before the election and was not such an issue of public debate across the country because not only did the previous Government do nothing about it, but they did not put it on the agenda or draw attention to it. Not only did they not try to rectify the system, but they never publicly acknowledged that it was wrong.

I do not want to be party political about this, however, because I agree with Opposition Members who have said that the only way to get this right will be to look at the country as a whole. For once—and this will be tough for all of us—we must put party political differences aside and try and secure a system that will give local politicians, whatever their party, an equal chance of running an education service that they can be judged on, without being hampered by inequalities in the system.

The issue is probably more in the public domain now because as more money is pumped into education, the formula becomes more important. If the formula is not fair to begin with, inequality is piled on inequality. Therefore, one is made angry twice, thrice, four, five and

six times. Not only was the base budget not fair in 1997, but Members, local authorities and parents have seen a Government who have honoured their commitment to putting more money into education, and as long as the flawed formula is used, people feel that they are suffering even more than they did in the past.

We could have distributed the £50 million that was made available in the Budget. A number of hon. Members have mentioned this. It would have been reasonable; it might even have been expected. We could have distributed it along SSA formula lines. It would simply have meant that the constituencies of hon. Members here today and others like them would not have received as much money, while others, like me, would have seen schools in our constituencies benefit from more money. I think that what we did was right—it was a small sign, a small acknowledgement. We paid that £50 million through a special grant and, where possible, we took the opportunity to distribute it as a flat rate. There was an element of rough justice in its distribution—I feel desperately sorry for the school that lost its pupils—because it was done quickly, and we wanted to make it as simple and fair as possible.

In the time I have left, I want to concentrate on what we are going to do about it. I accept that there is an obligation to do something. I say openly that I would be deeply unhappy if the Government said in July, "Sorry, we could not get agreement, and will not do anything." Let us go back to what happened—I was there, and I know. It was not a case of opening the books in the first year and saying, "Dear, dear, we can't get agreement, let's move on." There was a more honest and detailed attempt to adjust the formula in the first year.

I take seriously what hon. Members on both sides have said—that if we wait for the Local Government Association and everyone to agree, we will never get anywhere. The Government are responsible for making the decision. We have to accept what the hon. Member for South Cambridgeshire (Mr. Lansley) said—that is why we were elected, and we will have to carry the can whether we get it right or wrong.

The Government need to know that they have explored, as thoroughly as possible, all the different viewpoints. Any decision they make will, inevitably, not suit some local authorities, parents or schools, but the Government need to be able to say, "We listened and explored the solution that you came up with, but at the end of the day, we could not agree with you."

I will be honest—within the first year that the Government were in office, it was not possible to come to that conclusion. We could have said that we had opened the books, seen the figures, looked at the options and now we are making the decision. I would have felt ill at ease doing that. We need to go through the necessary consultation process and explore the range of options in a way that makes such a significant decision defensible for a long time, because I do not want to have to go through this again. What we come up with in the Green Paper will have to be a system of funding that serves us well for years to come. Otherwise, is not fair to Members of Parliament and pupils—it is not even fair to Ministers, because more time is spent, research done and work undertaken to get this right than can be imagined.

Where do we go from here? I did not see it in the first year, but one of the advantages of having gained some extra time was referred to in a very interesting point made by my hon. Friend the Member for Bury, North (Mr. Chaytor) and by the hon. Member for Newbury. Everyone wants a minimum entitlement, but they want a system that acknowledges different needs in local authority communities. Nobody supports the idea of a minimum entitlement with no added extras. My hon. Friend the Member for Bury, North threw out, for instances, the Department of the Environment, Transport and the Regions indices of deprivation. That is an interesting idea that I had not thought about particularly before. Perhaps the advantage of having bought ourselves three months is that we do not have to build on a system that was flawed because it looks back to 1990. Perhaps we will be able to do something more radical so that we do not adjust the weightings to the values that dictate the SSAs, but change the way in which we measure minimum entitlement and added benefit on top.

Nobody would expect me to say what is likely to be in the Green Paper. I can simply give assurances that the hon. Members of all parties who have, on this issue, been excellent representatives of their constituents and have spoken vociferously will have their voices heard in Government. I will, as I have on many previous occasions, give an undertaking to feed their views back to the Government and make sure that they are a proper part of the decisions and discussions that we will eventually hold.

Steelworkers (Pensions)

12.30 pm

Mr. Denis MacShane (Rotherham): I declare two interests—as I do in any debate on steel. The first is my ownership of 25 shares in Corus, formerly British Steel. The second is a close collaboration with all the steelworkers unions, because steel is the dominant employer in my constituency.

The issue touches some of the poorest members of the community, whose life's work was devoted to making the steel that helped Britain grow during the previous century. It is a story about the age-old struggle between justice and greed. It is an unreported contest between, on the one hand, men and women who felt that a life's honest and honourable work should be sufficient to provide them with a decent retirement and, on the other, the controllers of our nation's financial resources, who have other priorities.

Many pensioners feel that they deserve a better deal—a view that I share for the whole pensioner community. However, in addition to Government, it is time for pension funds to accept their responsibilities. That is not currently happening in the case of retired steelworkers.

Pension funds are so swollen that their size now overshadows modern market economies. They need to be examined properly and made accountable to the men and women whose earnings have contributed to the creation of those new financial behemoths.

The debate is about the most important question in a society in which the rules of the market and the needs of capital are perceived by many to have a higher priority than the decency of human existence and obligations owed by one generation to another. Government must answer the question: who is responsible for the oversight of those huge sums?

According to 1998 figures, UK pension funds currently manage more than £700 billion. The House of Commons Library informs me that, taken with pensions managed by insurance companies, the total amount of pension funds comes to more than £1 trillion. That is more than the gross domestic product of the United Kingdom. Ministers and civil servants manage a total budget of about one third of the sum for which a large number of anonymous, mostly unaccountable, men and women are responsible.

I want to look more closely at the pensions paid to British steelworkers and the use of the pension fund that their past and present labour has created. Does my right hon. Friend the Minister think that the role of the pensions ombudsman should be reconsidered? Do we need to modernise and reform our pension law so that the concept of fairness is added to the fiduciary responsibilities of trustees and managers?

Like Britain's other great industries, our steel industry gave birth to a mixture of pension funds which were amalgamated when the industry was nationalised. When the fund was launched for manual workers in 1973, there were three times as many steelworkers in work—the number was 197,000 in 1975—as pensioners claiming from the fund. There were only 65,000 such pensioners 25 years ago.

The picture has changed. At present, 30,000 steelworkers pay into the fund; 109,000 receive benefits; and 57,000 are waiting for the years to tick to 65—the victims of the anti-manufacturing and anti-industry policies of the previous Conservative Government. They are not helped by the current discrepancy between the pound sterling and the euro; or by high electricity prices and other leftovers from the Conservative era.

Over the past 25 years, the British Steel pension fund has grown from being worth £338 million to its current value of nearly £10 billion. There is a different pension fund for British Steel Engineering Steels employees—many of whom are my constituents in South Yorkshire. My remarks will address the main British Steel pension fund, but my general observations also apply to the Engineering Steels pension fund.

The British Steel 1990 pension fund is extremely well managed; it invests wisely and, thanks to the miracle of compound interest and a judicious mixture of bond and equity investments, it has more than adequately maintained its value to meet all its current and future obligations—and then some. With about half its £10 billion in bonds, the income from those Government-guaranteed securities alone is sufficient to meet all current and future demands.

The question remains as to the rest of the money in the fund. As an American senator once said:

> If you add a million here and a million there, sooner or later you start talking about real money.

In the case of the billions in the steelworkers pension funds and the billions in other pension funds, we have sums that are almost unimaginably large—greater than the GDP of most countries. How should those giant sums be used?

At present, all the cards are stacked in favour of the companies. Of course, they discharge their legal and contractual obligations, but thereafter, those billions of pounds are for their benefit as companies, rather than for the benefit of the pensioners or of the communities that gave rise to that source of wealth.

Let us not forget the origin of that colossal wealth. It was created by steelworkers themselves; either directly, through deductions from their pay packet, or via the contribution put in by the companies. However, that contribution was not company money; it reflects value added, research, good management and the hard, dirty and often dangerous work inside the steel plants of Britain over the past decades.

Until privatisation in 1988, the Government provided a generous pension fund contribution of up to 12 per cent. to match the employee's 5 per cent. That enabled the British Steel pension fund to grow more than tenfold during its first 15 years and ensured that the newly privatised British Steel had a pot of gold, courtesy of the British taxpayer and of a compliant Tory Government who stacked the financial cards in favour of their privatised offspring.

Under a dozen years of private ownership, the fund has increased, but only by a little more than twice as much, in contrast to its much faster growth under public control. Why is that? I do not have time to go into the arguments made by those who are expert in tracing the movements of money inside the British Steel pension fund. However, I stress that, at every stage, the company, the pension fund management and the trustees have acted with full legality. They have not tried to duck questions put by the trade unions or by the

national British Steel pensioners association, whose chairman, Mr. John Batstone, has been most diligent in keeping an eye on the fund and in asking tough questions.

The core problem remains. Under the Conservatives, pension law was so organised that power remained in the hands of the companies, which were able to use that £1 trillion pension fund to bolster their own financial strength, rather than being more generous to pensioners—especially those such as the manual grades in Britain's steel industry, whose enforced early retirement during the great demannings of the 1980s and the steady attrition of the 1990s has often meant that they do not have enough contribution years to secure more than a meagre supplement to the state pension.

There are many examples of major FTSE 100 companies taking what are described as "pension holidays". That means that either the employer or the employees do not pay into the pension fund at all. According to a survey carried out two years ago by the National Association of Pension Funds, more than half of private sector pension funds were taking a contributions holiday. Of course, that is excellent news for a company's cash flow and also for employees. However, the price of such generosity to the firm or to its existing employees is that there is less money—over and above the contractual obligations—to pay the men and women whose previous contributions helped grow the pension funds that can currently be used to oil a firm's financial operations.

The practice may also distort the real financial worth of a company. In the United States, according to *The Wall Street Journal* on 30 May, the Securities and Exchange Commission is

concerned that the pension income is giving less sophisticated investors a distorted view of some companies' health.

Mr. Frank Roy (Motherwell and Wishaw): My hon. Friend has referred to the manual grades of steelworkers, and he is aware that pensions not only take the type of holiday that he mentioned, but that thousands of steelworkers lost their jobs in the late 1980s and 1990s. They transferred their British Steel pensions to private pensions, and I am a member of that group because I received a manual grade pension after I was made redundant when the Ravenscraig plant closed. My British Steel pension was worth £32,000, but three weeks ago, I was informed that my pension had been mis-sold—the sum concerned is £11,000.

I took the trouble to find out what would happen to my pension, but does my hon. Friend not agree that ex-steelworkers need to be made aware of what is happening and that such cases needed to be cleared up as quickly as possible? Like the people who currently work in the industry, those steelworkers built it up.

Mr. MacShane: I very much agree with my hon. Friend. As I shall say later, I believe that there is enough money in the British Steel pension fund to clear up such anomalies. Steelworkers and the pensioners of this country will never forget the crime committed by the private pensions swindle. They declared their verdict on that on 1 May 1997 and it will take a generation or two before the dishonesty is forgotten.

Thanks to taxpayers' generosity prior to privatisation, the British Steel pension fund has been consistently able to report surpluses in each year since 1990, when the new scheme was set up. Thus, when British Steel merged last year with the Royal Dutch Hoogovens firm to create Corus, it brought a handsome dowry to the marriage—a pension fund worth close to £10 billion running an actuarial surplus in 1999 of just over £1,009 million.

It is over the disposal of that surplus that great concern has arisen. At the time of the merger last autumn, the rules were suddenly changed for the pension fund and the company cut its contribution from 5 per cent. to just 2 per cent. The union trustees opposed that major reduction in the firm's contribution to the British Steel pension fund, but, as the law presently stands and given the way in which the 1990 British Steel pension scheme was set up, the company decides and the trustees have to bow down before its decision.

Mr. Llew Smith (Blaenau Gwent): As my hon. Friend will know, until recent years, at least one steel plant in my community employed 14,000 workers—it now employs 1,000. However, in one way or another, the steel industry still dominates my community. The people who built up the industry repeatedly tell me that they did the work and that the pension fund was set up for them. However, they are not receiving the benefits from the fund that employers, such as Corus, now enjoy. Those employers did not do the work and they did not build up the industry in the way that the people in my constituency did. Surely, that cannot be justified; it is like Robin Hood in reverse. Private steel owners rob the poor to maintain their rich positions in life.

Mr. MacShane: The point of the debate is very much to appeal to Corus to take a more responsible and socially just approach to the moneys in its pension fund. As my hon. Friend rightly pointed out, those moneys represent the deferred earnings of the workers—the savings appropriated from them. They have the right to be consulted, but the company's management has the power of decision. There was a take-it-or-leave-it order from the company on changing the rules of its pension fund, so will my right hon. Friend the Minister comment on whether the Government will consider making the rules rather more equitable rather than, as at present, so heavily loaded in favour of the company?

The union trustees considered appealing to the pensions ombudsman. However, on the basis of experience and legal precedent, it was not clear that this would be a fruitful approach even if it would have provided a bonanza for lawyers' fees. Does my right hon. Friend agree that the role of pensions ombudsman needs strengthening so that the trustees of pension funds can have confidence that he will support their case for full examination by an independent body in contested cases of the distribution of pension funds surpluses?

At the same time, British Steel made a one-off payment of about £800 million to shareholders as a sweetener for the merger. I know that, because my cheque for £1.25 arrived in the post. Two thirds of that £800 million went across the Atlantic because, along with many other firms in Britain and Europe, majority institutional share ownership is now in the hands of American pension and mutual funds. The coincidence of this huge payment of £800 million from a company which, thanks to the strong pound, is trading at a loss, taking place when the pension fund was rejigged to

[Mr. MacShane]

provide the new firm with a massive injection of year-on-year cash by more than halving its pension contribution has caused outrage among steel communities throughout the country.

I stress again that I am not accusing the company or the British Steel pension scheme of doing anything illegal or improper. Given the large sum in the scheme and the handsome surplus posted regularly, the scheme has been able to make improvements in payments that have benefited all pensioners. However, because something is legal and because some charity has been doled out does not remove the claim that I make on behalf of the 10,000 steelworker pensioners in my constituency and the many more who live in other constituencies that the call of justice and the appeal for generosity should now met in full.

I think of Mr. Horace Bolton in Rotherham, who worked for 44 years in the steel industry. After all that effort, his pension is just £50 a week. In fact, because of the different schemes and rules, that payment comes from two pension fund sources, but his appeals to have his years of service treated as a continuum have fallen on the deaf ears of a pension fund worth £10 billion.

I think of Mrs. Hingley in Brierly Hill, who was a supervisor in the British Steel Cookley stamping works. After 45 years labour, her pension is £22 a week—50p for each year that she worked. I think of Mr. Les Harper of Middlesbrough who after 40 years of continuous service receives £25 a week, and he is 92. Surely a company that can shape remuneration packages of up to £500,000 for its top executives can treat its retired workers with more generosity.

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. I express the hope to the hon. Gentleman that he will refer, if only briefly, to the ombudsman.

Mr. MacShane: I have.

Mr. Deputy Speaker: I am not sure that the hon. Gentleman has. Such a reference will make the debate relevant to the Minister.

Mr. MacShane: I asked whether my right hon. Friend the Minister agreed that the role of pensions ombudsman needed strengthening. That is what I said, Mr. Deputy Speaker. That question and this repetition of it will appear in *Hansard* tomorrow.

Instead of giving the new company Corus a major cash flow boost and a huge handout to existing shareholders, it would have been possible to reduce both employers' and employees' contributions to 2 per cent. for the next five years and then to review the situation. A £500 lump sum could have gone to all pensioners and to all widows. Those suggestions were put forward by British steel pensioners, but were turned down. They would have made a direct, immediate improvement to the quality of life of scores of thousands of retired steelworkers in Britain. They would have left the fund fully secured and thus approved of by the pensions ombudsman, but would have been a use of the surplus cash to help the many not the few. I appeal to the management of Corus, once the current actuarial review is over, to think hard about being more generous to existing pensioners.

Let us not forget that, under the present rules which are supervised by the pensions ombudsman, if the British Steel pension fund were to get into trouble, the active members—today's employees—would have to bail it out. British Steel as a company has put in only 34 per cent. of the contributions of the scheme since it was set up in 1990—the rest coming from employees. Yet all power lies with the management of British Steel, now Corus. This structure is a tribute to ripe old high Thatcherism in which partnership, equal responsibilities and equal rights were all dirty concepts.

I urge Corus, in conjunction with the unions and existing pensioners, to restructure the scheme so that the company and the trustees have an equal say in important decisions. I also urge the scheme to consider using its surplus to support existing steel communities in the UK, which remain the hardest hit in terms of loss of jobs and especially well-paid jobs for men associated with the steel industry. The winding up this summer of the European Coal and Steel Community and its linked funds take away an important source of financial support for constituencies such as mine struggling to come to terms with the end of the coal and steel jobs that once provided the backbone of the economy of South Yorkshire, south Wales, Teesside, Humberside, Lanarkshire and other industrial heartlands.

The steel and other giant pension funds now constitute a central part of the so-called new economy. If properly harnessed, those funds can help to rebuild the communities from which they draw their wealth without jeopardising their prime obligation to meet their pension requirements. Sending remittances to an area where men need new work confuses relief with the need for investment, which can create permanent hopes for a new economy. I do not expect the Minister to provide answers to all those problems, but we need to take a fresh look at the operation of pension funds. They should not only dole out small sums, but help to create new sources of wealth in the communities in which they originate.

12.50 pm

The Minister of State, Department of Social Security (Mr. Jeff Rooker): I glad that my hon. Friend the Member for Rotherham (Mr. MacShane) does not expect answers to each of his points because, in nine minutes, I cannot do justice to them all. However, I congratulate him on raising the issue and the important role of the pensions ombudsman in the treatment of surpluses in pension fund schemes.

I shall begin by briefly explaining the role of the pensions ombudsman, who can investigate scheme members' complaints about maladministration in the running of their scheme. Those complaints can be against the trustees of the scheme, managers, administrators and the employer. In investigating a complaint, the pensions ombudsman considers whether the actions of the subjects of it, such as the trustees, the employer and scheme administrator, have been in accordance with the scheme rules. Failure to comply with the scheme rules can be considered as maladministration.

If the ombudsman determines that maladministration has occurred, he can direct that certain action is taken to rectify the situation. The ombudsman can consider complaints about the use of a scheme's surplus. Indeed, we have made an amendment to the rules under which the pensions ombudsman operates in the Child Support, Pensions and Social Security Bill, which is currently in the other place and which we shall consider again when we debate the Lords amendments to it. That amendment will ensure that the ombudsman's procedures allow him to continue to consider such complaints.

Cases involving surplus may affect the interests of several parties, as my hon. Friend said. Our amendment will allow the pensions ombudsman to link to a case all those whose interests may be affected by the complaint and will give them an opportunity to have their say. Without that strengthening amendment, it would be difficult for the ombudsman to accept such cases. The previous Government were not wholly to blame for the position because the Pensions Act 1995 cleaned up much of the Maxwell scandal. Indeed, it is a tribute to everyone concerned that that Act was passed. It includes requirements on the treatment of scheme surpluses, which I wish had been in force when I was supporting constituents involved in the Lucas pension scheme who were robbed blind on surpluses. I make no apology for that remark.

My hon. Friend talked about pensions holidays and spoke about a firm operating at a loss transferring funds to shareholders, implying that that money came out of the pension fund. I do not know about that. However, before a payment is made from a surplus to the employer, the rules require that several things must be done. First, all current and future pensions in payment must be increased annually in line with the retail prices index up to a maximum of 5 per cent., including pensions accrued in the past. Secondly, the trustees of the scheme must satisfy themselves that the use of the surplus is in the interest of the members. Thirdly, the scheme members must be notified of the trustees' proposals in the manner required by law, which ensures that members' benefit from the surplus and their interests are taken into account.

In schemes in which payment from the pension fund to the company is permitted by the scheme rules, members have a right to challenge the trustees' decision by appealing to the Occupational Pensions Regulatory Authority if they believe that statutory criteria have not been followed. Opra will investigate the case and decide whether to allow the payment. In schemes that do not permit a payment, Opra has the power to modify the scheme rules. The statutory criteria are the same as those for schemes that permit payment, and Opra can decide whether to modify the scheme rules to allow a payment to be made.

The pensions ombudsman is barred from investigating complaints about those requirements for the simple reason that non-compliance is a matter for the Occupational Pensions Regulatory Authority. Opra can investigate non-compliance and sanction the trustees if they do not follow those requirements. The sanction can take the form of a fine of up to £5,000 per trustee or the trustee's removal from the scheme.

To the best of my knowledge, the pension fund discussed by my hon. Friend has not applied to make a payment. Before such payment can be made, permission must be given. The merger took place last year and, now that it is June 2000, the Department and the regulatory authorities have no knowledge of the scheme or company ever applying for permission to make such payments. As I say, I am not certain about the exact nature of my hon. Friend's allegation.

Mr. MacShane: It is not a question of direct transfer. By cutting the contributions from 5 to 2 per cent., the company's cash flow is so altered that it can use other funds to make a payment to shareholders. That worry has caused outrage among steelworkers.

Mr. Rooker: That may be so. Surpluses are an emotive issue, and, as I made clear, I have experience of that. However, in considering trustees' treatment of a surplus, one must make a distinction between actuarial surplus and statutory surplus.

Actuarial surpluses are identified by the scheme actuary in the course of regular valuations. Statutory surplus, however, is calculated according to a formula prescribed by the Inland Revenue. A scheme is classed as being in statutory surplus when it holds assets in excess of 105 per cent. of its liabilities, calculated on the basis of the Inland Revenue formula. There are many tax reliefs associated with such funds, to which the public make a massive contribution. Indeed, they would not have achieved success without the contribution made by the public by means of tax relief.

It is important that the Inland Revenue should protect the public purse, so it makes certain requirements of the schemes, which are intended to make sure that pension funds do not receive undue tax relief. When the scheme holds funds in excess of 105 per cent. of its liabilities, it must reduce the excess if it is to retain full tax exemption. That can be done in may ways, including employer and employee contribution holidays, increasing the benefits to current and future pensioners, and making a taxable refund to the employer. Such a refund has been made in many cases, but permission must be obtained. Of course, the employer would have to pay 40 per cent. tax on such a transfer.

Regardless of the methods chosen, the plans for the elimination of the surplus must be approved by the Revenue. Occupational pensions are voluntary and companies are not under any legal requirement to run such schemes. I appreciate that surpluses are a contentious issue, as we must consider who owns them. However, under the rules on the minimum funding requirement brought in after 1995, which are currently being reviewed and on which we shall pronounce, no one will lose a pension.

The pension may be insufficient, but that is a matter for the trustees and those who run the scheme. Pensions already obtained in payment or accruals will be protected as a result of the security in managing the surplus. No one will lose out. However, the pension fund not being generous enough to its pensioners or its deferred payers is a matter for the trustees. The Child Support, Pensions and Social Security Bill will make fund members' involvement in trustee boards mandatory. However, that provision is not yet in place.

[Mr. Rooker]

I know nothing about the composition of the board of trustees of the fund described by my hon. Friend or about the fund members involved. However, I would be astonished if the trade unions were not heavily involved, given the nature of the industry and the unions' support.

Mr. MacShane: I welcome the Minister's comments, which tilt the balance in favour of trustees representing employees past and present. Will he join me in suggesting that Corus examines its surplus distribution and adopts a more generous approach to the poorly paid pensioners whom I mentioned?

Mr. Rooker: Corus is a blue chip company which, as my hon. Friend made clear, is operating within the law. It is, therefore, incumbent on it and all good employers who want to make a good impression on the communities that they serve, their former pensioners, their deferred pensioners and their existing work force, to make the most advantageous and generous provision for pensions that is possible within the rules. If surpluses are available, that avenue should be explored.

London Stock Exchange

1 pm

Mr. William Cash (Stone): The proposed merger of the London stock exchange and the Deutsche Börse raises important concerns about the regulatory and competitive environment of the City of London as a whole, and of United Kingdom public companies in particular. These concerns are, or should be, vital to the Government both as a matter of national interest and, as I shall show, as a matter pertaining to the Government's obligations to the City under the terms of a memorandum of understanding signed in 1997.

The issue should have been debated in the House on a Government motion. However, the Government ran away until they were forced here today. These concerns, which it is my purpose to raise, arise in large measure from the vagaries of the merger terms on offer. First, the London exchange, Europe's premier financial centre, which until now has drawn inward investment from the foremost financial institutions in the world, is under the deal valued the same as an exchange which, in terms of assets managed, is seven times its junior.

Secondly, the loss of London's position as Europe's financial capital would have a negative effect on the City's competitiveness in general, sparking an outflow of financial institutions such as market analysts, investment banks and advisory firms. Thirdly, under the deal, the UK's blue-chip firms will in Frankfurt be subject to financial regulation that is gravely inferior to that which they presently enjoy under the Financial Services Authority—regulation that in London is underwritten by the memorandum of understanding to which I have referred.

Fourthly, competition between the London and Frankfurt exchanges will be skewed by the presence, at 0.5 per cent., of stamp duty on share dealing in the former. Fifthly, the interests of the Frankfurt exchange are likely to supersede those of London given that its 50 per cent. shareholding in the new entity will be held en bloc, whereas London's 50 per cent. will be divided between its 298 shareholding companies into individual holdings of just 0.17 per cent. each.

These broad concerns are compounded by a host of questions left unanswered from the debate in the House of Lords on 24 May and under the merger terms, including the location and funding of a central counterparty for the new exchange. The matters raised in the House of Lords require answer, and they were not answered by the noble Lord who responded for the Government on that occasion. They must be answered; if they are not answered today, they must be answered soon.

I recognise that modern global companies require immense liquidity in the exchanges on which they list. Companies listing in New York already have access to such liquidity, and I see no reason why European companies should not be put on an equivalent footing. The fact that Europe's share market is overly fragmented does not speak to the question, on whose terms should it be consolidated. As I put it in my letter to *The Daily Telegraph* of 5 May—I pay tribute to that newspaper for its tenacious investigation of this matter—the question is, who is to call the shots? At first glance, the answer to the question is overwhelmingly self-evident—it should be London.

The London stock exchange manages 700 per cent. more assets than Frankfurt, its closest rival in Europe, and transacts 100 per cent. more by volume. There are more German banks headquartered in London than there are in Frankfurt and Berlin combined. The City's regulator, the Financial Services Authority, is world renowned for its probity, in contrast to its opaque equivalent in Frankfurt. Indeed, so attractive is the City that the American technology exchange, NASDAQ, chose recently to locate its European operations in London in preference to Frankfurt.

Despite all of these advantages, the London stock exchange is embarked upon a 50:50 merger with the Deutsche Börse in Frankfurt, causing the NASDAQ to reverse its decision to set up in London. Even this so-called merger of equals is far from equitable. It is nothing of the kind. It has all the hallmarks of a politically motivated reverse takeover. What Don Cruickshank, the merged entity's proposed chairman, describes as a 50:50 merger is in fact, owing to the distribution of shares, a 50:0.17 merger. Under the deal, the Deutsche Börse will hold its 50 per cent. of shares en bloc, but the London stock exchange holding will be split evenly between its 298 shareholding firms. It does not take a genius—I am sure that that includes the Minister—to work out that it will take only one London shareholder to vote with the Deutsche Börse, and Frankfurt will carry the day.

We are told by Gavin Casey that that is a temporary anomaly and that Frankfurt's holding will eventually be broken up. However, what assurances do we have? I urge the London stock exchange urgently to provide clarification on that point. A second and no less important defect of the proposed merger concerns shoddy financial oversight in Frankfurt. It is common knowledge that traders there conduct huge block trades in secret and that the company listing rules are complicated, to put it mildly. Even one of the supposed advantages of Frankfurt, its Xetra trading system, has broken down on more occasions than its London equivalent, SETS.

We are told that, under the merger, all high-tech or "new economy" stocks will be traded in Frankfurt, London being left with the blue-chip or "old economy" stock. Yet Mr. Cruickshank and his friends have so far failed even to address the thorny issue of how exactly a high-tech or blue-chip firm will be defined. Many companies defy or straddle such classifications. Where are their shares to be traded? There is also the danger that if blue-chip firms relocate to Frankfurt, many of the advisory and investment banking firms which depend upon them will go there too.

Of further concern is where the central counterparty for the new exchange will be located and how it will be funded. Until recently, the London stock exchange planned to create such a counterparty in collaboration with the London clearing house, yet we have heard nothing from Mr. Cruickshank on where the counterparty for the new exchange might be located. On this issue, too, we must have clarification.

In sum, while the merger is presented as one of equals, its terms are clearly quite advantageous to the smaller Frankfurt exchange. Heaven alone knows what it thinks it is playing at. Little wonder that last month Werner Seifert, the proposed chief executive of the new entity, wrote that

whilst London is still centre stage, Frankfurt is waiting in the wings, ready to take a lead role.

Yet there is still hope for those who are opposed to the terms of the merger, for there is an obligation for intervention by the Government despite denials to the contrary. A memorandum of understanding between the Bank of England, the Treasury and the FSA, which was agreed in 1997, made it crystal clear that the Treasury has departmental responsibility in relation to exchanges and in maintaining confidence in the UK financial system. The memorandum states that the

Treasury is responsible for the overall institutional structure of regulation, and the legislation which governs it. There are a variety of circumstances where the FSA and the Bank will need to alert the Treasury about possible problems: for example, where a serious problem arises, which could cause wider economic disruption; where there is or could be a need for a support operation; where diplomatic or foreign relations problems might arise; where a problem suggests the need for a change in the law; or where a case is likely to lead to questions to Ministers in Parliament. This list is not exhaustive, and there will be other relevant situations.

The proposed merger of the London and Frankfurt exchanges qualifies under almost all of the terms specified in the memorandum. For example, is not hitching our stock exchange, and so our country, to the crisis-prone euro a problem

which could cause wider economic disruption . . . ?

Would not the merged exchange push for common European oversight and so suggest

the need for a change in the law . . . ?

What about the situation that is

likely to lead to questions to Ministers in Parliament . . . ?

In fact, it did.

I tabled a question, which was answered on 11 May by the Economic Secretary to the Treasury. My having tabled a question to the Chancellor of the Exchequer requesting him to indicate what representations had been received, and asking him to make a statement on the matter, in a manner that can be described only as contemptuous of Parliament and of the obligations set out in the memorandum of understanding, he declined to make a statement. He left it to a junior Minister to reply, and the response was as follows. I was told that there had been no representations. The answer continued:

The terms of the proposed merger are a matter for the parties involved, subject to their securing the necessary approval of the relevant regulatory and competition authorities.—[*Official Report*, 11 May 2000; Vol. 349, c. 476W.]

That answer is simply outrageous. It is absurd that there have been no representations on the proposed merger. Further, according to the 1997 memorandum of understanding, it is manifestly not just a matter "for the parties involved"; the memorandum makes that clear. The Minister simply cannot get out of it.

I point out merely that Europe's pre-eminent stock exchange can secure better terms than those currently on offer. Olof Stenhammar, chairman of the Swedish stock exchange, summed up the poor terms on offer to London when he expressed

surprise that London was accepting a merger of equals.

He went on to describe the deal, accurately, as having

a top-down approach with bureaucratic and political undertones, favouring institutions at the expense of retail investors.

The whole issue is a disgrace.

[Mr. William Cash]

As if the criticisms identified by Mr. Stenhammar were not enough, the authorities in Frankfurt have made it clear that they will seek to extract even better terms for the Deutsche Börse, possibly preventing the new entity from being headquartered solely in London. Any such development, likely as it is, must be resisted at all costs. Indeed, the entire deal should be rejected.

I ask the Minister whether the Chancellor of the Exchequer or any other Cabinet Minister will make a statement on the whole matter to the House of Commons and thereby provide the proper, correct, constitutional and urgent clarification that is needed on the important points that I have raised. It is an outrage that he has not come to the House, or indeed to Westminster Hall today. I call on the City to see sense, to realise its own worth and to vote to reject the deal.

Mr. Deputy Speaker (Mr. Nicholas Winterton): The hon. Member for Arundel and South Downs (Mr. Flight) has the permission of the initiator of the debate to participate and has notified both me and the Minister.

1.12 pm

Mr. Howard Flight (Arundel and South Downs): I congratulate my hon. Friend the Member for Stone (Mr. Cash) on securing a debate on an important subject. Subject to the regulatory permissions and whatever Government involvement is required, the stock exchange is a private entity now. It is up to its members to do what they want, but it is becoming increasingly apparent that an unsatisfactory deal is being proposed, which will be voted down by the members in September, with opposition from large and small members.

The Opposition are not against the concept of a pan-European stock exchange, but against the terms of the proposed deal, which seem to smack of a lack of confidence and, indeed, of long-term strategy among the management of the London stock exchange. As my hon. Friend pointed out, London is overwhelmingly the biggest market in terms of companies quoted, turnover and value. It handled some 50 per cent. of international share trading, against the 5 per cent. handled in Germany.

What seems to have happened is that the strength of character of Mr. Seifert has dominated. When mergers occur, they inevitably lead to one party taking over. It is clear that a merger on those terms will lead to a market dominated by his leadership in Frankfurt.

What is wrong with the deal? It does not cut costs. What is crucially needed is a United States-style net settlement system. At present, transaction costs are nearly 10 times as much here and in Frankfurt as they are in the United States. It will create six markets. In addition to blue chip in London, NASDAQ International in Frankfurt and AIM, or the alternative investment markets, there will be a Midcap—middle-sized capital stocks—in London, a Midcap in Frankfurt and German growth stocks on the Neuer market.

Two regulatory authorities will continue. Companies will be subject to the opaque German trading rules and, indeed, to a stock market that is controlled by two or three banks in an oligopolistic situation in Germany. A crucial point is that London has the machinery for multi-currency settlement in the CREST arrangements, which Frankfurt does not. That will be crucial for any pan-European stock exchange.

It is clearly unwise for London to surrender to Frankfurt the stocks of the future—the growth stocks. Excellent though the blue chips may be today, they are inevitably "old economy"—companies that will decline in future. Therefore, to do that is to sell out on the future.

There is no evidence that Xetra is any better than the combination of CREST and SETS. The change would cost UK brokers a fortune, raising the issue of who will pay for it. The Fund Managers Association has made it clear that it is a poor deal. It provides no cost reductions and worsens the regulatory situation. It is, if anything, less efficient than the present arrangements. A far better deal can be done. It is time that the London stock exchange started to talk to NASDAQ directly. We thought that the Chancellor had arranged that for the exchange.

1.15 pm

The Economic Secretary to the Treasury (Miss Melanie Johnson): I was pleased to hear that the hon. Member for Stone (Mr. Cash) has lost none of his knack of putting his view in a controversial manner. We have had a very good example of that today on an important subject. The proposed merger between the London stock exchange and the Deutsche Börse is clearly an important subject, which has understandably attracted considerable comment since it was announced on 3 May.

The London stock exchange is by any standards a major financial institution and one of the world's leading equity exchanges, as the hon. Gentleman remarked. However, the environment in which the LSE operates is undergoing a period of dramatic change. Technological developments such as electronic trading systems mean that it is—or soon will be—possible to have access to an exchange from virtually anywhere in the world. Allied to the general process of internationalisation of financial services, the result is the breaking down of barriers between national markets.

In Europe there are increasing customer-driven pressures for integration of financial markets. Institutional investors are increasingly looking at the European market in terms of industrial sectors rather than individual countries.

Against that background, it is hardly surprising that there is pressure from market users for consolidation of the exchanges within Europe, and the attractions of creating a single trading platform for European stocks are obvious. In response, the exchanges are coming forward with initiatives for mergers and alliances. The French, Dutch and Belgian exchanges are merging to form the Euronext exchange. Various Scandinavian exchanges are combining. Tradepoint, the UK electronic equities exchange, is in discussion with the Swiss stock exchange. Against that background, it is hardly surprising that the LSE should be pursuing its own merger initiative.

There are good reasons for mergers. Investors and companies both benefit from the creation of broader and deeper equity markets. Companies are able to offer

their securities to a much greater number of potential investors. Investors have the opportunity to invest in a much wider range of equities. All sides should benefit from the lower trading costs that result.

I should make clear, however, that the terms of the deal to create iX—the international exchange—are a commercial matter for the parties involved, subject, of course, to their obtaining the necessary clearances from the relevant regulatory and competition authorities. The hon. Member for Arundel and South Downs (Mr. Flight) recognised that point. The Government were not a party to the negotiations.

Mr. Cash: Will the Minister concede—perhaps she is coming to it—that there is an important matter that she is leaving out, namely the memorandum of understanding. It lays down the ground rules and deals with exchanges—I have already made the point. I hope that she will refer to it because it is crucial to recognising the Government's obligations.

Miss Johnson: It is a matter of how the hon. Gentleman has interpreted the MOU. I understand that a merger is not a threat to financial stability. It would be in those terms that there might be some case for pursuing the provisions under the MOU. I make it plain that the Government were not a party to the negotiations.

On the competition aspects of the merger, the merger is below the asset and turnover thresholds that would make it a matter for the Commission. It therefore falls to the national authorities to consider. In the UK, if the proposals for the merger proceed, the Secretary of State for Trade and Industry will make his decision on whether to refer the case to the Competition Commission in the light of the advice of the Director General of Fair Trading. It is obviously not for me to comment on a particular case.

On the regulatory issues, which are of considerable interest to hon. Members, the Government made it clear in another place during consideration of amendments to the Financial Services and Markets Bill, which some of us find it difficult to leave behind us—the hon. Member for Arundel and South Downs laughs—we have no doubt that the provisions of the Bill relating to the recognition of exchanges are adequate to deal with structures such as the proposed iX. Although iX will have operations in both the UK and Germany, its component markets will need to be based in one or other of the countries for regulatory purposes. The markets based in London will fall to the Financial Services Authority to oversee, and those in Germany to the German authorities.

Both the FSA and its German counterparts will need to be satisfied about the regulatory arrangements if the merger is to proceed. They are already working together and considering the practical implications of the proposed merger. Indeed, Howard Davies visited the BAWe last week for discussions with his German opposite number.

Much of the detail of the proposed merger is still to be worked out by the exchanges, and therefore the regulatory authorities cannot at this stage say precisely what the regulatory arrangements will be. However, it is worth noting that the merger is not without precedent in terms of its implications for regulation. For example, there is already an instance of two separate exchanges with a single owner operating in two countries. The OM Group owns the OM Stockholm exchange, which is regulated by the Swedish regulator. Another subsidiary is OM London exchange, a UK recognised investment exchange regulated by the FSA.

Mr. Cash: Does the Minister recognise that legislation was required with respect to Lloyd's of London, for example? That was a highly contentious matter and has been referred to in subsequent public legislation. The reasons are those that I gave in relation to the memorandum of understanding. These are issues of seminal importance to the future of the City of London. Lloyd's of London was a good example. I ought to declare an interest, as I was involved in advising on the matter as a lawyer, before I entered Parliament. When one is dealing with the centre of gravity in stock exchanges, that must be dealt with properly, not through private deals, as is the case at present.

Miss Johnson: I do not accept the hon. Gentleman's suggestion.

The FSA and its Swedish counterpart have their separate roles in the case that I was describing, and the arrangements work satisfactorily. There is a clear parallel between that and the present case.

As regards iX, the pan-European blue-chip market is expected to be run as part of a recognised investment exchange in the UK, and will therefore be regulated by the FSA. The FSA will also continue to supervise the London market for UK smaller and medium-sized companies and AIM. The derivatives market and the pan-European market for growth companies will be run from Germany and will be regulated by the German financial services authorities.

Details of the listing and admission to trading standards for the iX markets have not yet been announced. However, the stock exchange has made it clear that companies will not be required to give up their home market listings in order to be admitted to trading on the new iX pan-European markets. German companies listed in Germany will be traded on iX's pan-European markets, along with UK listed companies. This will not be a unique situation. Tradepoint intends to introduce pan-European trading in the near future and a similar situation will pertain there. To date, Tradepoint's plans have not given rise to any insurmountable problems for the FSA.

The fact that the shares of UK and German companies will be traded on the same market does not necessarily mean that investors will automatically assume that the same listing regime applies. It is already the case that foreign companies that are traded on the London stock exchange are not required to comply with all the provisions of the UK listing rules.

The iX will consider what standards it wishes to impose on companies trading on its markets—for example, in terms of disclosure requirements—in addition to those required by the company's domestic listing authority. iX will be a commercial operation and will obviously have to take into account the wishes of its users, and the companies quoted on the exchange will need to consider the standards that investors expect.

[Miss Johnson]

The arrangements for companies transferring between the various components of iX have yet to be settled, but I understand that the intention is that to be included in the new blue-chip index, a company would need to be traded on the London blue-chip exchange.

With regard to company law requirements, UK-registered companies must follow the requirements of UK company law, regardless of where they are quoted and traded. Again, it is worth noting that the customers of exchanges take the standards of regulation into account when deciding where to do business. Companies will therefore have to take account of what the market wants, as well as the legal requirements to which they are subject. That has been one of the attractions of being based in London, as the hon. Member for Stone accepted.

The merger has raised other issues, including the issue of trading in different currencies, as we heard. The stock exchange has clarified its position on that in evidence to the Select Committee on the Treasury on 17 May, and elsewhere. The stock exchange's press release on the same day stated:

> The new exchange will need to offer trading in a company's shares in the currency which best meets the needs of investors and other users of the market. In the event that the primary currency of trading was not sterling for a UK company, the Exchange would ensure that sterling prices were still available for private investors, newspapers, indices etc.

As for the implications for the UK's entry into the euro, the Government's position is unchanged. It remains as set out by the Chancellor of the Exchequer in October 1997—a statement with which I am sure the hon. Member for Stone is familiar. The determining factor underpinning any Government decision on economic and monetary union is whether the economic case for the UK to join is clear and unambiguous.

In conclusion, a number of questions raised by the merger proposals cannot be answered definitively at this stage. The London stock exchange will issue its information memorandum in July, which will set out in detail the terms of the merger. As the hon. Member for Arundel and South Downs commented, it will then be for members of the exchanges to judge the merits of the proposed merger, and for the regulatory authorities to satisfy themselves about the arrangements for the merger.

Mr. Cash: May I make a brief reply?

Mr. Deputy Speaker: Unfortunately, the hon. Gentleman has had his say and made his interventions, the Minister has replied, and the debate comes to an end. We move on to the next subject a few minutes early.

Domestic Violence

1.27 pm

Ms Margaret Moran (Luton, South): I begin by quoting from survivors of domestic violence. A child who was involved in domestic violence said:

> My worst moments were when my dad said he was going the throw the baby out of the window, and when he said he was going to cut my mum's ears off and poke her eyes out.

Those are the words of a child terrorised by domestic violence.

A parent said:

> After he was released from prison for stabbing me, he saw my daughter at the probation office under supervision. After a while they persuaded me to let him have her on his own. Things went OK for a long while but when she was eleven, she became very depressed and unhappy and tried to get out of seeing him. It turned out he had started hitting her on contact visits.

Another parent reported:

> On every occasion he came to the house he would force his way in. He continued to abuse me physically and verbally in front of the kids. I had to call the police to remove him after contact visits, and on several occasions he raped me. I still belonged to him, or so he thought. The thought of him coming to collect the children from the house terrifies me. At the moment his parents collect and bring back the children, but from May the court has ordered that he can come to the house. Once again I will be unsafe and at risk from this person.

All those are the words of survivors of domestic violence, as expressed in a recent online consultation initiated by the all-party parliamentary group on domestic violence. That e-consultation, Women Speak, links survivors of domestic violence with parliamentarians in order better to inform our policy, legislation and practice on the subject.

Ms Debra Shipley (Stourbridge): I am grateful to my hon. Friend for giving way so early in her presentation. I record my great respect for her work on violence in the home, in particular the effect on children. Does she agree that the online consultation, Women Speak, was a huge eye-opener for all of us who were involved? I promoted the Protection of Children Act 1999 with the help of my hon. Friend and I thought that I knew a lot about violence against children, but the direct information that came over was appalling. It is extremely important that we have direct contact with survivors, so that we can learn how to tackle the issue.

Ms Moran: I thank my hon. Friend the Member for Stourbridge (Ms Shipley) for that important intervention, which emphasised that we heard the powerful voices of women who have experienced domestic violence and its impact on their children. In a month, more than 1,000 contributions from throughout the country and almost every conceivable community were made to the online consultation. It highlighted subjects on which policy is not being implemented, and gaps in legislation. The debate results from the voices that we heard. I hope that we shall listen to them carefully because it is almost unique to hear directly the full and frank testimony of survivors in the circumstances that we are considering.

The issue that emerged from the consultation cried out for action. The survivors called for an end to the courts almost automatically granting a violent parent

access to children through child contact orders. We must heed those calls and take action to protect women and children who are at further risk of violence and abuse. More than 90 per cent. of contributions from survivors that referred to child contact raised fears that they and their children were at continued risk of violence or abuse. That is a powerful statement, which we should heed. Women and children who have fled violence, ostensibly to a place of safety, continue to be subject to violence and abuse. There is evidence of women even being murdered as a result of child contact orders.

Changes to the Children Act 1989 are urgently needed. Neither the Act nor the guidance refer to domestic violence. The Act does not require the court to consider the safety of the parent or any other children in the family. The measure, which was intended to protect children, is generally good. Yet it fails to protect the children who need most protection—those who have experienced domestic violence. Consequently, judges almost always grant child contact orders as being in the children's best long-term interests, even if a parent is known to be violent within the family.

Research evidence shows that the courts do not recognise that women are at greatest risk of fatality after separation, and that when there is violence in the family, there is a higher than average likelihood of violence towards, or abuse of, children. The case of Georgina McCarthy, who was murdered almost two years ago today, illustrates the problem. Every agency tried to protect her, but she was murdered and her child was abducted as a result of a child contact order by the courts.

In 1999, a survey of 130 survivors found that 76 per cent. of 148 children ordered by courts to have contact were said to have been abused by the violent parent. Research by Hughes et al in 1989 showed that child abuse and woman abuse occurred together in 40 to 60 per cent. of cases.

Eleanor's ex-husband broke into her house in 1995 and subjected her to five hours of violence. While he was in prison, her daughter, aged four, revealed that her father had sexually abused her. That was confirmed by medical evidence and contact was stopped. However, in 1997, the court decided that there was insufficient evidence of sexual abuse by the father and restored supervised contact. The effect on the child was devastating. Contact was stopped again and social services decided to prosecute the father. The Crown Prosecution Service dropped the charges because it did not wish to put the child in the witness box. A judge ordered supervised contact in a family centre. Eleanor appealed because none of the local contact centres provide supervision. Despite that, she has received a notice, and will be sent to prison if she does not comply with the order.

Contact is refused in fewer than 2 per cent. of child contact cases. In 1997-98, contact was granted in almost 33,000 out of 36,000 cases. That figure is an underestimate because many women are advised by solicitors that there is no point in contesting a contact order and that it is in their best interests to agree informally to contact. For example, solicitors persuaded Sarah Heatley, who was worried by her husband's violent behaviour, to agree to contact without a court hearing. Her two children were murdered during a child contact visit.

For a woman and her children, the apparent safety of a hideout or women's refuge is illusory because, in a few weeks, she is likely to receive a summons that requires her to respond to her ex-partner's application for contact with the child. The nightmare begins again.

Violent partners frequently use contact orders to track down and harass the fleeing partner. A child's address is often disclosed accidentally by order of the court. There are examples of some courts giving out the addresses of refuges, thus endangering many women and children. By applying for seek-and-find orders, men can require the police, social services or the Department of Social Security to disclose a child's address to the court. Those orders were never intended for that purpose. Even if the address is kept secret, it is easy for the violent parent to locate the child and the abused woman through the source of the child contact order and the location of the court in which the hearing will be held. Pity the five-year-old who thought she could protect her mum by telling her father that they lived in Bedding rather than Reading; imagine the intolerable pressure on a child so young and desperate.

Families who flee violence are more vulnerable to being tracked down by their abusers because the courts almost invariably issue child contact orders. They have been used as a method of harassing families. A writer from Kent told us that her ex-husband's consistent attempts to find her through repeated court orders to obtain child contact over five years destroyed her life and the lives of her children. Contact was eventually prevented by a sharp-eyed community psychiatric nurse, who faxed the court a damning report on the schizophrenia of the violent ex-partner. Otherwise, the mother would have faced imprisonment if she had prevented child contact. How many other families' lives have been destroyed? How many children's formative years have been lived in fear and uncertainty because of the contact orders?

The Department of Health has accepted the impact of domestic violence and the strong link between it and child abuse. That is reflected in the Department's training pack, "Making an Impact", which is intended for professionals who work with children. Sadly, the message is not getting through to some people, even when there is every reason to believe that the child has been abused.

It is clear that many judges are unaware, when they issue child contact orders, that supervised contact becomes unsupervised in six months. Only about 1 per cent. of contact centres offer supervised contact. Even if they were safe, many are run by volunteers. Excellent though volunteers are, many are untrained and cannot offer the safety and security that women who have been abused and children need. The centres urgently need wholly safe environments and well-trained staff. Child counselling should also be provided. Sadly, such provision is lacking and underfunded. Perhaps the Lord Chancellor's Department could examine that with colleagues in other Departments, for the safety of the women and children involved.

Abido Choudhry fled to a refuge after years of violence. Her husband was granted supervised contact with the three children. After six months, those contacts became unsupervised. The oldest child complained to social services of their father's mistreatment during contact, but the court ordered overnight stays. As a

[Ms Moran]

result, two of the children were abducted, are now thought to be in Pakistan and are unlikely ever to see their mother again.

Women and children should not be put in such danger by our courts. Those regrettable incidents are not isolated. They were entirely predictable and could have been prevented if we had adequate legislation and court procedures to deal with domestic violence.

The Government's consultation paper, "Contact between children and violent parents", which outlines good practice guidelines, is welcome and may lead to better court procedures. They are urgently needed, but they are not mandatory. That is why we need to change the Children Act 1989. Such a change has been made in Northern Ireland and, indeed, in many other countries. It is perverse and dangerous that such changes should be delayed here. We are, in effect, condoning de facto court-approved child abuse.

The law is preventing the police, social workers and child protection agencies from doing their job of protecting the most vulnerable. The case of Georgina McCarthy—murdered by her ex-husband, despite all the attempts of every agency—had a tragic inevitability, and such cases may happen again, perhaps tomorrow.

The recent consultation by the Lord Chancellor's Department on the issue, undertaken by the advisory board on family law's Children Act sub-committee, is also welcome. It proposes guidelines to be followed in cases where domestic violence is alleged, but many of the agencies believe that legislation is still needed. Those agencies include Women's Aid, which is to be congratulated on all its work on the issue, and a wide range of women's and children's organisations under the Best Interests coalition. I understand that the National Society for the Prevention of Cruelty to Children is also involved and is due to start a campaign on the issue. Those bodies are supported by the powerful voice of the women—the survivors—whom we heard in the all-party online consultation.

If we are to introduce guidelines, as is proposed, what will be the mechanism for monitoring their impact? The sad fact is that, at the moment, little or nothing is done by the Government to monitor the impact of the Children Act in cases of domestic violence. Research has been done by academics on a small scale and by Women's Aid. Perhaps my hon. Friend the Minister will liaise with her colleagues in other Departments to ensure that we track child contact outcomes where domestic violence is an issue. Sadly, my parliamentary questions on the subject have elicited the fact that social services reports, undertaken as part of part VIII reviews under the Children Act, are not collected, tracked or monitored, so information about the impact of child contact orders on domestic violence is not collected systematically.

I ask the Government to find out precisely how many children have been killed in recent years by parents known to be violent before and after contact visits. That information is contained in the part VIII reviews, and we need to study and learn from it if we are serious about tackling the problem. It could also be used to develop detailed risk assessments before contact orders are granted.

The domestic violence intervention project is piloting such a scheme, which crucially includes the women's views about the risks involved in granting access to children, but, sadly, no funding is available to evaluate it properly. That needs to be considered urgently. Vital evidence collected by police and social services when they advise women to leave their homes for their own safety should be provided in writing and the abused parent should be able to use it to seek a court order under section 91(14) of the Children Act, thus requiring the violent parent to seek leave from the court before applying for a contact order. That procedure is little used at present, but the relevant departments could instigate it relatively speedily.

The Department of Health urgently needs to undertake research, perhaps in conjunction with the Lord Chancellor's Department, on children's experiences of different levels of contact where there is a history of violence in the family, including the impact on children's health and development. In that way, we will achieve a sounder basis on which to develop policy to prevent further tragic cases, such as those which I have described.

Finally, but not least, we need adequate funding for refuge services and for counselling children. All of that adds up to an important package that could help to protect our children. However, it is important that we review the need to legislate and to amend the Children Act. The proposals to change future contact involving unmarried parents might be welcome in principle. However, as the Children Act stands, they could also be unwelcome because they could include unmarried parents, who might be involved in even greater incidence of child contact in the circumstances that I have described.

I am pleased to have had this opportunity to raise an issue that, among all the powerful contributions to the all-party group's online consultation with the survivors of domestic violence, is perhaps the most amazing and most appalling. We have heard the powerful voices of the women survivors and their continuing experiences. They fear for their children when child contact orders are issued if there is violence in the family. I hope that the power of the survivors' voices will help to persuade the Government that urgent action needs to be taken to amend the law and protect those women and children.

1.47 pm

The Parliamentary Secretary, Lord Chancellor's Department (Jane Kennedy): Although we are debating a serious issue this afternoon, it is a pleasure to be under your chairmanship, Mr. Deputy Speaker, and to discuss it so constructively. I pay tribute to my hon. Friend the Member for Luton, South (Ms Moran) for the way in which she has presented her case. She has described in the most graphic terms exactly the difficulties faced by the survivors of domestic violence, and brought their cases to light. This is a rare opportunity to discuss such issues, especially those involving child contact orders and concerns about domestic violence.

I acknowledge the good work that my hon. Friend has done as chair of the all-party group on domestic violence. I am also glad to acknowledge and put on record her work in putting forward to the Prime Minister recently a petition that was signed by more

than 5,000 people and presented to mark the second anniversary of the murder of Georgina McCarthy, whom she has mentioned. I have discussed that serious and appalling case with the hon. Member for St. Ives (Mr. George) who visited me with representatives of Women's Aid. Georgina was tracked down and murdered by her ex-husband, as my hon. Friend has said. Her case is a warning to us all that we cannot afford to be complacent. As my hon. Friend's petition points out, Georgina's case is not an isolated example.

In 1998, 75 women were killed by a current or former spouse, cohabitant or lover—more than one a week. However, the problem is not simply one of male violence. It is only fair to say that, in the same year, 37 men were killed by a current or former spouse, cohabitant or lover. To complete that gloomy roll of statistics, in 1998-99, 69 children were killed by a parent—unfortunately, the statistics do not capture whether by their mothers or fathers.

Violence between spouses, or between parents and children, does not always lead to murder, manslaughter or infanticide; but domestic violence is a serious problem, which we take seriously. I therefore welcome the opportunity to explain what is going on, and what the Government are doing. About six months ago, my right hon. Friend the Home Secretary launched the zero-tolerance campaign in Liverpool, and it has proved very successful. Although today we are focusing on court decisions and court contact orders, the Government are involved in many other matters.

As my hon. Friend's petition makes clear, there is a significant fear that contact orders are sometimes made inappropriately, and, in particular, that the courts do not always take proper account of allegations of domestic violence. That is a valid concern, as both the judiciary and the Government recognise; but it relates to a difficult area, in which no solution will please everyone.

We can all agree that children and women—and, for that matter, men—ought to be protected from violent parents or former partners. We also know that, other things being equal, it is in the interests of children to maintain contact with both their parents. We know that, when contact is appropriate and is maintained, non-resident parents are more likely to pay maintenance for their children. Parents, too, have a right to their family life, unless positive evidence has shown to the satisfaction of the courts that that would put their children at risk of harm.

We could not agree to create a system in which any parent—it could be a father, as well as a mother—could automatically deny the other parent any contact with their children simply by making an unsubstantiated, and possibly unfounded, allegation of abuse. We must recognise that that could sometimes be used as a device to exclude parents from contact, or to delay that contact. We must also recognise that some blameless parents—most often fathers—have immense difficulty in enforcing contact orders that have been made in their favour, and that the system of enforcement, which is largely ineffective in these cases, lets such parents down.

I am glad to say that the Children Act sub-committee of the Lord Chancellor's advisory board on family law, to which my hon. Friend referred, has taken on these knotty problems. Last year, the sub-committee—which is chaired by Mr. Justice Wall—published a consultation paper on contact with violent parents, which my hon. Friend also mentioned. Around Easter, the sub-committee reported the results of its consultation to the Lord Chancellor, and made its final recommendations. The report has been published. Mr. Justice Wall and his sub-committee will embark on a similar exercise in relation to the enforcement of contact orders.

The report on domestic violence and child contact concluded that legislation was not necessary—a view supported by most respondents—but that there should be guidelines for the talks. The draft guidelines are several pages long, and I shall not quote from them fully, but they include the following main points.

Wherever possible, the court should make findings of fact as to whether allegations of violence are true, and as to the effect of the violence on the child and the resident parent. When allegations are found to be true, the court should consider the harm that the child has suffered and the harm that the child is at risk of suffering, and should make an order for contact only if it is satisfied that the safety of the resident parent and that of the child can be secured before, during and after contact.

When the court has made findings of violence but nevertheless considers that contact is in the best interests of the child, it should consider what additional directions may be necessary to ensure that the order is implemented safely. It should also consider whether to make a non-molestation order under part IV of the Family Law Act 1996. The court should always explain how its findings on the issue of domestic violence have affected its decision. In particular, when it has ordered that there should be contact despite having found that domestic violence has taken place, the court should explain its view that contact is in the best interests of the child.

The sub-committee recommended that the guidelines should be brought into force through a practice direction to be made by the Lord Chancellor and the president of the family division, Dame Elizabeth Butler-Sloss. However, at the time when the sub-committee was finishing its report, four appeals raising these issues were heard by the Court of Appeal. Judgment has been reserved on those cases. The Lord Chancellor has agreed that the sub-committee's draft report should be made available to the Court of Appeal. We look forward to its judgment, and to finding out whether it lays down any guidelines as a result. The Lord Chancellor has agreed with Dame Elizabeth that, once a judgment has been made, they will consider whether a practice direction to the judiciary would be helpful, and what further action may be necessary.

In its consultation paper, the sub-committee compared the different approaches to domestic violence and child contact in Australia, New Zealand and Northern Ireland. Some people would like the law to be amended so that, like the New Zealand legislation, it included a presumption against unsupervised contact when domestic violence has taken place. It is worth emphasising that that statutory presumption is a presumption against unsupervised contact, not a presumption against contact altogether.

[Jane Kennedy]

As I said, the suggestion was canvassed in the sub-committee's consultation. Most respondents agreed that legislation was not necessary, and that sufficient safeguards could be introduced by way of guidelines. The Government accept that view.

Ms Moran: I welcome the sub-committee's findings. The issue, obviously, is whether the guidance will be interpreted differently in different parts of the country—a disparity that would be resolved by some change to the Children Act, but not necessarily by the Australian system. May I press my hon. Friend on the question of monitoring? Might it be possible to consider legislation if the effects of the guidance are not the effects that were intended?

Jane Kennedy: I hope that what I will say shortly will reassure my hon. Friend.

As recently as yesterday, officials in my Department who are responsible for the development of family policy and the effect of the Children Act met staff who are responsible for the administration of the courts to discuss the collection of more information about domestic violence in Children Act cases. It is a live issue in the Department, and one that we are pursuing.

We would be more persuaded that legislation was required if it were the case—as my hon. Friend's petition says—that the courts operate an overriding principle that absent parents should be awarded contact with their children, and that that principle does not take account of cases in which a parent and children are in danger of experiencing violence. That is not correct. There is no overriding principle that contact should be maintained with an absent or non-resident parent. Section 1 of the Children Act says that the paramount consideration that the courts shall apply in determining any question with respect to the upbringing of a child is the welfare of that child. When considering whether to make a contact order, the courts must also have regard to the so-called welfare checklist, which includes such factors as the child's wishes and feelings, the likely effect on the child of any change in his or her circumstances, and any harm that he or she has suffered or is at risk of suffering.

Although we began the debate early, I realise that we are rapidly running out of time. I would have loved to make many more points; perhaps I can make them in a letter to my hon. Friend.

This is not the end of the story. The Georgina McCarthy case raised several questions about the way in which cases are currently handled, and the Lord Chancellor's Department and the Home Office are considering them. There is much work for the Government to do—much work that they are committed to doing. The subject is critically important, and I thank my hon. Friend for raising the profile of that crucial work.

Question put and agreed to.

Adjourned accordingly at Two o'clock.

Westminster Hall

Thursday 8 June 2000

[MR. MICHAEL LORD *in the Chair*]

Gibraltar

[*Relevant documents: Fourth report from the Foreign Affairs Committee, Session 1998-99 (HC 366), and the Government's response thereto (CM4470). Memoranda on Gibraltar reported to the House by the Foreign Affairs Committee.*]

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Touhig.*]

2.30 pm

Mr. Donald Anderson (Swansea, East): It is my pleasure to introduce for debate the fourth report of the Select Committee on Foreign Affairs of last Session. I have just been reminded by my hon. Friend the Member for Barnsley, Central (Mr. Illsley) that it is a year to the day since the report was published. I do not know what conclusions we can draw from that delay. We also have before us the Government response to our recommendations and various unpublished memoranda, one from the Foreign and Commonwealth Office and one, dated 4 June, from the Government of Gibraltar. I know from experience that there is considerable interest in the House in the subject of Gibraltar. It is, therefore, wholly fitting that our report should be brought before this Chamber.

The Foreign Affairs Committee report was unanimous and followed a short but, I hope, comprehensive inquiry. I am grateful to my colleagues on the Committee for working together constructively and speedily to produce a document that has, I hope, been a catalyst for change in relations between this country and Gibraltar. I shall begin with our conclusions to show the spirit in which we worked. In paragraph 125 we say:

> Of all our overseas territories, Gibraltar is in the unique position of having to conform to almost all EU regulations and directives. This means that the British Government have a special duty of care towards Gibraltar in the European Union, and places extra responsibilities upon United Kingdom Ministers to uphold the interests of Gibraltar. We urge Her Majesty's Government both to recognise and to act in full accordance with these responsibilities.

That was the theme—the leitmotiv—of our report.

The report was sparked by the fact that, in January last year, the border between Gibraltar and Spain was closed to traffic in a culmination of a dispute about fishing by Spanish vessels in Gibraltar's territorial waters, and Gibraltar became even more prominent on the parliamentary agenda. Thus, the Committee decided that it should look at the situation. One of the great advantages of our Select Committee system is that we can respond flexibly to crises in that way. I have stressed our special duty of care, but we should not forget what the people of the Rock did for the allied war efforts during the second world war.

The Committee visited Gibraltar in March last year. We met the then governor, our former colleague, Richard Luce, the Chief Minister, Peter Caruana, and the leader of the Opposition, Joe Bossano, all of whom are well known to hon. Members; and Gibraltar is well served by its representative in the United Kingdom, Mr. Albert Poggio.

In London, we took evidence from my right hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin), who then had responsibility for Gibraltar in the Foreign and Commonwealth Office, and from Peter Caruana. We are extremely grateful for the enormous help that we received. During our visit to Gibraltar, which was my first, we were received with great warmth, which made clear to me our special relationship with its people.

We did not take evidence for our report in Spain, and received only one piece of evidence from a Spanish source—although that was important, as it came from Rafael Estrella, the Socialist party's then foreign affairs spokesman. He has a special interest in relations with Gibraltar, because he represents a constituency in the adjoining region—or autonomia—of Andalucia. We would, of course, have welcomed other memoranda, had other Spanish sources responded to our invitation.

We were able to study the proposals for the future of Gibraltar that the then Spanish Foreign Minister, Mr. Abel Matutes, had made as part of the so-called Brussels process. Those proposals, with their call for joint sovereignty in Gibraltar, were clearly unacceptable to an overwhelming majority of Gibraltarians, and must, therefore, eventually be rejected.

We also saw at first hand the threats that Spain has made against Gibraltarian interests, and received much evidence about the effect that Spanish action has had on the life and economy of the Rock. We naturally took the opportunity to visit the border, in company with the Chief Minister, Mr. Peter Caruana, and saw the unacceptable delays.

In essence, our conclusion was that Spain has made many wild and unfounded allegations against Gibraltar. The territory is not the haven for smugglers, drug traffickers and tax evaders that some Spanish propagandists pretend.

On the compliance of Gibraltar with European Union obligations, there were just two remaining regulations with which the Government of Gibraltar had not complied. The recent memorandum submitted to us by the Gibraltar Government states—in response to our report's recommendation that

> the Foreign and Commonwealth Office continue to press for the early adoption of legislation in Gibraltar to bring into effect the Fourth and Seventh EC Company Law Directives

that

> The required legislation is now

on

> the statute book and operative.

I am delighted that that positive change has occurred since our visit.

We raised important questions about whether Spanish conduct against Gibraltar may not itself infringe EU law. I have in mind not just the disgraceful absence of free movement across the border—of which more later—but such issues as the then non-recognition of Gibraltarian driving licences and passports, the restrictions on Gibraltarian telephone services, and the

[Mr. Donald Anderson]

attempts to exclude Gibraltar from the entitlement to benefit from all aspects of its EU membership. We called for more rigorous action in the EU to defend Gibraltarian interests.

Our report was published last June, since when an amendment has been moved—I am delighted to be able to use that parliamentary expression. That amendment is the very welcome, but limited, agreement between Her Majesty's Government and the Government of Spain, which has been hailed by the Government of Gibraltar as a key step on the road to normalisation of relations. I am sure that I speak on behalf of the whole Committee in saying that we, too, welcome that step forward. We were delighted by the announcement on the agreement that was made on 19 April by my right hon. Friend the Secretary of State for Foreign and Commonwealth Affairs. Speaking with due deference, I have little doubt that our report helped to hasten the process.

It is always possible to talk up a dispute into a crisis, but, as our report says,

nothing is to be gained by bombast and megaphone diplomacy.

For that reason, we devoted the last part of our report to an analysis of what we believe the British Government should do to develop relations with Spain. That is important because—I stress this—Spain is an important ally of this country, not least within the North Atlantic Treaty Organisation. There are many areas in which we work extremely amicably with our Spanish partners, and we have many common interests, including, for example, our approach to the intergovernmental conference, which will be concluded in Nice in December. Also, many Britons holiday in Spain and many others live there.

In the past, the temperature of the debate occasionally became too heated because of Gibraltar, and it should be lowered. The meeting of the two Prime Ministers in early April helped that effort. I understand that they have an extremely good relationship—their chemistry is good—which has been used constructively for the benefit of the people of Gibraltar, and we hope that they will go well beyond that first step.

The Foreign Affairs Committee does not believe that co-operation with Spain should in any way be equated with appeasement. The tendency in Gibraltar to criticise successive British Governments in that regard is regrettable. Co-operation is, in our view, the most sensible way forward. In our report, we singled out the airport as a place at which there should be practical, cross-border co-operation to the benefit of Gibraltar and of Andalucia, which is the adjoining region.

The Brussels process, which was started by the Brussels agreement of 1984, was an attempt to develop practical co-operation. However, in our judgment, the process became ensnared in fruitless discussions about sovereignty, and we believe that it is time for the agenda to move on. We therefore propose a new process of regular dialogue on all of the many areas in which agreements and co-operation could yield substantial and beneficial results. In that context, some of the views that have been expressed in Spain and Gibraltar, especially by Rafael Estrella and Peter Caruana, are constructive, helpful and enlightened.

Our report recommended putting the issue of sovereignty to one side and concentrating on co-operation and on the need to make progress where that is possible. That is surely the only sensible way forward. A banner that was displayed at La Linea last year stated: "Fewer restrictions, more solutions". That is what happened in April's agreement, when a breakthrough was achieved on European Union matters.

A new governor is now in place in Gibraltar. Peter Caruana received further endorsement in the elections that were held in February, and the Spanish elections have similarly consolidated the position of the Spanish Government of Mr. Aznar. Mr. Josep Piqué is the new Spanish Foreign Minister.

However, I do not pretend that everything is rosy. There are unwarranted delays at the border. I believe that now is a propitious time to move forward, and that we should use the limited agreement in April, however welcome it was, as a platform for further advance.

I shall not go through the helpful memorandum in detail—

Sir Peter Emery (East Devon): The hon. Gentleman said that a new Government have been re-elected in Spain and that a new Foreign Minister has been appointed. Would not now be an opportune time to press the approach that the hon. Gentleman described because there is every chance that it will be favourably received?

Mr. Anderson: I hope that the right hon. Gentleman's very wise words will be well received by our Government—I look forward to the Minister's reply—and by the Spanish Government.

The report contains detailed analyses of delays at the border. Obviously, the fact that customs officials operate at the border means that some checking is necessary, but the delays are still being manipulated for political purposes. They can be turned on and off like a tap, irrespective of the amount of traffic—

Mr. Andrew Mackinlay (Thurrock): Depending on which British Minister is visiting.

Mr. Anderson: Indeed, yes. It is done for quite extraneous reasons. It is wholly unacceptable behaviour by the Spanish Government, and in the new spirit of the April 1999 agreements, something should be done about it.

The only other area in which we hope for progress relates to the delays in telephone operations mentioned on page 6 of the memorandum. In our paragraph 67, we recommended that

the Government take all steps open to it under the Treaties to ensure that a determination is made by the European Commission with no further delay in the case of telephone operations.

The Gibraltar Government responded as follows:

The Gibraltar Government agrees. The situation is now very critical. Gibraltar has run out of numbers for mobile telephones (with a waiting list of 200) and has only sufficient fixed line numbers until the end of this year. This means that Gibraltar cannot comply with its obligations under the telecommunication liberalisation regulations since there are no numbers available for new operators.

The Spanish Government's refusal to recognise Gibraltar's 350 code is a breach of its obligations under Community Law...There is no indication that the European Commission is prepared to commence formal legal proceedings against the Spanish Government...The Gibraltar Government cannot agree that this issue should be dealt with in a manner which subjects the enforcement of the EU Rights of Gibraltar citizens and companies to a process of bilateral political negotiation between the UK and Spain.

I have not discussed this further matter with the Committee, but I anticipate that there will be total endorsement of the Gibraltar Government's view.

We recognise that much helpful progress has been made, that there is a new spirit of co-operation, and a new platform on which we can build. However, some of the matters that need to be dealt with, such as the telephone question, are critical and urgent while others, including the border delays, are still clearly being manipulated for political purposes.

I hope that the Minister will give the Chamber some assurances on those matters. There are still areas in which the European Commission is trying to avoid taking a decision on matters that are properly its responsibility. I hope that the Minister will also address the question of when we can expect the legislation to extend the European franchise to residents of Gibraltar. I cannot speak for colleagues from other parties, but I would hope that this would be a consensual matter in the House, and that the passage of such legislation could be facilitated in such a way as to avoid falling foul of any pre-election problems.

Mr. Christopher Gill (Ludlow): May I remind the hon. Gentleman that when this matter came before the House some time ago, some of us were very keen that the franchise should be extended and amendments were tabled accordingly, only to be struck down by his Government?

Mr. Anderson: It is not my purpose to find fault with one or other Government. There has been substantial progress, but there remain many problems and this is one of them. I hope that the hon. Gentleman, who has taken a close interest in Gibraltar over the years, will try to ensure that there is no opposition or blockage from any part of the House over which he has some little control.

I hope also that the Minister will confirm the Committee's view that moves towards greater self-government under the Crown in Gibraltar—if that becomes the proposal of the House of Assembly Select Committee currently examining the Gibraltarian constitution—will not be contrary to the treaty of Utrecht. In our view, such a course will not amount to alienation of Gibraltar from the Crown referred to in article 10 of the Utrecht treaty.

The Foreign Affairs Committee report has been a constructive contribution and has helped to encourage people of good will on both sides of the Spain-Gibraltar border to work towards happy co-existence in a historic and beautiful corner of the European Union. The report has been overtaken, in part, but the moves in April are most welcome.

I have one final point. People sometimes ask, "What is the use of Select Committees? Do they have any influence?" In future, I shall answer with one word: "Gibraltar". It is not showing too much self-esteem on our part to say that the report made a constructive contribution to the debate, on behalf of Gibraltar and in the interests of promoting better relations between this country and Spain.

2.50 pm

Sir John Stanley (Tonbridge and Malling): I am glad to follow the hon. Member for Swansea, East (Mr. Anderson) in speaking to a report that was, as he said, unanimously agreed. The tone of the report was both reasonable and firm in its protection of essential Gibraltarian interests. The hon. Gentleman referred to a number of issues on which there has been progress, but I want to speak about three important issues on which practical progress to date has been zero.

First, there is the issue of frontier delays. Like other hon. Members, I was struck by the Foreign Secretary's announcement, made in a written answer on 19 April. I welcome the progress to which he referred, but, as hon. Members will know, frontier delays were not among the items covered in the announcement. Although the Foreign Secretary was singularly upbeat in his announcement, frontier delay is still a serious issue. The Foreign Secretary said that the discussions that had taken place had produced

a very good outcome for the UK, for Gibraltar and for all our EU partners.

He also said that he hoped that they would

help to improve the climate of dialogue and the spirit of co-operation with regard to Gibraltar between Spain, and the UK and Gibraltar—[*Official Report*, 19 April 2000; Vol. 348, c. 499W.]

In practical terms, there is no evidence whatever that there is an improvement in the "climate of dialogue" or the "spirit of co-operation" with regard to the frontier delays.

We can see minutely whether progress is being made in this area. The Gibraltar Government keep day-by-day records of the average length of the delays for vehicles exiting Gibraltar. The delays are deliberately contrived by Spanish officials and Spanish Ministers have ultimate responsibility for them. Table B of the Gibraltar Government document shows that the average delay time on 19 April—the day on which the Foreign Secretary made his statement about the new spirit of co-operation—was 52 minutes. On 30 May—the latest date we have—the average time was 51 minutes. I was curious about whether there had been a dramatic improvement before our debate, so I spoke to the Chief Minister's office this morning. I was given figures for the past few days, including yesterday—7 June. The delay is still 51 minutes. So, despite the talk of a new spirit of co-operation, all that has been achieved since 19 April is an improvement of one minute in the average delay time on the border. That is not good enough.

One must ask whether the Government's response is good enough. The final part of the Government's response states:

We note the Committee's recommendation that the Government take action under Article 227 of the EC Treaty should the Commission itself fail to take swift action. Ministers have already raised the issue of border delays with the incoming Commission, and will keep the situation under review.

I do not think that keeping the situation under review is anything like good enough. Something much more specific and positive must be done. The Select

[Sir John Stanley]

Committee made it clear in its report that, ultimately, if the Commission is unwilling to take action under article 226, individual EU member states have the right, under article 227, to take action themselves against an individual member state. In view of the clear evidence that the Commission has failed to take swift action, which was the benchmark that the Government used in their response, why have the Government not so far initiated proceedings under article 227? When, while these intolerable delays continue, will they do so?

The second issue that I wish to raise, where again, regrettably, there has been no progress, is the use of Gibraltar for NATO defence purposes. A long-standing incongruous geographical feature of the NATO alliance is that at the eastern end of the Mediterranean two NATO allies, Greece and Turkey, treat each other as potential belligerents and at the western end, another NATO ally, Spain, treats a fellow NATO ally, Britain, in a Gibraltar context at least, as a military leper, with whom contact should be avoided. That is a serious issue.

I want to look in detail at the Government's response on this point. It is a three sentence response and I shall take each in turn. The first is:

> The Government continue to believe that the Spanish imposition of restrictions intended to hamper NATO military activity in and around Gibraltar is an inappropriate approach for a NATO ally.

I fully signed up to the Foreign Affairs Committee's view that we should avoid bombastic terminology and megaphone diplomacy, but that goes far too far in the opposite direction. One member of a serious military alliance is deliberately hampering the agreed military activities of another. Surely wording rather stronger than "an inappropriate approach" would have been justified. The Foreign Office should reflect on the impact such wording has in Madrid when the Spanish Government see that all the British Government are prepared to say in our own Parliament and to our own Foreign Affairs Select Committee is that their activities in deliberately hampering NATO operations and activities are "an inappropriate approach". That does not remotely convey the right message to them.

The second sentence is:

> The Government intend to continue bilateral discussions with Spain aimed at maintaining progress towards the lifting of all restrictions, particularly in the light of Spain's recent joining of the NATO Military Structure.

The Government missed a significant moment in permitting Spain to enter the integrated military structure of NATO on 1 March 1999 without resolving that issue or obtaining assurances from the Spanish Government that they would discontinue such hampering of NATO activities. That should have been a major issue in the negotiations, but it appears that it was let slip.

People may say that the previous Conservative Government let Spain into the political structure of NATO in 1982 and did not finally resolve the issue. That is a fair point. Although I was not in the Ministry of Defence or the Foreign Office then, I remind hon. Members that we had to take into account Spain's important strategic position and the fact that we were still involved in the cold war. It was reasonably seen as desirable to get Spain into NATO at almost any price. However, we were in a fundamentally different position in 1999. An important window of opportunity was lost when we let Spain into the integrated military structure without obtaining copper-bottomed assurances that such hampering of NATO's activities in Gibraltar would stop.

The third and final sentence of the Government's response was clearly designed to try to score brownie points with the Committee, which took a strong line on the issue. The Government said:

> A move towards normalisation of the relationship between two NATO allies was demonstrated recently when Spain took part for the first time in a NATO communications exercise in which Gibraltar also participated.

I welcome the fact that Spain participated with Gibraltar in a NATO communications exercise, but on the other side of the scale, the Gibraltar Government have said:

> Far from doing what the Committee's conclusion and recommendation would expect from her, Spain is actually actively discouraging other NATO countries from visiting Gibraltar with their military ships and airplanes.

That is a more serious downside than the small plus of the communications exercise to which the Government's response refers. My concern is that we are moving backwards and enabling Spain to hamper NATO operations and exercises involving not only British military assets, but those of our NATO allies. I shall be interested to hear the Minister's response on that.

The last recommendation on which we have not achieved practical progress concerns the right of Gibraltarians to vote in European elections, to which the hon. Member for Swansea, East referred. Although the Government have seriously failed on that issue, the previous Conservative Government failed equally seriously. Both Governments are culpable for denying Gibraltarians the ability to vote in European elections.

I was delighted that Denise Matthews won her case in the European Court of Human Rights last year, although it is a sad day for the mother of Parliaments when a British citizen must go to that court to establish her right to vote in our democracy. The Government's response makes all the right noises, but does not make a clear binding commitment that Gibraltarians will have their right to vote in the 2004 European elections.

I have just two questions. The Secretary of State's response says:

> The Government are working hard to ensure that this extension of the franchise to Gibraltar is achieved before the 2004 elections.

However, the evidence of years and years shows that hard work is not sufficient to achieve success when the Spanish Government dig their toes in on an issue. The Foreign Affairs Committee anticipated that there might be difficulties in implementing the decision that has been made in the European Court and in getting that through the European Union bureaucratic thicket in Brussels. Therefore, in paragraph 92 of its report, the Committee put to the Government a fallback position, in the event of continuing Spanish obstruction:

> If there is evidence of Spanish obstruction, we believe that it will be possible—and desirable—for the United Kingdom to act unilaterally, at least as a stop-gap. This could be done by amending British law to allow British citizens resident in Gibraltar

to register to vote in European constituencies in a similar manner to the extension of the franchise in domestic and EP elections to British citizens resident abroad under the Representation of the People Act 1985.

The Government's response is silent on the use of that unilateral legislative power. Will the Minister tell us whether the Government, if they cannot have their way in Brussels, will discharge their democratic obligations to the people of Gibraltar and implement the unilateral legislative solution that the Foreign Affairs Committee recommended?

The last question arises from the Gibraltarian Government's paper, which says:

> Spain has recently informed the EC General Council that it will not agree to Gibraltarians voting in Gibraltar and offering them the opportunity to vote in Spain.

I hope that the Minister will dispose of all the diplomatic language with which his brief and the Government's response are stuffed, and make it absolutely clear that the British Government are adamant that the people of Gibraltar voting in the European elections for the first time in 2004 will vote in one place only—Gibraltar.

3.9 pm

Mr. Andrew Mackinlay (Thurrock): I welcome this debate and I am pleased to see so many colleagues from across the political spectrum who, like me, have enjoyed the Gibraltar national day and the hospitality and friendship of the Government and people of Gibraltar and their House of Assembly. I hope that we can replicate this debate annually, at least. Ideally, we ought to have a debate each part-Session. We are focusing on the report of the Foreign Affairs Committee, but we need to take account of many other issues, including the Government's stewardship, the role of the governor, chief constable and chief justice, all of whom are appointed by Whitehall. Westminster has a duty and an obligation to deal with those issues, but perhaps we can do so on another occasion.

I should like to comment on the Select Committee report. It is fair to acknowledge that much has been achieved since it was published. We should recognise, for example, the purchase of a fast patrol boat, which resulted from financial collaboration between Her Majesty's Government and the Government of Gibraltar. The fourth and seventh Euro-directives have been placed on the statute book and problems relating to driving licences have been resolved. The competent financial authorities of Gibraltar have been facilitated by a "post box" system via London. We are also pleased to know that there are currently no fisheries disputes.

What is the kernel of the debate, and why is the Minister in the dock? I hesitate to use that phrase, but I shall justify it in a few moments. Paragraph 125 of the report states:

> We conclude that there have been occasions in the past when the British defence of Gibraltarian interests has not been as robust as it should have been. Of all our overseas territories, Gibraltar is in the unique position of having to conform to almost all EU regulations and directives. This means that the British Government have a special duty of care towards Gibraltar in the European Union, and places extra responsibilities upon United Kingdom Ministers to uphold the interests of Gibraltar. We urge Her Majesty's Government both to recognise and to act in full accordance with these responsibilities.

The Government responded by saying:

> The Committee does not cite any occasions when the defence of Gibraltar's interest has not been robust... This Government would reject the claim that it has ever been less than robust in its defence of the interests of the people of Gibraltar, and is encouraged that a full and diligent inquiry by the Committee does not produce any such example.

Whoever penned that has not addressed himself to the contents of the report. Colleagues have already cited examples such as problems at the border. As we sit here this afternoon, the people of Gibraltar and other UK citizens face indefensible frustrations at the border. In extremis, flights headed for Gibraltar were recently unable to use the Spanish airport and were diverted to north Africa. Telephone facilities are another problem, and because of the tardiness of the European Commission and the Spanish Government in resolving it, the Gibraltar Government have been embarrassed commercially and are unable to fulfil other obligations. The franchise to the European Parliament is another major issue.

Will the Minister amplify on his discussions with Madrid? It was reported that he was somewhat pleased about the reduction of the waiting time at the border. He clearly understands that hon. Members regard the existing average waiting time as wholly unacceptable, and I want to know if there is a disagreement between him and us on that matter. If the Minister shares our view that it remains unacceptable, what is he going to do about it? Parliament is entitled to know.

In parliamentary replies, the Minister and the Foreign Secretary have said that they are continuing to pursue the matter in Europe. Yet the *Gibraltar Chronicle* reported on 29 November last year that the European Commissioner had said that it was not a matter for him, but should be sorted out bilaterally. The Minister must tell us whether it is a bilateral matter or should be dealt with by the European Commissioner. Can he give us an assurance that the European Commissioner is pursuing the matter with vigour?

On aviation, I should like the Minister to respond to paragraph 2 on pages 3 and 4 of the unpublished memorandum submitted by the Gibraltar Government. It states:

> On 3 May this year, a scheduled civilian flight carrying 90 passengers was unable to land at Gibraltar due to poor visibility and after circling for 20 minutes requested on three occasions to divert to Malaga airport. This was refused on grounds that the aircraft had made no attempt to land at Gibraltar. The aircraft was therefore forced to divert to Tangier.

I do not want to sound like a long-playing gramophone record, but what are the Government doing about that?

My colleagues have dealt with the issues of NATO and telephones, but there is one other item on our list that has yet to be covered. We recommended that, as a matter of common sense and courtesy, the Chief Minister should have access to the Prime Minister. However, the Government's response has been rather mean, which simply is not good enough. We should remember that the people of Gibraltar are not represented in this place. We trespassed on that issue in our report and suggested that reform of the other place might facilitate representation. The Government said that we should await Wakeham, but Wakeham failed to comment, so we need to revisit the issue.

Because the people of Gibraltar are not represented in this place, their representatives in the House of Assembly should have greater access to the Prime

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Minister who, ultimately, is their Prime Minister. We should remember that if the United Kingdom were to go to war, Gibraltar and the other overseas territories would not be able to pass a resolution stating, "If you don't mind awfully, we'll sit this one out." They are locked in to our decisions here, and we must recognise that this place is also their legislature.

I am extremely angered by the issue of the franchise for European elections. Originally, Her Majesty's Government were peddling the story that it is not possible to extend the franchise. The Committee stage of the European Parliamentary Elections Bill was taken on the Floor of the House, and amendments were tabled not only by me but the Conservative Opposition. The Opposition experienced a Pauline conversion on the matter. Nevertheless, they sought to ensure that there were votes for Gibraltarians in European elections. During the debate, I said:

Reference has been made to arguments advanced in another place by Baroness Symons—

the former Minister of State for the Foreign and Commonwealth Office—

that, somehow, there is an impediment to altering the law without unanimity among EU member states. That is simply wrong in law. It is nonsense, but it is indicative of the kind of stuff that is peddled at an official level in the Foreign Office. Even if I am wrong, it is up to the British Government to challenge such a premise. I am quite confident—I say this with as much humility as I can muster—

[*Laughter.*] wait for it—

that I happen to be right, and that the Foreign Office is wrong.—[*Official Report*, 24 February 1998; Vol. 307, c. 196.]

The Foreign Office was wrong, and I was vindicated. The European Court concluded that the Foreign Office's expensive lawyers had got it wrong and that the hon. Member for Thurrock had got it right.

There is a lesson to be learned here. The same people are still advising Ministers. They have now altered the story and tried to rewrite history. The Minister will say, "Hon. Members and Madam Deputy Speaker, we want to extend the franchise, but we need the agreement of Spain and the European Union." I shall tell the Minister—and I shall quote this on future occasions—that he and his advisers are once again wrong. However, I cannot help but feel that the Foreign Office has displayed a wilful ignorance in this matter. It is unacceptable that it is even deemed to be a matter of competence for the European Union or a foreign Government to decide who or what should be our franchise.

The hon. Member for Ludlow (Mr. Gill)—who I know hopes to catch your eye later on, Madam Deputy Speaker—and I are at different poles on the question of the European Union, but on this matter I wholeheartedly agree with him: it is our exclusive competence to decide who is on our electoral register. We should at least put enabling legislation on the statute book now, so that we do not have to come to Parliament after an agreement, perhaps at the 11th hour.

To underline the poverty of legal advice given to Ministers on this matter I shall quote my hon. Friend the then Minister of State's words in responding to me on 24 February 1998. She said:

As I have said, there are differences between the status of Gibraltar in the European Union and, for example, the status of the Channel Islands and the Isle of Man. However, for the purposes of the EU parliamentary elections, it is clear that they have the same status. That is the legal position. If that position were to be changed, it would require a proposal from the European Parliament, and a unanimous decision in Council followed by ratification by all member states. I am sure that the formidable political obstacles that would be encountered by that course of action are more than evident to the Committee.—[*Official Report*, 24 February 1998; Vol. 307, c. 608.]

My hon. Friend was proved to be wrong, and I hope that the Government will now have the humility to recognise that, particularly as the Labour Government have an obligation to ensure that the franchise is extended to these people. After all, the people of Martinique and Réunion in the Indian Ocean can vote in the European elections, but our own folk in Gibraltar, to whom we owe so much, are denied that opportunity.

I am sorry to have laboured the point, but it demonstrates that the humility should not be with me but with those on the Government Front Bench, who have repeatedly taken advice given by Home Office officials that, time and time again, has been shown to be flawed and morally wrong.

3.22 pm

Mr. Tom Cox (Tooting): I should say at the outset that I am not a member of the Foreign Affairs Committee, but I have read its report with great interest and I congratulate the Chairman and all members of the Committee. The report was interesting and frank. Members of the Committee put clearly to the then Minister of State, my right hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin), their views on a wide range of issues, which were also evident in their discussions with the Chief Minister of Gibraltar, Peter Caruana.

Like many other hon. Members I have visited Gibraltar on numerous occasions. Some years ago, my hon. Friend the Member for Thurrock (Mr. Mackinlay) and I went to national day in Gibraltar. It was a moving occasion. I was last there last year, when I led a delegation to the Commonwealth Parliamentary Association conference, which was being held there. While there, we heard the views of the Chief Minister, of politicians and of business people, but, above all, we heard the views of the men and women of Gibraltar, and there was no doubt about what is and is not acceptable to them and their country.

I must tell my hon. Friend the Minister of State that, as other hon. Members have said—and this emerged clearly in the Select Committee report—the views of the Government are not those of the people of Gibraltar. In the elegant presentation of his views, my hon. Friend the Member for Thurrock made it clear that the Government to whom many of us in this Room are proud to belong, sadly, often get it wrong. They get it wrong in Gibraltar and they get it wrong in many other parts of the world that have close links to us through their membership of the Commonwealth. They get it wrong repeatedly. I hope that, as my hon. Friend has said, we will make known to Spain the views not of the British Government, who often put their views forward, but of the people of Gibraltar and the Chief Minister of Gibraltar.

The on-going problems that, sadly, Gibraltar faces at the border, where there are many delays in traffic movement, were mentioned earlier. When the CPA delegation was there for a week, we watched, day by day, what was happening. Spain deliberately caused the delays to inconvenience Gibraltar and to disrupt its economy and tourism trade. The Spanish have not suggested that they have other reasons for causing the delays.

My hon. Friend the Member for Swansea, East (Mr. Anderson) dismissed out of hand some of the accusations that the Spanish Government make against Gibraltar, and our Government should do the same. Neither I nor any other hon. Member is in any doubt about the fact that the Spanish Government's accusations are totally unacceptable to the people of Gibraltar.

There was a vote on the sovereignty of Gibraltar in the 1967 referendum and it is worth spelling out the result. A total of 12,138 people voted to remain linked to the United Kingdom and 44 voted for Spanish control of Gibraltar.

The British Government might say to the Chief Minister, "The 1967 vote took place a long time ago, and the matter should be retested. Let's have another referendum to test the views of the people of Gibraltar by December this year." If they said that, does any hon. Member believe that there would be any change from the 1967 voting figures? I do not, and I am sure that my hon. Friend the Minister does not either.

Many hon. Members have many political interests in Parliament, and I happen to chair the all-party group on the Argentine. The Argentines are hell-bent on trying to take over the Falkland Islands. What do the Government, and what did the previous Government, say repeatedly to the Government of Argentina? They said, "There are things that we will talk to you about, and we want co-operation between our two countries, but we will not enter into a discussion about the sovereignty of the Falkland Islands."

I recently hosted a visit that was made by the newly elected Vice President of Argentina. He met various Members of Parliament, and we discussed many things, but there was one matter that we did not discuss—the British Government had made it very clear to the Government of Argentina that sovereignty was not for discussion. I hope that something as forceful as what was repeatedly said to the Government of Argentina will be said to Spain—it is, I believe, our duty to do so.

Mrs. Eleanor Laing (Epping Forest): Does the hon. Gentleman think that, in view of the Government's propensity to consult the people about many aspects of political life, it is somewhat strange that they are reluctant to consult the people of Gibraltar? Would he recommend that such a consultation should now take place?

Mr. Cox: I note what the hon. Lady has said, and shall deal with that point in a moment.

Paragraph 104 of the report contains two key aspects, one of which I fully support and of one of which I am deeply critical. I support the proposal for the representation of Gibraltar in the House of Lords, which deserves serious consideration. I hope that the Minister will not say, "We are sympathetic to that, but we would have to consult the Spanish Government before we could put it in place." Sadly, that is often the tenor of the Government's actions in any dealings concerning Gibraltar. As my hon. Friend the Member for Thurrock said, if it is the wish of hon. Members that there should be a Gibraltarian representative in the reformed second Chamber, that decision should be taken by the British Parliament.

The aspect of which I am highly critical—this may answer the intervention by the hon. Member for Epping Forest (Mrs. Laing)—is the fact that no meetings between the Chief Minister of Gibraltar and the Prime Minister take place prior to meetings between the Spanish Prime Minister and the Prime Minister. According to the report, the then Minister of State, my right hon. Friend the Member for Gateshead, East and Washington, West, said that she

> spoke regularly with the Chief Minister, and reported on these discussions to the Prime Minister.

That is totally unacceptable. It is an utter discourtesy to the people and to the elected Government of Gibraltar that the British Prime Minister—any Prime Minister, not just the present one—does not meet the elected Chief Minister of Gibraltar before he meets the Spanish Prime Minister for discussions about Gibraltar. Those meetings do not happen often so it would not place enormous pressure on the Prime Minister to do so. When a meeting of such great importance is to take place, and we know that issues concerning Gibraltar will be on the agenda, Gibraltar has a right to ensure that its Chief Minister meets the Prime Minister to discuss those issues.

The next European elections have been mentioned. Comment 13 of the Government response states:

> The Government are working hard to ensure that this extension of the franchise to Gibraltar is achieved before the 2004 European elections.

The language should be much tougher than that. Those elections are in June 2004—some four years hence. Are we being told that, between now and June 2004, we are not capable of ensuring—as the right hon. Member for Tonbridge and Malling (Sir J. Stanley) said in his forceful speech—that those people will have a right to vote where they want to vote? We know where they want to vote, and the Government should take the necessary action.

My final point concerns the airport. The report and the Government's response discuss the airport's potential for future development, which none of us disputes. However, the action that Spain takes towards flights into Gibraltar is totally unacceptable. I can give an example. I chair the CPA sub-committee that is now preparing for the CPA 2000 conference, which will take place in London and Edinburgh in September. The CPA executive committee held its meeting in Gibraltar on 9-15 April this year to discuss the agenda for this year's conference. Several members of the executive planned to fly into Gibraltar airport, but high winds meant that the aircraft could not land there. They sought permission to land at a Spanish airfield, but it was refused, so they had to fly to Morocco. That is unacceptable. Can the Minister give an assurance that any discussion about the airport will not be a matter solely for the Spanish and

[Mr. Cox]

British Governments? Any changes regarding the airport must take place only with the full and total consent of the people and Government of Gibraltar. We have a duty to make such points in our debate. If we did not, we would fail in our duty, in the light of the Select Committee report.

The Select Committee did a first-class job. The report shows the commitment of many Members of Parliament, irrespective of party, to Gibraltar and its people. That is how it should be. None of us should forget the role that Gibraltar played in the last war. Gibraltar is a Commonwealth country, and I and other hon. Members who are deeply committed to the Commonwealth see us as all being equal. It does not matter whether we live in a big Commonwealth country or a small one. The people of Gibraltar have a right to our support when they need it, and there are many current issues on which they need it. It is the British Government's duty to give them that support and to enter into proper consultation with them. Above all, they should make known to the Spanish Government the views of the Gibraltarian people, which, I regret to say, the British Government often fail to reflect.

3.37 pm

Mr. Christopher Gill (Ludlow): It is somewhat disconcerting to take part in a debate where all hon. Members are united in their views on the subject. Everyone who has spoken so far has referred to the issue of votes for Gibraltarians.

The hon. Member for Thurrock (Mr. Mackinlay) rightly drew our attention to the debates that we had in the House. At that time, many of us were anxious that Gibraltarians be given the vote for the previous European elections, not just the next ones. We felt that there was no impediment to that, and I remember putting to Ministers the same evidence that Michael Llamas, a barrister in Gibraltar, put to the European Court of Human Rights on behalf of Denise Matthews. I considered that evidence to be entirely coherent and sensible, and hon. Members know that it carried the day, for the court found in favour of Denise Matthews. The Government must do something to correct the situation.

As my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) said, when the Government say that they are working hard on a solution, we begin to wonder who is running the show. It should not be a problem for the Government. They can do anything that they want, provided they have the determination. What is lacking is the political will to get on and do it quickly and give Gibraltarians the satisfaction of knowing that their views are represented properly and seriously in Parliament.

Hon. Members have referred to visits to Gibraltar on national day and I, too, have visited Gibraltar on national day. It is a most extraordinary experience. Where else in the world would we, as Members of Parliament, stand in front of 10,000 people who apparently hang on our every word? I was left in no doubt about their feelings about their country's future, which were expressed in a dramatic way and with obvious enthusiasm and with no apparent dissenting voices. The hon. Member for Tooting (Mr. Cox) referred to the referendum in 1967, in which only 44 people voted against Gibraltar remaining British and it is true that Gibraltarians want to remain British.

The other theme that has run through today's debate is border delays. As my right hon. Friend the Member for Tonbridge and Malling rightly said, the delays are contrived; a point that was reinforced by the comments of the hon. Member for Tooting. I am grateful to my right hon. Friend for reminding us that delays are consistently of the order of 50 minutes. We have been reassured that the situation is under review, but I ask the Minister to confirm or deny that, when recently addressing an audience in Spain—it might have been in discussions with Ministers—he expressed the view that delays of an hour are acceptable. If the Minister did not say that, I am sure that he will tell us.

To my mind, such a delay is totally unacceptable, as are delays of 50 minutes. Those of us who know Gibraltar—I would imagine that we all do—see no reason for delays of more than a few moments, particularly given that, at certain times of the day, no one is waiting to cross the frontier. Nevertheless, delays are consistently contrived in an unreasonable way, regardless of the time and the press of people who want to cross the frontier.

Reference has been made to the part that Gibraltar has played in our history, not least during the second world war. We must consider the importance to this country of Gibraltar's strategic position and its potential as a strategic staging post for peacekeeping forces. The western community takes our forces to many parts of the world and many naval forces and air forces call in at Gibraltar, which is often 1,000 miles closer to the threat than the home bases. Our aircraft carrier force is now significantly reduced, and Gibraltar constitutes a static aircraft carrier at the entrance to the Mediterranean. In the light of the threats that we are now encountering, it also represents an important staging post for all warships and warplanes. There is no doubt that, when a naval task force was sent to the Adriatic or, more recently, to west Africa, Gibraltar proved a very important asset. That must never be forgotten.

When the hon. Member for Swansea, East (Mr. Anderson) introduced the debate, he said that the Matutes proposals must eventually be rejected. I question the use of the word "eventually". Many of us here this afternoon feel that the Matutes proposals should be rejected out of hand now. It is not acceptable for the proposals to hang like a sword of Damocles over Gibraltar when they should be struck out and we should proceed on a sounder basis.

One point that has not been raised in the debate is the question of cruise ships calling at Gibraltar. Perhaps the Minister can give us some up-to-date information on that. Cruise ships are becoming an important source of revenue to Gibraltar, which has been extremely successful in diversifying its economy since the time, not so long ago, when it was almost entirely dependent on the armed forces. Their contribution is comparatively tiny now.

In the meantime, the Gibraltarians, to their great credit, have diversified into financial services, and other areas. The same problems apply to cruise ships as apply

to naval forces. Spain puts restrictions on where they can have called before calling at Gibraltar and where they may call when they leave. That makes it much more difficult for Gibraltar to attract cruise liners to their harbour. The cruise line agents will choose ports on either side of the straits of Gibraltar. This is a serious problem. The Gibraltarians have been successful so far in generating a reasonable amount of cruise business, but just think how much more that could be if these restrictions did not exist.

In relation to another limitation on the diversification that is so important to Gibraltar's economic prosperity, I must repeat the plea made by other right hon. and hon. Members; there must be an early resolution of the question of telephones. Businesses cannot operate today without adequate communications. The stranglehold that Spain is apparently imposing is totally unacceptable. Spain is our ally in NATO and our partner in the EU. It is time that we told Spain in no uncertain fashion how many beans make five. We should not be prepared to take no for an answer, as we have appeared to be in the past.

Finally, Madam Deputy Speaker, I come back to the point made by my right hon. Friend the Member for Tonbridge and Malling. What did we get from Spain in exchange for allowing it to join the integrated command structure in NATO? We appear to have received absolutely nothing. Spain undoubtedly wanted to join the command structure and as we all know, as a consequence, the NATO flag has been hauled down in Gibraltar. That must have pleased Spain, for reasons that the Spanish understand better than I do. I am sure that it gave them some satisfaction. But what did we achieve in return for granting them membership of the integrated command structure? Will the Minister assure the House that Britain will not be such a soft touch in any future negotiations?

3.49 pm

Mr. Ted Rowlands (Merthyr Tydfil and Rhymney): I have been to Gibraltar only once and that was as a member of the Select Committee on Foreign Affairs. I came to the matters covered in the report totally green and without preconceptions. I should like to offer to colleagues and to people outside the Chamber a few brief observations.

The first is the powerful sense of community identity in Gibraltar. People there truly feel a sense of community and that must be fundamental to our thinking and consideration at either ministerial or parliamentary level. The second is a robust internal democracy, which has allowed full debate on the whole panoply of democratic issues in a small community.

I do not want to go over ground covered by my hon. Friends the Members for Swansea, East (Mr. Anderson) and for Thurrock (Mr. Mackinlay) and by the right hon. Member for Tonbridge and Malling (Sir J. Stanley), who made a typically forceful contribution in analysing the changes of the past 12 months and the absence of progress on key issues. I shall therefore not cover European election or NATO issues.

The report is not simplistic, populist or instinctive, but well reasoned. Furthermore, a consensus on issues such as this is precious, so Ministers should take it seriously. Not all contributions so far have sufficiently recognised the Government's success and achievements over the past 12 months in key respects that were a serious source of concern 12 months ago. I recall getting bogged down in the detail of issues such as the functioning of Gibraltar within the single market, postboxing, justice and home affairs in the context of the Schengen agreement and so forth. Those are meaty parts of our report.

To make a gentle criticism of the right hon. Member for Tonbridge and Malling, who concentrated on key points where progress had not been made, we should properly acknowledge that the Government's patient diplomacy and the creation of political relationships with their Spanish opposite numbers has achieved considerable progress. Many concerns—about financial services and Gibraltar suffering from the negative elements of belonging to the European Union without reaping the benefits—have begun to be worked through and resolved. Real progress has been made, particularly regarding Schengen and issues of justice and home affairs.

The work done by my hon. Friend the Minister of State and my right hon. Friend the Foreign Secretary in developing contacts and warm relationships with Spanish opposite numbers is an important contribution to British-Spanish relationships and to relationships in Europe. However, that must never occur at the expense of Gibraltar's interests. We are right to remain vigilant about that and to act as a democratic watchdog over the development of British-Spanish relationships, which must never sacrifice key Gibraltar interests. I supported the report's use of the term "special duty of care" regarding Gibraltar, particularly in the context of the European Union but, in any case, because it remains a dependent territory. It is not an independent state, so we have a special and particular responsibility for it.

Before I move on to border issues, will my hon. Friend explain another change that has occurred over the past 12 months and which has not been mentioned in any speech today? I refer to the interesting change of appointment of the governor. I make no criticisms of the new governor, though it is a change not just of personnel, but of policy or approach. The previous governor was a high-profile political appointment. Richard Luce and I had some great debates and arguments over the years, but it was nevertheless a clear decision of the Government of the day to make a political appointment because they considered that the status of the governor in that context was a matter of high politics. I do not impugn in any way the ability of the new governor, who I am sure is very competent, but the decision to change the character of the post requires explanation. Perhaps when my hon. Friend the Minister winds up he will explain the thinking behind the change.

I do not come to this debate with any hostile views about British-Spanish relationships, or with any gung-ho or chauvinistic instincts about Gibraltar, Britain and Spain. I make my final observations more in sorrow than in anger. The way in which the Spanish authorities treat people at the border is a disgrace and is utterly unacceptable. Sadly, the problem is not just the inconvenience or the frustration for people, but the abuse of administrative power and bureaucracy for a political purpose. That is the serious point.

[Mr. Ted Rowlands]

I shall choose my words carefully here. You and I, Madam Deputy Speaker, were in the House when Greece, Spain and Portugal were military dictatorships. The wonderful transformation of three autocratic societies into powerful modern democracies has taken place in our parliamentary lifetime. It is therefore extremely worrying to see such behaviour that is more about the old autocracy than the new democracy. Administrative and bureaucratic procedures are being used, about which citizens have no apparent rights of redress. Imagine if our Customs and Excise behaved in that way. The matter would immediately go before the parliamentary ombudsman. There would be questions in the House. There would be that instinctive, natural response in a representative democracy to deal with an abuse of citizens.

Along with other members of the Select Committee, I witnessed that petty bureaucratic behaviour. It was obviously being condoned. It was not being stopped. These were not the arbitrary actions of a couple of overzealous officers who were feeling liverish that day. It was a consistent approach. The evidence provided by the Gibraltar Government shows that it is clearly and methodically organised.

The adjustments in the time delays are a sad indication that this is not a local initiative but a considered administrative decision that is undemocratic and anti-democratic. One of the saddest aspects is that in Spain—a now-thriving democracy—no representatives stand up in the Cortez to condemn the nonsense that is taking place on the border. Many Spanish citizens suffer this bureaucratic abuse.

We cannot allow these issues to go on and on. The right hon. Member for Tonbridge and Malling reminded us of the Select Committee's proposal concerning article 277. My hon. Friend the Member for Thurrock asked whether the Commission had responsibility. Of course it has; it has a fundamental responsibility. The centrepiece of the European Union is the freedom of movement. The obstruction of that freedom of movement is a blatant administrative and bureaucratic issue. The Commission certainly has responsibility, but so do Ministers.

It was with some concern, therefore, that I read the memorandum from the FCO, dated 22 May. Paragraph 12 states:

> Unwarranted delays at the border between Gibraltar and Spain continue. though waiting times for cars have fallen slightly since the Government's last report to the Committee—

4.1 pm

Sitting suspended for a Division in the House.

4.16 pm

On resuming—

Mr. Rowlands: I have to put it on record, assuming that the suspension is now over, that I think it is discourteous of the Minister not to be present. My last few remarks were to have been personally directed to him, and I wanted him to reply specifically to the points that I am about to raise. [*Interruption.*]

Madam Deputy Speaker (Mrs. Gwyneth Dunwoody): Order. I hope that the Minister will resume his seat.

Mr. Rowlands: I was about to make my final observations just before the Division bell rang. They were to be directed to my hon. Friend the Minister of State. I was about to draw to his attention the memorandum sent to the Select Committee on 22 May in his name. It stated:

> Unwarranted delays at the border between Gibraltar and Spain continue. though waiting times for cars have fallen slightly since the Government's last report to the Committee.

There is a difference of one Spanish minute, apparently. The memorandum went on to say:

> The Government remain in close touch with the Commission on the issue, and continue to press their concerns on Spain.

That language is wholly inappropriate to the situation that too many citizens of Gibraltar and others are facing. The final sentence states:

> Commissioner Vitorino has assured Mr. Vaz that the issue is under active consideration by the Commission.

I draw to my hon. Friend's attention the fact that those words have had the dust blown off them and, apart perhaps from a change in the name of the Commissioner, are identical to those put to us 12 months ago and, no doubt, 12 months before that. They are, therefore, an insufficient response to the situation. Will the Minister tell us what the Commissioner has done? Has he sent formal notes to the Spanish Government, asking for replies within a meaningful time scale? What have Ministers and our people in Madrid done? Have they formally submitted appropriate notes of the kind and character befitting the circumstances that still exist at the border?

I am perhaps rather more tolerant than some other hon. Members. A specific time scale should now be applied to the Commissioner's efforts. If, for example, within a month, there has been no meaningful response from the Spanish authorities to the Commissioner's work, it is the responsibility of Ministers and the Government to activate the article to which our report refers, which was put to my hon. Friend by the right hon. Member for Tonbridge and Malling. In other words, if the Commission and Her Majesty's Government cannot take appropriate action and receive a proper response from the Spanish authorities in a specific and narrow time scale, the powers available to us under the treaty should be exercised urgently.

I remind my hon. Friend the Minister again of what all those who served on the Select Committee agreed to—that Ministers and the House owe a special duty of care to the citizens of Gibraltar.

4.20 pm

Mr. Lindsay Hoyle (Chorley): I welcome the Foreign Affairs Committee's report on Gibraltar, which is important and timely, but there are concerns about whether Her Majesty's Government will stand firm in their discussions with the Spanish Government over the sovereignty issue. As we know, the Matutes proposals, which would have led to sovereignty of Gibraltar being

transferred from Britain to Spain, have still not been withdrawn. That should be a major consideration. They should be withdrawn now if Spain wants to prove its worth as a good European partner. That would be a good starting point.

We want to know that the Government will recognise Gibraltar's continued right to self-determination. That is also important, and we need to hear that loud and clear today.

The garrotting of Gibraltar and its economy also concerns me. I cannot think of a better word than garrotting for the slow strangulation of Gibraltar and its people by Spain's bully-boy tactics. I want the Minister to look at the problems of border control. In case he wonders why somebody from Chorley is worried about border controls in Gibraltar, I shall explain. Some constituents of mine visited Gibraltar, enjoyed their day and were coming back across the border. Tragically, there was an incident with a fishing vessel: Spanish fishermen were fishing within Gibraltar's territorial waters. The border was closed. My constituents were trapped in the middle, in neither Gibraltar nor Spain. They were not allowed to go back into Gibraltar or on into Spain. They spent more than 12 hours at the border post. There was no hot food; there was no drinks machine. It was totally unacceptable.

Mrs. Robinson, my constituent, who had tragically lost her husband not long before, was having a holiday to get over that tragic death, and this is how badly she was treated. She asked for help and none was given. The Clayton family, who were with her, gave her support, but to this day we have not had an apology from the Spanish Government. The arrogance of the Spanish ambassador in London was diabolical. Mrs. Robinson and I were given an ignorant reply that said that it was Spain's right to close the border. That is not acceptable, nor is it the way to treat European passport holders. I believe that Spain should now apologise and offer compensation to my constituents. The tourism industry is adversely affected when such things are allowed to happen.

I do not know—the Minister will be able to help me—whether Spain's proposal of 50 minutes or an hour has been accepted. It is not acceptable. A maximum of five or 10 minutes is acceptable, and no more. A country such as Spain, which applied to join the European Union and did so, should not breach European law and treat people with European passports in the way that we see day after day. That must be ended.

Some may say that my gunboat diplomacy is not the way forward, but it is not gunboat diplomacy. It is a question of facts and of doing something about it. We have spent too long debating the issue and pussy-footing around with Spain. The time has come to be firm and strong, and to say to Spain, "Please recognise that you are a good European partner. The way to prove that is to accept European law."

Let us see an end to the queues. Obviously, issues of democracy and Europe are involved. We are lucky to be among that luckiest group of people who enjoy democracy. However, everyone should have certain basic rights. It is tragic that a British overseas territory should be denied the democratic right to vote in European elections. We enjoy democracy, and we have preached its benefits around the world. I hope that the Minister will ensure that people who are British passport holders have the same right to vote in European elections that we enjoy.

I recognise that time is short. My hon. Friend the Member for Thurrock (Mr. Mackinlay) said that people from Gibraltar could be elevated to the House of Lords. Several names spring to mind, but I shall not mention them. France and Spain have no problem offering democracy to their dependencies, and double standards seem to apply in this context. We should end such double standards—they are unacceptable.

The report is helpful because it focuses our minds on the need to make progress. The people of Hong Kong, which was an overseas territory, were let down when we took democracy away from it and gave it back to the Republic of China. Please, let us not do the same with Gibraltar. We should listen to the people of Gibraltar and respect their wishes and views. We let down the people of Hong Kong, but we must not do the same with the people of Gibraltar.

4.27 pm

Mr. David Chidgey (Eastleigh): I begin by thanking the Chairman of the Foreign Affairs Committee, the hon. Member for Swansea, East (Mr. Anderson), for reminding us that Gibraltar provides us with a special duty of care and that Spain has made many unreasonable claims towards Gibraltar which he and his Committee members found to be generally unfounded.

I pay tribute to my hon. Friend the Member for Somerton and Frome (Mr. Heath), who worked assiduously with other Committee members on the report. He has since passed on the baton of membership of the Foreign Affairs Committee to me. I pay tribute to him for the work that he did—I hope that Committee members recognise that his work made a measured contribution to the Committee's tasks.

I want to discuss some of the speeches that were made today, and I shall begin with the speech that was made by the right hon. Member for Tonbridge and Malling (Sir J. Stanley). He set out clearly three salient points, to which I hope the Minister will respond. The first involved the issue of frontier delays. I shall not dwell on that, but it is clear that nothing practical has so far been achieved. A difference of 51 minutes compared with 52 minutes is, frankly, laughable. Secondly, the right hon. Gentleman discussed the use of Gibraltar by NATO for defence purposes. He clearly set out the British Government's inadequate response to Spain's efforts to hamper NATO's operations—I believe that he said that we were moving backwards rather than making progress. Thirdly, he said that the right of Gibraltarians to vote in European elections has been a long-running failure on the part of successive British Governments. Many other hon. Members who have spoken this afternoon also emphasised that.

The hon. Member for Thurrock (Mr. Mackinlay) made a powerful case about the failure to defend Gibraltar's special interests and to secure its representation in the European Union. He was ably supported in an impassioned manner by the hon. Member for Tooting (Mr. Cox). Both hon. Members made us think about the realities of the situation—people are being deprived of basic democratic rights in a part of the world that is sovereign to this country, that

[Mr. David Chidgey]

owes its allegiance to this country and that is owed a duty of care by this country. The relationship works both ways.

I turn to the report. We find ourselves in the strange, if not ludicrous, situation of having to debate a report by the Foreign Affairs Committee a year to the day after its publication. If a week is a long time in politics, surely a year is the better part of a lifetime.

Unsurprisingly, things have moved on. We welcome the agreement that was reached in April, although it made parts of the report somewhat dated, if not redundant. I hope that the Minister recognises that the report informed and guided the Government in their negotiations with Spain and the European Union. It is generally agreed that the negotiations resolved several of the Gibraltar-related issues in the European Union. However, the sovereignty of Gibraltar and the Gibraltarian aspiration towards self-determination are part of an exceptionally long-running affair.

It is unreasonable to expect to resolve disputes to the satisfaction of all parties in the short term—and, in some cases, that may never be possible. It is not tenable to argue that the fact that the territory of Gibraltar was achieved by force 300 years ago means that Gibraltar is an irrelevant detail of some distant part of our history. There is a tendency in our culture to reflect on the glories of our earlier conquests with a little too much enthusiasm. Who can blame the Royal Marines, who have a long association with my home county of Hampshire, for proudly bearing the name "Gibraltar" on their battle honours? I believe that that was the first such honour that they gained. It is part of their history that they were in the "van" that scaled the Rock by force of arms around 1700.

It is a fact of history that, in cases without number, the boundaries of nation states have been determined by conflict. In the majority of such cases, those boundaries have stood the test of time and remain intact today. We should make no apology for our history but, now that we are in the 21st century, we must deal with the issues that constrain the well-being and aspirations of the ordinary citizens of Gibraltar.

I am pleased to note that the Government of Gibraltar responded to our report in June—a few days ago—by agreeing to 18 out of our 23 recommendations. The other five recommendations were dealt with, to an extent, in the agreement that the Government announced in April. Those common-sense arrangements are in the interests of Spain, Gibraltar, the United Kingdom and the European Union. That demonstrates that without raising the issue of sovereignty, it is possible to make significant progress. Previous speakers have already pointed out that as Gibraltar's defence role has declined, its role as an offshore financial services centre has increased.

Our debate so far has not highlighted the fact that Gibraltar is the gateway between north Africa and Europe and that it has a vital role to play in the fight against trans-frontier crime in that region. It is in our interests, and those of Spain and the rest of the European Union, to give full support to Gibraltar's commitment to combat the cross-border drugs trade, smuggling and other criminal acts.

Previous speakers have already referred to the scandal of the restriction of Gibraltar's telephone services. For four years, the Gibraltarian Government have been unable to comply with the European Union telephone liberalisation directives, for three reasons. First, Spain refuses to recognise Gibraltar's international dialling code. Secondly, Spain will not allocate to Gibraltar more than 30,000 numbers in the Spanish telephone system. Thirdly, Spain has prevented Gibraltar's mobile phone network from being granted roaming facilities with Spain. In other words, the Gibraltarian mobile phone network is cut off from the rest of Europe's facility of interchange between the networks.

We know that Gibraltar is an expanding financial centre, the continued growth and development of which is a key aspect of the success of its economy. One of the fundamental necessities of a modern economy based on financial services is robust and expanding access to e-commerce.

The Government are on record as saying that the future of our economy is linked precisely and aggressively with the way in which we develop e-commerce, yet they have done nothing to provide Gibraltar with access to the new economies of the 21st century, despite their awareness of its economy's dependence on that access. I hope that the Minister will acknowledge the seriousness of that problem to the Gibraltarians. Without access to modern electronic communications, Gibraltar's economy will be shackled and will face decline in the 21st century.

It is not good enough for the Government to pass the buck to the European Commission, with the matter to be decided as a private complaint. They must not only take all possible steps under the treaties to ensure that a determination is made by the European Commission without further delay, but be proactive in taking all possible steps bilaterally with Spain, so as to ensure that the issue is resolved. There is a major stumbling block to the future economic growth of Gibraltar and consequently to the well-being of Gibraltarian citizens.

Bilateral intergovernmental negotiations are essential, but so are regional level discussions—with the Government of Gibraltar and its agencies and with Seville and its agencies. Their common interests in the development of the region mean that national negotiations must be supplemented by regional dialogue and policy initiatives.

The airport arrangements must be reconsidered. Hon. Members have referred to several incidents highlighting the disgraceful way in which flights into Gibraltar can be hindered by the Spanish authorities. I hope that the Minister will tell us that there has been progress in that respect. The dual mandate plan was rejected, but surely another model can be pursued. For example, the Mulhouse airport arrangements on the Swiss border allow for the sharing of sovereignty.

Gibraltarian representation in the European Parliament remains a major outstanding issue. The Government must admit that they let the Gibraltarians down at Amsterdam. The effective Spanish veto over Gibraltarians' basic human right of representation is not only unfortunate, but unacceptable. The Government must ensure that during any further treaty negotiations, such as at Nice in December, the effects of

treaty changes on the Gibraltarians must be considered and must be a priority for consultation and agreement. That is not to say that Gibraltar should be an overriding priority and that the British veto should automatically be wielded at the first hint of trouble, but the Government cannot allow Spain to hold all the cards.

We would probably all conclude, rather pessimistically, that constitutional talks on the future of Gibraltar's sovereignty are unlikely to make much progress in the foreseeable future. The positions of the Spanish Government and those of Gibraltar and the UK are too far apart. It is therefore better to take steps to regularise Gibraltar's status in the European Union—and NATO, bearing in mind the points that have been raised today—so that the Gibraltarians are not prejudiced as a result of their historical allegiances in a Europe that is trying hard to turn its back on its fractious past. That must be the Government's objective, to be pursued with diligence and commitment.

During today's debate, right hon. and hon. Members from all parties have expressed their deep frustration, and even anger, at the Government's apparent disinterest in Gibraltar. They seem to regard the matter as a little historical difficulty that is consigned to the margins of current negotiations. That simply will not do.

4.39 pm

Mr. Richard Spring (West Suffolk): I wholeheartedly welcome the debate and the report of the Foreign Affairs Committee, under the distinguished chairmanship of the hon. Member for Swansea, East (Mr. Anderson). The report pointed up deficiencies in the British Government's current stance towards Gibraltar, and I can only hope that the situation improves.

May I begin by genuinely complimenting all hon. Members who have participated in this afternoon's debate? There have been speeches of real passion and force. I cite in particular the robust speech of my right hon. Friend the Member for Tonbridge and Malling (Sir J. Stanley) on NATO and Spanish obligations of membership, and the issue of voting rights. That issue was also discussed by my hon. Friend the Member for Ludlow (Mr. Gill), and—most eloquently—by the hon. Member for Thurrock (Mr. Mackinlay).

The report concluded that

> there have been occasions in the past when the British defence of Gibraltarian interests has not been as robust as it should have been.

I am afraid that the Secretary of State's response to that statement was not encouraging. He said that the Committee had been unable to produce examples of a lack of robustness on the Government's part, yet several such examples are clearly cited in the report. Many have been mentioned this afternoon, and I shall refer to some in my brief remarks.

I, too, welcome the recent Anglo-Spanish agreement, particularly given that its contents were welcomed by the representatives and people of Gibraltar. I also welcome the unblocking of business and the Secretary of State's categorical assurance that the agreement fully upholds Gibraltar's constitutional position. However, the Government of Gibraltar have expressed concern at Gibraltar's exclusion from the Schengen information system. As the Chief Minister has made clear, this concern is based less on the practical importance of the system to Gibraltar than the principle that, under pressure from Spain, it should not be excluded against its will from any EU measure. Perhaps the Minister could comment on that principle.

The common thread running through the findings of the report is that the Government must be unequivocal about their commitment to the wishes of Gibraltar's residents. I want to make it clear to the Minister that any equivocation makes it more difficult, not less, to engage in constructive dialogue with Spain, because it encourages the belief that a possible tranche of concessions is in the offing. The objective of British Government policy should be to respond to the wishes of Gibraltarians.

One way in which the Government could demonstrate their good faith in this respect is to reject outright the Matutes proposals on joint sovereignty and, in line with the Committee's recommendation, to do so now. The proposals were tabled in December 1997, but I am told that they remain in the Foreign Secretary's in-tray. Ministers will respond by saying that they will be dealt with at the next meeting of the Brussels process, so I have two questions for the Minister.

First, will he now endorse again Sir Malcolm Rifkind's rejection of the earlier informal joint sovereignty proposals? Secondly, if the Minister still feels that he cannot comment on such a fundamental issue outside the confines of a Brussels process meeting, can he tell the Chamber when the next meeting is due to take place, so that the uncertainty can be ended? Such constitutional issues are not the only ones on which this Government's approach might be described as less than robust.

One year ago, the Select Committee described the delays at the Spanish border as

> unacceptable and wholly inappropriate between two parts of the EU.

The on-going delays, as many hon. Members have said, are no less unacceptable 12 months later. If relations are being normalised, why do such delays continue? They inhibit the free movement of people and put Spain in direct breach of its EU obligations. The Foreign Secretary told the Committee that the Government continued to press Spain to act, but the Government's approach does not seem to be having the desired effect.

The Committee urged the Government to initiate proceedings against Spain under article 227 if the Commission was unwilling to take swift action. The then shadow Foreign Secretary supported that call. One year of border delays later, the Government say that the situation is kept under review. Is it not time to do more than simply review? Have discussions on the issue taken place with the new Spanish Foreign Minister? What progress is being made, and why did the recent agreement not refer to action on border delays?

We must consider the crucial issue of the right to vote, for which hon. Members have forcefully expressed support this afternoon. Gibraltarians are the only EU citizens who cannot vote in or stand for European parliamentary elections. In February 1999, the European Court of Human Rights decided that the United Kingdom had violated the European convention

[Mr. Richard Spring]

on that issue. That ruling contrasts with the European Parliamentary Elections Act 1978, which says that Gibraltarians cannot vote as UK citizens in European Parliament elections. Which option will the Government choose? Can the Minister give a categorical assurance that full enfranchisement will be in place by the next European elections in 2004, as the Committee recommends? The overwhelming majority of people in Gibraltar wish to vote in an English constituency. Will the Minister respect their wishes?

I welcome the appointment of my colleagues Lord Bethell, Roy Perry and Dr. Charles Tannock as Gibraltar's representatives in the European Parliament, following a unanimous vote in the Gibraltar legislature. They have tirelessly advocated Gibraltar's interests, like many hon. Members across the party divide.

In the time available, I can touch only briefly on some remaining concerns of Gibraltarians. Other hon. Members have already discussed the issues eloquently. The House will be aware of the Government's U-turn in December 1997 on protecting Gibraltar's interests when discussing the NATO command structure. The Committee said:

> We regard it as extraordinary that Spain was allowed to join the integrated military structure of NATO while imposing restrictions on the military movement of one of its partners in the Alliance.

That was a missed negotiating opportunity. What progress is being made to make Spain lift those unwelcome restrictions?

The Committee rightly mentioned future potential in the use of Gibraltar's airport. The Foreign Secretary said that the airport's situation would not change without consultation with the Government of Gibraltar. Can the Minister assure the House that the Government of Gibraltar would have to consent before any change took place?

Finally, I shall deal with the telephone codes. The Spanish attitude to the 350 code and the mobile network could cause serious long-term damage to the Gibraltarian economy. Does the Minister consider that to be another issue on which action can be taken through the EU to ensure that Spain meets its obligations?

The residents of Gibraltar have expressed concern about the Government's stance on several issues. We debate Gibraltar all too seldom. We have close and sound relations with Spain and the links between our countries are strong and enduring. Spain is a success story, and I applaud the role that it plays so fully in NATO and the European family of nations. However, I trust that the Minister will not issue bland assurances about the vital issue of Gibraltar's future, but will acknowledge and respond to the legitimate concerns of the people of Gibraltar—our friends and fellow Commonwealth members for whom we indeed have a special duty of care.

4.49 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Keith Vaz): As this is today's only foreign affairs debate, I am sure that the whole House would want to join me in saying how shocked and saddened we were to hear of the death this morning of Brigadier Stephen Saunders and to send his family our deep condolences.

I am pleased to respond to the debate on the Foreign Affairs Committee's report on Gibraltar. I know how seriously the Committee takes its responsibilities and I am aware of the depth of interest in Gibraltar, which is borne out by requests for updates to the Government's response to the report and by the continual correspondence that I receive from hon. Members on issues affecting Gibraltar.

I agree with the hon. Member for West Suffolk (Mr. Spring) that we have had an excellent debate and that all who participated spoke with passion and knowledge. My hon. Friend the Member for Swansea, East (Mr. Anderson) said that he wants to be remembered for the word "Gibraltar". I thought that he was a Member for Swansea, but he is obviously a Member for Swansea and Gibraltar. We in government will do our best to do justice to the sentiments, emotion, passion and, indeed, logic of what right hon. and hon. Members have said today.

I am privileged to have Gibraltar among my portfolio of countries. I paid my first visit there as the responsible Minister in May this year and held several useful meetings. I had discussions with Mr. Caruana, the Chief Minister of the Government of Gibraltar; with our new governor, David Durie; and with Opposition leaders. I enjoyed walking down the high street and meeting many of Gibraltar's citizens, to whose concerns I listened. I found it a prospering and thriving place.

All right hon. and hon. Members who have visited Gibraltar will know that it is a special place—so special that it can unite, for the first time in my parliamentary lifetime, my hon. Friend the Member for Thurrock (Mr. Mackinlay) and the hon. Member for Ludlow (Mr. Gill). We must obviously cherish the place. Gibraltar has a flourishing people and a flourishing press, especially the excellent *Gibraltar Chronicle*. The only person I did not meet while I was there was Mr. Albert Poggio, who was in London. There will for ever be a part of Britain that is Gibraltar, in the shape of Mr. Poggio.

As the formal response to the report makes clear, the Government are strongly committed to our relationship with Gibraltar and its people. We view that relationship as a partnership, with all that that implies in terms of responsibilities and obligations. There can be no dilution of the British Government's commitment to Gibraltar as set out in the preamble to the 1969 constitution.

My hon. Friend the Member for Tooting (Mr. Cox) spoke with his customary passion. He used the example of his visit to Argentina and his conversations there about the Falkland Islands to argue that our commitment to Gibraltar is less strong than our commitments elsewhere. Let me reassure him and the House that Her Majesty's Government will never—and I mean never—enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes. I want to make that absolutely clear.

I hope that my hon. Friend will accept that, and that I shall not need to repeat it. That was and remains our view.

Mr. Chidgey: In that case, will the Government reject the Matutes proposals?

Mr. Vaz: I will come on to the Matutes proposals, which many people raised during my visit to Gibraltar and subsequently Spain. We will study the proposals and respond to them. They are part of the Brussels process. However, they must be consistent with the statement that I have just made, which is crystal clear.

My hon. Friend the Member for Tooting mentioned the referendum in which 44 people voted against remaining linked to the United Kingdom. I am sure that people are still looking for those 44 people. He asked whether I believed that the number voting against would be even lower now. That was an emphatic vote. We can play with statistics, but we cannot argue with them, and those statistics are absolutely clear. In answer to the question asked by the hon. Member for Eastleigh (Mr. Chidgey), we will respond to the proposals when the time is right. When that response is made, the Brussels process will continue, but we shall respond in our own time, considering the situation carefully and consulting constantly.

One feature of the new arrangements was the constant communication between my officials in the Foreign Office, Peter Caruana and the Spanish Government, despite the two elections that intervened. Mr. Caruana won an election in Gibraltar, and Mr. Aznar won an election in Spain. Discussions should take place privately. However, if hon. Members are under any misapprehension, I can reassure them that such matters are discussed all the time. When Mr. Caruana responded on the issue of cruise ships, there was an immediate response from the Foreign Office and an immediate telephone call to Madrid. That process is on-going and important in ensuring that we keep to our responsibilities.

As hon. Members know, the Government are responsible for promoting and upholding Gibraltar's interests in the European Union and other international forums. We have a keen interest in Gibraltar's economic well-being and strongly support its efforts to achieve a diversified and sustainable economy. During my visit, I was pleased to see what the Government are doing, the amount of private sector involvement and the enormous growth in the tourism industry, which is benefiting the people of Gibraltar greatly.

However, it is clear that building a constructive relationship with Spain is an important factor in Gibraltar's well-being. Trust, co-operation and dialogue remain the basis for progress. That is how we managed to achieve so much in our recent discussions. As I said, the arrangements announced by my right hon. Friend the Foreign Secretary on 19 April followed intensive discussions with Gibraltar and Spain. They deal with a range of issues that involve or affect Gibraltar throughout the European Union. The arrangements constitute an important package for Gibraltar, the United Kingdom and our EU partners. They also show the progress that can be made through quiet diplomacy, dialogue and co-operation.

We have been helped enormously by input from right hon. and hon. Members who have an interest in Gibraltar and by the report produced by the Foreign Affairs Committee. Hon. Members should be in no doubt about how seriously we view that report and how much it has helped us to achieve our successes.

The arrangements deal with a number of concerns, which found expression in the Committee's report. They resolve the long-standing problems over the designation and role of Gibraltar competent authorities in the European Union. The arrangements mean that the Gibraltar financial services industry can enjoy the benefits of passporting its insurance and banking services into the member states of the European Economic Area. Furthermore, they will make reformatted Gibraltar ID cards acceptable as valid travel documents within the EU. They have led to the adoption by the Home Secretary and his Spanish counterpart of a framework for co-operation between the Spanish and Gibraltarian police and pave the way for the adoption at the May Justice and Home Affairs Council of the United Kingdom's application to join part of the Shengen acquis. Gibraltar will participate in the same elements of the Shengen acquis as the UK, with the exception of the Shengen information system and provisions on cross-border surveillance.

No one has claimed that these arrangements resolve all, or even most, of the outstanding issues affecting Gibraltar within the EU, let alone the bilateral issues between Spain, the UK and Gibraltar. I also know that the apparent lack of movement on border restrictions since the package was announced has caused disappointment and frustration in Gibraltar and in the House, although the border issue itself, did not feature in the talks.

Mr. Donald Anderson: Did my hon. Friend refer to the apparent lack of movement on the border issue?

Mr. Vaz: I will come more fully to the important border issue because many right hon. and hon. Members have mentioned it. I am referring to what we discussed and that issue was not included. I have been to the border and I have a sense of what is going on there and I will come to it. I ask my hon. Friend to be patient. The fact that the arrangements do not include any reference to the border problems does not reduce their value. On the contrary, they are a demonstration of the Government's determination to seek solutions to Gibraltar-related problems that protect Gibraltar's interests. I hope that it will be possible to build on the more constructive atmosphere that the arrangements have helped to create. I should like to place on record my appreciation of the role that the Chief Minister of Gibraltar played to help bring about the successful adoption of the arrangements.

My hon. Friend the Member for Thurrock and other hon. Members said that Mr. Caruana has not met my right hon. Friend the Prime Minister. That is not true. They were introduced by none other than the ubiquitous Mr. Poggio earlier this year. Obviously that dialogue is important. I have invited Mr. Caruana to come to the UK officially to continue our fruitful and constructive dialogue. He happens to have attended Ratcliffe college, which is just outside my constituency. I have invited him to return to his old school. I also congratulated him on

[Mr. Vaz]

taking a lead from our Prime Minister: his son, James Thomas Caruana, was born shortly before I arrived in Gibraltar.

We have an excellent relationship with the Gibraltar Government. That dialogue will continue. I cannot promise you now to arrange a meeting between the Prime Minister and the Chief Minister but I can assure you that it will happen at an appropriate time, as it happened earlier this year.

Madam Deputy Speaker: Order. It is kind of the Minister to give me these assurances, but they would be better given to the Chamber.

Mr. Vaz: I do indeed give them to the Chamber, Madam Deputy Speaker. My hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Rowlands) asked about the appointment of the new governor. David Durie is an excellent choice. It does not in anyway represent a different strategy in dealing with Gibraltar. He has settled in well and developed good links. As someone who knows the European Union extremely well, having served for some time in UKRep in Brussels as a deputy to the current permanent under-secretary in the Foreign Office, I believe that he is uniquely placed to help with these discussions and the on-going dialogue. We must use the expertise of the governor, working with the Chief Minister and the United Kingdom Government, to deal with difficulties.

The hon. Member for Swansea, East and every hon. Member who has spoken today have mentioned the border delays. During my visit to Gibraltar last month I saw the border situation for myself and talked to a number of those affected by the delays. I know that it is an issue of concern to the Select Committee and I acknowledge that it has been raised constructively in the report and in the Chamber today. Having gone to the border with Mr. Caruana, spoken to more than a dozen people who were sitting in their cars waiting to cross the border and looked at what the Spanish authorities were doing when the cars got to the border, I assure hon. Members that it was a concern. That is why I raised it with my Spanish counterpart when I saw him in Madrid. Such concerns are raised on every appropriate occasion by officials in the Foreign Office with their Spanish counterparts. Clearly, if one does not take a car across the border, one is not delayed, and if one takes a moped, one is not delayed, but a person who wants to drive a car between the two areas is delayed.

We have told the Spanish authorities that we understand their need to search and check, but the time spent must be proportionate to what they are trying to do so that people are not inconvenienced and distressed. It is in nobody's interests for people to be inconvenienced. The hon. Member for Ludlow asked whether I said in Spain at a reception or a meeting that I thought that a delay of an hour was acceptable. I certainly did not. Anyone who knows me will know that I consider that a delay of even five minutes in a car, or wherever it is, to be unacceptable. Therefore, of course we did not say that.

A graph has been produced of the time that cars take to cross the border, and I showed it to my Spanish counterpart. What have we done about it? My hon. Friend the Member for Thurrock was harsh on me and said, "It's all very well having these graphs and statistics, but what are you doing about it?" We have raised it with the Spanish officials, I raised it with Commissioner Vitorino when he came to London, it has been raised with him in Brussels and it is under active consideration by the Commission. We have made it clear that, on the basis of good will alone, Spain should cut the time that it takes to cross. We have said to Spain, "You have completed these arrangements. What is the point of making it such an issue?" We have made that point on behalf of the citizens of Gibraltar in our discussions with the Spanish authorities and with the commissioner.

Mr. Rowlands: As I and other hon. Members have pointed out, the words "concern" and "active consideration" were used twelve months ago and earlier. What specific action is being taken by the Commission now? Has notice been served on the Spanish authorities? What response did my hon. Friend have to the concerns that he expressed to his Spanish counterpart? I ask whether he had a response saying, "Yes, we will reduce the time. We are planning it. We are reorganising our border arrangements to achieve the minimum time." What has happened and is happening to deal with those concerns and active considerations?

Mr. Vaz: The words "active consideration" by the Commission should sound like words of praise to some hon. Members here, such as the hon. Member for Ludlow. We have made it clear that we expect the Commission to act. As a result of the debate, I will write again to Commissioner Vitorino to remind him in forceful terms of the concerns expressed here today and of my recent visit to Gibraltar and Spain. I shall re-emphasise what we have been saying. My hon. Friend is absolutely right: something must happen. However, there is a danger in talking about figures—and in saying what is acceptable and what is not—that those criteria suddenly become a bare minimum and even though it would not be necessary to reach that minimum, those who search the vehicles would seek to do so. That is why we use the word "proportionate".

When I went to Gibraltar with Peter Caruana and poked my face through the fence—with television cameras and a reporter from the *Gibraltar Chronicle* present—the cars suddenly went through very quickly. To those hon. Members who say that the only reason the delay was affected was that the Minister of State was visiting, I say that, when I was at the border, people went through very rapidly. However, I am not saying that I would like to go and stand there every week in order to sort out the problem.

As a result of what hon. Members have said today, I shall write again because this is something of which the Commissioner needs to be reminded. It will be appropriate for me to do so, because I have just visited Gibraltar and I can send him the photographs that we took of the waiting cars and ask for action to be taken. However, let us not say what is acceptable and what is not, because if one asked the average citizen sitting in the

queue at the border, he or she would say that a delay of five minutes was unacceptable. One must be proportionate.

Mr. Hoyle: What is acceptable and what is not should be spelled out clearly. Words and letters are fine, but at the end of the day they will not change the situation. What will happen if this continues?

Mr. Vaz: I have made it clear that we are concerned about the matter. I have raised it with the Spanish Minister for Europe, who is aware of what we are saying. We will take action and write again. I shall also write to the Select Committee, following the action that we have taken, to explain what we have done. I cannot say to my hon. Friend now that, as a result of my letter, the whole situation will be resolved—if only every problem on earth were capable of being resolved by a letter from a Minister of State. That is clearly not going to happen so we must keep up the pressure and remind people of the difficulties that are being faced.

Mr. Gill: Further to the intervention by the hon. Member for Chorley (Mr. Hoyle), the Minister will be aware that some tough bargaining must take place later in the year. Is he prepared to say whether Her Majesty's Government will drive a hard bargain in Nice to obtain some satisfaction on this problem, which has gone on for so long? That is how the European Union works; by bargaining and counter-bargaining and by giving something away to get something else. We despair of any satisfaction being achieved by any means other than hard bargaining. Letter-writing and meetings do not seem to be delivering what we require.

Mr. Vaz: I am delighted that the hon. Gentleman now feels that there is some use for European Council meetings and that we can discuss these matters and move forward. I am pleased about that, because I have read a number of his speeches on Europe and he is often critical of the effectiveness of those organisations.

I am not drawing up the agenda for Nice. We are about to approach the Feira European Council meeting, and I do not know what its agenda will be. However, I do not have to wait until the meeting in Nice to write the letter. It will be written as soon as this debate is over, and we shall make sure that the Committee is made aware of what is happening. The Commissioner has been to see me to discuss the matter. He is a man of integrity and also a lawyer, although I am not sure whether he is one of those expensive lawyers to whom my hon. Friend the Member for Thurrock referred. He knows the law, and he knows what needs to be done. That is why I can say that the matter continues to be under active consideration.

Sir John Stanley: Before the Minister leaves this key issue, will he tell the Chamber whether the Government are willing, in principle, to use the article 227 power that they possess, and if so, when?

Mr. Vaz: We always consider any means of fulfilling our agenda, but the hon. Gentleman knows that it is a matter for the Commission. We will continue to focus on that issue in our discussions with the Commission.

Mr. Donald Anderson: Essentially, the Minister is saying that there has been no progress on the issue. He has given an undertaking to keep the Committee in touch with developments. Does that mean that he will write to us? I have not spoken to colleagues on the Committee, but I anticipate that there will be some demand for the Minister to come before them to report, after a reasonable period.

Mr. Vaz: I always look forward to my visits to the Committee, and I shall be happy to go before it. Perhaps, "happy" is going too far, but I shall certainly respond to any letter from my hon. Friend, asking me to report to the Committee.

I must move on to other matters that have been raised, including, in particular, the issue of votes in elections for the European Parliament. The right of Gibraltarians to vote in European parliamentary elections is a matter of concern to the Committee, the House and the Government. The Government's commitment to secure the EP vote for Gibraltar is not in question. We tabled proposals in Brussels, during consideration of the common electoral principles dossier, and we will continue to work hard to secure consensus among our EU partners to give Gibraltarians the right to vote in European parliamentary elections. All EU member states should, as a matter of principle, help us to implement the judgment of the European Court of Human Rights.

My hon. Friend the Member for Thurrock asked why we contested the Matthews case, employing expensive lawyers to do so. The principles went beyond the simplistic conclusion. The case dealt with elections to a supra-national legislature, not just the legislatures of individual countries, so it was important to test the principle before the highest court. Within a month of the decision in the Matthews case, we put forward amendments to the 1976 Act. I was asked by the hon. Member for West Suffolk whether Gibraltarians will vote in the 2004 elections. I do not know, and I cannot answer him today. However, I can say that the Government will work extremely hard to ensure that they get the chance. We will do everything that we can to make it happen, but hon. Members know that we need the agreement of other member states to achieve it.

There is also the issue of whether people will have to vote in Spain. I have my own views on the matter, but I will not announce today where the polling stations will be. Such matters need to be considered carefully, to ensure that the people of Gibraltar feel that they are actively involved in the election campaign. That is crucial.

Mr. Mackinlay: We have now exposed the supine approach taken by the Government and the flaws in their legal and political thinking. The Committee does not accept that this is a matter for our European partners, although we might approach them as a matter of courtesy. It is an important issue of sovereignty and the Government are wrong about it. The issue is for us exclusively.

Is the Minister relying on the opinion, given by Baroness Symons in 1998, that the United Kingdom is constrained without the consent of our partners through annexe 2 of the 1976 Act? If that is what the Government are arguing this afternoon, why are they not raising it at the intergovernmental conference? I asked the Foreign

[Mr. Mackinlay]

Secretary in Committee yesterday, and he said that it was inappropriate. The Prime Minister, the Foreign Secretary and the Minister of State, who is here today, cannot have it both ways. If they are saying that there is an impediment under the treaty, which I do not accept, they have an obligation to raise it as a substantive issue at the intergovernmental conference and to say that it is a matter on which we shall stick.

Mr. Vaz: I am grateful to my hon. Friend for the legal advice that he has just tendered. On balance, I prefer to accept the legal advice that has been given to me up to now.

Mr. Mackinlay: Which is consistently wrong.

Mr. Vaz: My hon. Friend says so, but if he feels that it is wrong, I should be more than happy to study the legal testaments and texts that he puts before me and to consider that. I am talking about principles, and the Government are talking about principles. There is a decision of the European Court of Human Rights that is binding on this country. We want to implement it, ensuring that it happens as quickly as possible, which is why we tabled an amendment to the 1976 Act within a month of the Matthews judgment. We may have contested that judgment, but we accept it, and now it is up to colleagues and member states. It cannot be discussed. The Foreign Secretary is absolutely right. He would not expect me to say that he was not, but he is right.

The intergovernmental conference has a short and focused agenda: it is discussing specific points to do with enlargement. [*Interruption.*] With the greatest respect to my hon. Friend the Member for Thurrock, I have been involved in these processes and have attended the meetings, and I can tell him that it has a specific, focused agenda. I know that he is concerned and distressed about these matters and I assure him that we are doing our best to ensure that this matter is dealt with. I want to see the Matthews judgment acted upon, which is why we acted so quickly.

Mr. Simon Hughes (Southwark, North and Bermondsey) *rose—*

Mr. Vaz: I shall give way to the hon. Gentleman for the last time, because I want to cover telecommunications and the airport. I would not want right hon. and hon. Members to say that I had not dealt with their points.

Mr. Hughes: I am grateful to the Minister. Specifically on the right of Gibraltarians to vote, can the Minister take back this proposition to his colleagues in the Government? If there is not agreement by a time that allows implementation well before the next European election, we should legislate to ensure that we give Gibraltarians the right to vote. We would, therefore, conform with the convention and the judgment. If the European Union thinks that we are in breach, let it take the United Kingdom Government to court, as it is entitled to do, but we have a duty to honour the court's judgment and a duty to the people of Gibraltar.

Mr. Vaz: The hon. Gentleman's legal advice is that of a trained lawyer. I am not saying that it is better than that of my hon. Friend the Member for Thurrock, but it is interesting. His opinion is that we should go ahead, if necessary breaking European Union law—[Hon. Members: "No."]—and wait for it to take us to court. I am sorry: that is what I thought he said.

Let me tell the hon. Gentleman and the Chamber that we shall study these matters carefully. We do not want to disenfranchise the people of Gibraltar. We are seriously focused on this issue and will take whatever steps are necessary to ensure that the judgment is implemented. We live in a democracy. We want to make sure that people participate in elections. That is why we, as elected politicians, knock on people's doors and ask them to vote for us. Of course we want the people of Gibraltar to vote as quickly as possible. We will take the necessary steps, but we will not act unlawfully.

We thank hon. Members for what they have said and for the legal interpretations that they have suggested, and we know that they mean them genuinely, but we must act, and shall act, within the law.

Sir John Stanley: I am grateful to the Minister for giving way on a point on which I asked for a specific response from him in my contribution, to which he has just responded. He will recall that I asked him for an assurance that in European elections the people of Gibraltar would be able to vote in Gibraltar. I imagined that it would be the easiest possible assurance for him to give. Is he aware that I, and I think other hon. Members, are utterly appalled by his reply and his equivocation on that fundamental point? May I offer him one more opportunity to give this Chamber the absolute assurance that the Government's policy for European elections is to allow the people of Gibraltar to vote in Gibraltar?

Mr. Vaz: I have not equivocated on that matter. I have enormous sympathy with what the right hon. Gentleman said. I agree that it is an important and fundamental principle and that we need to study the issue alongside the question of how the people of Gibraltar are enfranchised. I cannot announce today where the polling stations will be. I can say that these matters are serious and fundamental and must be dealt with carefully.

Mr. Rowlands: I am sorry, but I want to follow up the point made by the right hon. Member for Tonbridge and Malling (Sir J. Stanley). The Minister has repeated what he said earlier—that he could not comment on the simple question of whether, if the people of Gibraltar have a right to vote, there will be polling stations in Gibraltar for them to vote in. I want the Minister to get up and say that when these matters are resolved, polling booths will be placed in Gibraltar.

Mr. Vaz: I have made my position clear. My hon. Friend and others want me to announce exactly where the polling booths will be, but I have put forward a clear principle that we want the people of Gibraltar to vote in the next European parliamentary elections. I have enormous sympathy with the points made by hon. Members, but I cannot go beyond what I have just said.

Mr. Hoyle: How would my hon. Friend feel if the people of Scotland had to vote in Wales? We are asking

only for clarification. Will the polling stations be in Gibraltar? People in Scotland would not be expected to travel to Wales to vote. It is as simple as that.

Mr. Vaz: I have made my position clear. I cannot make an announcement today—before the 1976 Act is amended—about where the polling stations will be located. Asking me to do so is asking me to go beyond what I have said. I am not taking any more interventions, because I have answered the point and I want to move on to discuss other matters.

Mr. Spring: On that point, will the Minister give way?

Mr. Vaz: With respect, the hon. Gentleman does not know what the point is. No, I am going to move on to telecommunications. This is an important debate that covers several subjects. I am sure that right hon. and hon. Members would want me to proceed.

Telecommunications was another issue brought to my attention when I visited Gibraltar. The allocation of telephone numbers in Gibraltar was raised by Mr. Caruana and many officials on my visit. Although the Government have no formal locus in the case brought to the Commission by Gibraltar telephone companies, we have long pressed the Commission to bring about a speedy resolution of it. The shortage of numbers is now acute and we are in close touch with the Gibraltar Government about it. I have already spoken about my discussion with Mr. Caruana and I also raised the issue with my Spanish counterpart in Madrid. I asked him to look again at the problem, which is causing concern, and he promised to do so.

Clearly, Gibraltar is running out of telephone numbers. Mr. Caruana told me that there were only 30 telephone numbers left to be allocated. The request put by the Gibraltar Government to the Spanish Government was for an extra 10 million telephone lines—to deal not just with current, but with potential, usage. It is bizarre that in the year 2000, when so much is said about e-commerce, and the modernisation and globalisation of telecommunications systems, a place such as Gibraltar should be faced with this problem. That is why we raised it and asked for it to be dealt with as a priority issue. It cannot be right for no progress to be made.

The report rightly identified the airport as a key area for potential co-operation to the benefit of the people of Gibraltar and the neighbouring area. As with the border issue, the airport and EU aviation issues were not covered in the recent discussions with Spain and Gibraltar. However, all involved know that the Government are interested in making progress on that matter. We will continue to examine the possibilities for taking the matter forward in close co-operation with the Government of Gibraltar.

I saw the difficulties experienced at the airport. Hon. Members who have flown into Gibraltar will know that, at some point after landing, one can see people crossing the runway to get nearer to the border. I, for one, wondered what those people were doing. It is important to have a modern airport and that issue must be resolved in full consultation with the Government of Gibraltar. That point was put to me many times during my visit. Members of the private sector, including the chairman of GB Airways, urged me to obtain progress as soon as possible.

The Committee's report concluded with recommendations on handling the Brussels process and the sovereignty question, including the proposals made by Mr. Matutes in December 1997. We will reply to those proposals when the next Brussels process meeting is held.

Mr. Donald Anderson: With respect, when will that be? The schedule is as long as a piece of string.

Mr. Vaz: No meeting has yet been scheduled, but when it is, we will be in a position to respond to the proposals. I think that my hon. Friend knew the answer to his question before he asked it.

Mr. Anderson: That is why I asked it.

Mr. Vaz: He is a good lawyer. Perhaps he should offer legal advice to my hon. Friend the Member for Thurrock.

Mr. Mackinlay: I have not irritated the Minister, have I?

Mr. Vaz: I can assure—

Madam Deputy Speaker: Order. It is very nice to have such a display of interest in Westminster Hall, but perhaps we should all calm down.

Mr. Vaz: I have attended far too many selection meetings with my hon. Friend the Member for Thurrock to be irritated by him. His contribution on Gibraltar and on other foreign affairs issues is extremely helpful.

Mr. Gill: Instead of legal advice, I suggest that we need an outbreak of common sense. What the Minister said will cause enormous alarm and despondency in Gibraltar. His refusal to say that there would be polling stations in Gibraltar cut right across the assurance that he gave at the beginning of his speech, when he said that sovereignty was not in question. If people cannot vote in their own country, sovereignty is indeed called into question.

Mr. Vaz: I ask the hon. Gentleman not to become too agitated. The record will show that I said that I would not announce the venues of the polling stations in today's debate. I have clearly set out the principles behind the entitlements of the people of Gibraltar. I have also referred to the law. The Government always abide by the law and we will implement the law to allow the people of Gibraltar to make decisions. I will not discuss again the venues of the polling stations.

Mr. Spring: The Minister's view on the intergovernmental conference is incorrect. It provides an opportunity to raise the issue to which we are referring, because one of its key elements is the charter of fundamental rights, which includes the right to vote. If he does not know that, what does he think the conference is about?

Mr. Vaz: I am sorry to correct the hon. Gentleman, who I know is new to his brief. The charter of

[Mr. Vaz]

fundamental rights is not part of the agenda of the intergovernmental conference. He can read about the conference on its website. It will deal with three issues that were leftovers from Amsterdam, two of the most important of which are the size of the Commission and the re-weighting of votes. It does not deal with the charter of rights, which is being drafted separately and dealt with by a separate convention, not reporting to the intergovernmental conference, but making a report initially to Feira and later this year to another European Council. I am sorry, but the hon. Gentleman should read the website with greater care before entering the debate.

The Committee raised the issue of cruise ships, and I can assure hon. Members and members of the Committee that we have raised that matter again. The Spanish authorities have informed us that they do not intend to take any further action. Clearly, the arrival and departure of cruise ships is crucial to Gibraltar's economy because tourism is involved, and we have received extremely important assurances.

The Government have welcomed and valued the Foreign Affairs Committee's interest in Gibraltar. I hope that I have made clear the Government's determination to stand by our commitments to Gibraltar and to uphold its interests. That requires close co-operation with Gibraltar. The general political atmosphere between Spain, the United Kingdom and Gibraltar has improved since the Committee decided to hold an inquiry on Gibraltar.

However, many problems remain to be resolved. I have raised some of them, and hon. Members have raised others. The recent EU arrangements show that those difficulties should be approached with patience, dedication, common sense and good faith on all sides. I know that I can count on hon. Members' continued interest in the area, as we try to deal with those problems. I can assure hon. Members that I will write to the Committee about the points that they have raised and I look forward to appearing before the Committee in the not-too-distant future to deal with any other issues that it considers outstanding.

5.40 pm

Mr. Simon Hughes (Southwark, North and Bermondsey): I shall be brief and I apologise for not being present during the first part of the debate, but I watched most of it on the screen. I want to make two points. The issue that has, rather surprisingly, caused most concern among hon. Members, members of the Foreign Affairs Committee and others is the European elections. There may be a dispute about what the law is, but it is better for the British Government to be proactive and to try to assert their competence, rather than wait beyond the time of the next election.

I believe that the people of Gibraltar have not changed their view since I was last there to discuss the matter and other hon. Members have confirmed that. Having been let down by not being allowed to vote last time, the people are clear that it would be unconscionable, unacceptable and entirely inconsistent with the Court judgment if the people whom the treaty entitles to vote in the European elections do not have their votes guaranteed in good time for the next election. There is no acceptable alternative. A Court judgment saying that people have the right to vote is no good, when that right cannot be exercised at an election. We missed the boat last time. It could be argued that that was defensible, because the judgment was made late in the day. However, no argument could make that acceptable next time.

The Government may be required to change their policy. They might have to take the view that they cannot wait for an agreement that might not come. Unless the Spanish Government concede that they will agree to the simple principle that, irrespective of other views about Gibraltar, Gibraltarians have the right to vote, the Government have a duty under law to act in accordance with the law. The first step could be for the Government to place their legal advice in the Library and for us to place our legal advice there—we could take it from there.

This late squall on the agenda was not foreseen as a difficulty by right hon. and hon. Members. I refer to the Minister's inability to confirm the location of elections. A strict interpretation of one part of what he said relates to his inability to identify in which street or building an election will take place. However, unless he or other Foreign Office Ministers publicly clarify within hours of this debate that the Gibraltar elections will take place in Gibraltar, they will be in for an extraordinary response. They will face the wrath of all quarters of the House. I cannot undertake not to work with my colleagues to ensure that the matter comes back on to the agenda at an early opportunity. Ministers will be forced either to defend the indefensible or to change their position.

Mr. Vaz: There is no need to come back within hours to clarify the position. I was asked whether I thought that the vote could take place in Spain. I think that it would be daft for a vote that concerns the people of Gibraltar to take place in Spain. Exactly where the polling stations are and how the election will be conducted—whether attached to an English constituency, or whatever—I cannot announce today. Let me repeat that I believe that it would be daft for voting in a Gibraltar election for the European Parliament to take place in Spain.

Mr. Mackinlay: Would the Minister rule it out?

Mr. Vaz: I am happy to say that, yes.

Mr. Hughes: The Minister is now being more helpful. We have only a couple of minutes left, and it would be even more helpful if the Minister made it expressly clear, on the record, that the British Government would not countenance the people of Gibraltar voting anywhere other than in Gibraltar. That would suffice. We would require no further detail. As the right hon. Member for Tonbridge and Malling said, that would rule out Spain, but not necessarily a link to British constituencies. The key is that they vote in Gibraltar. If the Minister will affirm that, we will have a much clearer position. I am sure that he and his colleagues would be grateful for the opportunity of clarification.

Mr. Vaz: Again, as I have said before, I am not going to announce today where the polling stations will

be. I have made it clear that I do not believe that it would be right for the vote to take place in Spain. The hon. Member for Ludlow has asked me how daft I thought it would be for the people of Gibraltar to go to Spain to vote. The issues of whether there would be a link to an English constituency or an overseas list system—or where exactly the vote takes place—will have to be discussed with colleagues in the Home Office, who are responsible for elections. I cannot take that decision or pronounce on it now. As far as I am concerned, the vote should not take place in Spain.

Mr. Hughes: I am grateful. I shall not pursue the matter throughout our remaining time, but I should like to secure one further clarification. The right hon. Member for Tonbridge and Malling asked whether the vote would take place in Gibraltar. The Minister need not worry about the method or the name of the constituency. Could we simply have a clear statement that it is the view of joined-up government across Departments that the people of Gibraltar's vote in the election for the next European Parliament will take place in the colony of Gibraltar?

Mr. Vaz: It is not for me or the Foreign and Commonwealth Office to take that decision. However, as a result of today's debate, I shall write to the Home Secretary to ask whether he has any preliminary views on the matter. We are a long way from ensuring that that happens, but we want to make progress as quickly as possible. I repeat that I shall pass on to the Home Secretary the comments made in today's debate.

Mr. Hughes: It would be in the interests of the Minister's Department, of the Home Office and, most of all—not least because, in negotiations, the Spanish know the score—of the people of Gibraltar that this matter is clarified. If it requires the Home Secretary to secure that clarification, the sooner it is done, the better for the reputation of the British Government.

Question put and agreed to.

Adjourned accordingly at fifteen minutes to Six o'clock.

Westminster Hall

Tuesday 13 June 2000

[MR. MICHAEL LORD *in the Chair*]

Contaminated Land

Motion made and Question proposed, That the sitting be now adjourned.— [*Mrs. McGuire.*]

10 am

Mr. Derek Twigg (Halton): I am grateful for the opportunity to debate this subject, which is very important from a constituency and regional point of view. I want to spend much of my time discussing the terrible contamination incident that occurred in my constituency of Halton. The press and television have given much publicity to the incident, which was dealt with in a recent edition of the "Panorama" programme.

ICI is the largest employer in my constituency. In Runcorn, it has developed one of the largest industrial complexes in Europe, which is concerned mainly with the manufacture of chlorine. As part of a restructuring and refocusing programme, ICI announced a few years ago its intention to leave the bulk chemical business, move into fine chemicals and sell the Runcorn site. My constituents are therefore concerned about future employment prospects with ICI.

Prior to that development, ICI established "project pathway" to investigate the legacy of more than 160 years of industrial activity in and around its Runcorn site. That is an example of good practice, which should be welcomed and which many other companies should follow, but the initiative identified a major problem. At Weston village in Runcorn, a 12 hectare former quarry which was tipped between 1920 and 1970 was found to contain hexachlorobutadiene gas, known as HCBD. HCBD has seeped into properties in the adjoining residential area. The indoor air of more than 150 houses has been tested and HCBD has been detected in 21 properties and the local scout hut. Those families have had to move out of their homes, and ICI has provided a compensation package for 476 properties in the village. It has also guaranteed property prices for up to 20 years for those who stay in Weston village and purchased 53 properties from residents. However, eight families are still staying in hotels and seven are in rented accommodation.

It is difficult to describe the devastation and anxiety felt by my constituents in Weston village. The effect on the entire community has been terrible, and the lives of many have been turned upside down. They are concerned not only about their homes but about the health problems that may be caused by HCBD. The health authority, which has been somewhat overrun by this crisis, has carried out medical checks on those who live in the properties directly affected. However, there is a lack of information on the effect of HCBD on humans, and investigations are being carried out into what constitutes a safe level of exposure.

It is clear that ICI must take the blame for what has happened, but we should recognise that it has done much recently to meet its responsibilities and improve its record. Nevertheless, and despite the compensation package and efforts to identify the problems, there are issues still to be resolved. Unsurprisingly, it is not only those nearest to the problem who are anxious; constituents who live on the edge of the village also want guarantees in respect of property and health. ICI is reviewing the zones for which compensation is provided and house prices are guaranteed. The time that the review is taking is a worry to my constituents, and a conclusion needs to be reached quickly.

ICI has released results from borehole testing around the Weston quarries. The quarries were dug out over a number of years, and some of the sandstone from them was used to build Liverpool cathedral. However, the Environment Agency wants more information on contamination in the vicinity—specifically on contamination of groundwater in the area—to be released and put in the public domain. I do not know whether ICI has released that information yet: it should do so immediately. I should be grateful if my hon. Friend the Under-Secretary would see whether he can expedite the release of the information into the public domain.

Nowhere is the concern outside the immediately contaminated area felt greater than in Weston Point, the neighbouring village, which is downhill from Weston village. Weston Point sits next to the giant ICI complex—outside the factory gates. The residents want to know whether the village is affected by contamination from quarries or the ICI site. They have received assurances that it should not be, but there is no definitive evidence to prove that it is not. Boreholes have also been sunk around the ICI site, and the information from them is needed.

There is widespread concern in Weston Point about property prices and whether building societies will be willing to provide mortgages for people who want to purchase properties there. ICI previously held public meetings for Weston village residents. Weston Point residents now want a public meeting with ICI, the council and the health authorities, so that they can ask questions direct. I urge ICI to organise such a meeting in the near future as a matter of priority. Hundreds of my constituents have written to me about it, seeing such a meeting as a way to bring the issues into the open and discuss them.

Contaminated land can have a disastrous effect on a community. Nowhere is that more clearly seen than in my constituency. What has occurred demonstrates how badly a community can be affected and why the Government, local councils, regional development agencies and other partners must tackle the problem of contaminated land as a priority.

I want to speak more broadly about the problems of contamination for Halton. Halton is the original home of the United Kingdom's alkali and chemical industries. There is no household in the country that does not use a product manufactured from materials made in Runcorn or Widnes, so the industry's importance is clear. However, the heritage of the alkali and chemical industries over the past 150 years has been chemical waste tips of the most unimaginable kind. What were once green fields in Widnes became known as gallygu—a local term—and copper smelting, soap manufacture, phosphate fertiliser manufacture and a host of other chemical cocktails added to the present-

[Mr. Derek Twigg]

day legacy. There was also, formerly, a large asbestos industry in my constituency, and again we see the consequences of that.

When Halton council came into being in 1974, it was determined to tackle that legacy. It has made much progress in reclaiming areas of dereliction, making Halton a greener and more attractive place. The contaminated site in Weston looks a very peaceful scene: it is a grassed area, with horses grazing on top of the quarry. One cannot imagine what is underneath it. Widnes, which bore the brunt of the chemical contamination for many years, is also a much more attractive place now. Since 1974, 180 hectares of land have been brought back into use, representing public investment of more than £20 million through the national derelict land programme.

Despite that good work, much remains to be done. The 1993 national derelict land survey identified 203 hectares of land still requiring remediation and reclamation. That represents 3 per cent. of Halton's land area and is equivalent to a 10-year programme. Many of the sites are large and badly contaminated and will be costly to remedy fully. The scale of the dumping in the past 150 years was such that more than 200 hectares of marshland across southern Widnes were tipped on to an average depth of 4 m. Our Victorian forefathers thought nothing of filling in ditches and watercourses with toxic waste from factories.

Mr. Peter L. Pike (Burnley): In the north-west, in Lancashire and Cheshire, such reclaimed sites often have no site value afterwards because they have no active use. That has on-going revenue, as well as capital cost, implications for local authorities, which have to maintain additional open spaces which are not required.

Mr. Twigg: My hon. Friend makes an important point, to which I shall return later.

Councils sometimes come in for great criticism, but the work that Halton council has undertaken in the past 25 years in dealing with dereliction and contamination should be held up as a shining example of how councils, working in partnership with central Government and other partners, can significantly improve the environment and people's lives by showing innovation and the determination to make a real difference.

I want to highlight two examples in my constituency of how partnership with government can transform an area. St. Michael's golf course is a prime example of a local authority acting in partnership with government to transform noxious and dangerous chemical tips—on which I played as a youngster, as did many others. I apologise for any shortcomings that may have resulted. That area was known as "Ditton Alps", and comprised a series of hills of contaminated chemical waste covered in a white crust in which nothing grew. I shall summarise what happened. Fifty-five hectares of land were reclaimed, 60,000 trees were planted, 800 residents and 395 employees in local factories now view a green golf course instead of a chemical waste tip and 35,000 vehicles pass the site on a major highway route. The physical and visual environment has improved tremendously.

The Greenoaks retail scheme in Widnes is another prime example of the partnership approach. It brought back into use a former 7.4 hectare—20 acre—abandoned chemical works and transformed it into a 250,000 sq ft retail scheme, which provided much needed confidence in Widnes town centre. Direct grant aid reclamation to prepare the site for development amounted to more than £5 million. The consultant engineers to the project commented that

> there may have been value in open cast mining the site for the barium and zinc spillages that were in the ground.

That resulted in £25 million of investment, 250,000 sq ft of new retail floor space in the town centre, dedicated public transport provision and direct pedestrian links to the existing high street.

Those are two classic examples of how a difference can be made. There are many other examples of work that has been undertaken to reclaim land to make it much greener and environmentally better in terms of jobs and housing.

I do not want to give the wrong impression of Halton. It has changed significantly for the better, even during my 40-year lifetime. Widnes, in particular, which historically has had the worst problems, has seen massive improvements. Many people have moved to Halton to live, which shows that it has become a much more pleasant and attractive place. However, more remains to be done.

It is important to stress that not all brownfields are the same. The term encompasses everything from sites previously used for housing or light industry, with limited problems, to severely contaminated sites containing highly dangerous and toxic chemicals. As I said, Halton's legacy from the chemical industry means that our brownfield sites are difficult and costly to deal with. Of course, Halton is not the only council in the north-west that faces such problems. On many sites in Halton, contaminants are not site-specific; adjoining sites have also been contaminated. The costs and liabilities associated with those sites are such that no developer would be persuaded to take on the challenge without financial incentives or legal protection from future liabilities. ICI accepted responsibility for contamination in Halton and has carried out remedial work, but it is often not possible to pinpoint who is responsible, particularly if the contamination goes back 150 years.

Remediation costs are often high. When coupled with low demand for commercial land, as in Halton, it becomes impossible to release redevelopment opportunities. Because the cost of reclaiming contaminated land for hard end users is so high and the demand for commercial land is so limited, the cheaper option of remediation for green end users has often been the only choice. For example, the cost of reclaiming the 3 hectare site of a former asbestos plant in Widnes was £1.2 million and it was sold to a car retailer for £143,000. When it is possible to reclaim land for housing, the value of surrounding housing often makes it difficult to recoup the cost of reclaiming the land. The cost of reclaiming the 1 hectare site of a former soap works in Halton was £500,000. The environment in the area was better than previously, but the site was sold to a house builder for just over £150,000, who sold the houses at around £47,000.

It is important to bear in mind the changing nature of the game. North West Development Agency funding is now targeted at hard end uses, which are not possible on most of Halton's sites because contamination is so severe and expensive to remedy. In the late 1980s and early 1990s, Halton had a rolling programme of direct derelict land grant schemes, which spent an average of £3 million annually. Current spending is £500,000. That shows how the current funding regimes do not help Halton and other chemically affected areas. A fraction of the money spent on the derelict site on which the millennium dome now sits would be needed to deal with the problems in Halton and would make a big difference. In addition, the massively increased costs of removal of contamination to landfill means that it is no longer economically viable to reclaim the majority of Halton's sites in line with current thinking on hard end use. In the early 1990s, the cost of removing contaminated waste was £20 per cubic metre. Today, the cost is £180 per cubic metre. Clearly, there are reasons for that increase, including inflation, but it is a problem.

There is a further problem with the Environment Agency's licence requirement. The cost of contaminated land makes redevelopment less attractive to private developers. The Environment Agency's rules are designed for brownfield sites surrounded by greenfield sites, but Halton has blackfield sites surrounded by blackfield sites. For example, the Environment Agency required a lined cell to be created and £200,000 was spent just to move material around and reshape it on an 8 hectare tip surrounded by 40 hectares of further tips containing the same material. Funding is driven by output—for example, jobs created, length of road built and hectares of contaminated land cleared. Green end use outputs do not carry priority, but when green end use provides the only sensible and practical option, it must be given a high priority.

The easiest and most commercially viable and desirable sites were reclaimed in the 1980s and 1990s. Halton has been left with the expensive, less viable and more hazardous sites. The public health officer in north Halton published a report last week highlighting the fact that Halton has some of the worst health problems in the country and a return to green end use is the only way of tackling some of the health issues related to contamination on many of those sites.

Only 5 per cent. of new house build in Halton is achievable on brownfield sites. The remainder of the brownfield sites are black and cannot accommodate residential uses by the very nature of the ground conditions. It is difficult to do anything with those sites other than to cover them and green them. It is clear that any thoughts of Halton getting anywhere near the Government targets for the redevelopment of brownfield sites are not realistic, and significant help is needed. Halton council will publish its draft unitary development plan in the near future. Much of the debate will focus on any proposed loss of greenfield and countryside sites for development purposes.

There is great anger in the Widnes side of my constituency about Widnes golf club wanting to sell off its land to a housing developer, to enable relocation to occur. I support my constituents' view that it is important to retain this green space in the centre of town, and that it would be a great loss if it disappeared. My constituents see a sizeable amount of derelict land in Halton, and they wonder why we have a problem developing it and why there are arguments about the possible loss of greenfield sites. I have already outlined the reasons. I am sure that, when the unitary development plan is published, major discussions will occur if any proposals are made to use greenfield or green space sites for industry or housing.

There is no doubt that the polluters should pay, but the difficulty lies in identifying them. As I said earlier, it was very clear in the ICI case who the polluter was, and ICI accepted responsibility. However, in Halton and many other places in the north-west, polluting has been going on for 150 or 160 years or more. Many of the companies responsible no longer exist or have been amalgamated with others, making identification difficult. When they can be identified, they should pay, but in many cases it is not possible to identify those responsible, especially in areas such as Halton.

I have had detailed discussions with my local authority, Halton, whose wealth of experience and knowledge on these issues is probably second to none. Halton has won several awards for reclamation schemes. I shall suggest a number of solutions, which we can debate and which I ask my hon. Friend the Under-Secretary to consider.

The suggestions include the introduction of a strategic plan and framework for dealing with contaminated sites, rather than pepperpotting resources on an ad hoc basis; bringing together different funding streams and bodies working on contaminated land issues; and the establishment of more detailed classification criteria to highlight the varying degrees of severity of contamination on different sites. That last proposal is important, especially in Halton, because some sites are very contaminated and others only mildly so.

Further proposals include the development of a task force, similar to the coalfields regeneration initiative within English Partnerships, to tackle the severely chemically contaminated sites; the introduction of a greenfield development levy on highly profitable developments, to be used to subsidise the development of brownfield sites where negative land values and high-cost remediation combine to discourage private investment; the greater use of landfill tax credits to remediate chemically contaminated sites; and, finally, the possible introduction of a separate strand of national lottery good causes to deal with especially large and problematic contaminated sites. Those ideas are being discussed locally and they are shared by others in the region. It is worth introducing them into the debate, in relation to dealing with this problem.

I shall turn now to the problems in the north-west region. During my speech, I have dwelt on the problems affecting Halton, but they apply equally to many other parts of the north-west. Estimates suggest that there are between 100,000 and 200,000 hectares of contaminated land in the United Kingdom. The Environment Agency has estimated that there could be more than 300,000 hectares, although much of that contamination might be relatively minor.

I want to express my concern to my hon. Friend the Under-Secretary at the delay in producing a definitive study on the issue, caused by problems associated with defining contaminated land and identifying money to

[Mr. Twigg]

tap-remediate such land once it has been defined as contaminated. However, I welcome the Contaminated Land (England) Regulations 2000, which came into force on 1 April 2000, and the important role that local authorities will play in their implementation. I am sure that authorities such as Halton will take proper advantage of them. Placing control with local authorities is right and proper.

The scale of derelict and contaminated land remains a serious problem in the region. With 9,900 hectares, the north-west has 25 per cent. of the country's derelict land in 11 per cent. of England's land area. That is the largest figure for any region. Sixty-eight per cent. of the dereliction in the north-west is in the Mersey belt, the industrial and economic heartland of the region. The regional development agency and the regional assembly see the reclamation of derelict land as a priority, and the assembly is addressing the issue of derelict land in the forthcoming draft regional planning guidance, which will be submitted to my right hon. Friend the Secretary of State at the end of the month.

In its regional strategy, the North West Development Agency proposes a review of priorities and objectives for land reclamation, in partnership with the region's local authorities. The review will cover the 20-year lifetime of the regional strategy and will pay particular attention to the problems created by the chemical industry's redundant and derelict sites.

The physical environment is an important component of sustainable development in the region. It is critical to the quality of life—including health and safety risks—in deprived areas and to the image and perception that businesses and investors have of those areas. That is an important issue for the north-west, which does not do as well as some regions in attracting and retaining investment. Dereliction and contamination can affect a region's image.

Twenty of the 100 worst districts listed in the DETR's index of deprivation are in the north-west. It is no coincidence that those areas suffer from some of the worst problems associated with derelict, under-used, neglected or contaminated land. Hon. Members will not be surprised to learn that that list includes my constituency. The North West Development Agency supports the Government's policy of re-using brownfield land for new development, but believes that that can be done in the north-west only with public sector support. If polluters can be identified, they will be made to pay. However, that will not often be the case. Like Halton council, the agency believes that the variations in the property market mean that, in extensive areas in the region, extra costs are associated with building on previously used sites. The north-west of England has inherited significant environmental liabilities.

The land and property budget of the RDA is the main source of funding for dealing with dereliction. The North West Development Agency is concerned about DETR's plan to distribute the land and property budget nationally. That would reduce the NWDA's share, both in real terms and in proportion to other regions. The region has evidence-based policies, known as net environmental investments, to build on its better assets and bring brownfield sites into beneficial use. The north-west needs sustained commitment to physical regeneration and land restoration if it is to see an urban renaissance and tackle social deprivation. The scale of the problem and the time it will take to address it—a minimum of 20 years—justify additional resources; I need only look at my own constituency to see that. Partnership is the key to real change.

10.28 am

Mr. Tom Brake (Carshalton and Wallington): I congratulate the hon. Member for Halton (Mr. Twigg) on securing the debate. I could detect no shortcomings in what he said, or anything that could be attributed to his having played on contaminated sites. I will not attempt to match his expertise on the subject of contaminated land in the north-west of England or on the activities of Weston or ICI in the area. I hope that my comments will be relevant to the north-west, but also to the whole of the United Kingdom.

The question of what we should do with contaminated and derelict land and how we pay for reclamation is a crucial one for all areas of the country, including the north-west. It touches on important issues, such as housing, regeneration, the environment, the countryside and—in particular, in the case of the hon. Gentleman's constituency—health. The United Kingdom has many assets, but lots of land is not one of them. Of the land that we do have, about 300,000 hectares, according to the Environment Agency, is affected by contamination, and a smaller area is itself contaminated. The available land that we have is under increasing pressure, and we need to use it as effectively as possible. If we do not, we shall continue to eat into the green belt and build on greenfield sites in urban and rural Britain. The countryside will continue to suffer, and the communities that could benefit from regeneration and the cleaning up of derelict and contaminated sites will continue to decline.

When the Government came to power in 1997, 52 per cent. of housing development took place on brownfield sites. Their target is to increase that figure to 60 per cent., which is an improvement on the previous Government's target, although it is still too timid—an overall national target of approximately 75 per cent. would be an ambitious target for the next 10 years. I know that this is a controversial subject—some argue that such a figure is unachievable, but others maintain that it can be realised. Unless we have an ambitious target, the Government will not be pushed. The overall figure, which would apply nationally, would be an average figure that would allow for local flexibility by reflecting the different circumstances that prevail in different regions.

It is disappointing that, according to the report by Lord Rogers, which was published in 1999, the Government's current performance indicates that they will fail to hit their 60 per cent. target. We need to take decisive action to ensure that the target is reached. Hon. Members of all parties share the laudable aim of seeking to maximise the development of brownfield land, but there is less agreement about the way in which to do so. Various solutions are possible—the hon. Member for Halton outlined several that would benefit the north-west of England, by bringing contaminated land into use, and the rest of the country, by reducing development on greenfield sites. In my constituency, the

issue involves building on greenfield sites rather than cleaning up contaminated land because, fortunately, we have few contaminated sites. A couple of them have already been successfully redeveloped as housing projects and, as far as I am aware, only one such site remains in my constituency—a large gasholder that may be cleaned up at some stage.

One solution, which was referred to by the hon. Member for Halton, is to impose a greenfield development levy, which could encourage greenfield development and subsidise the cost of cleaning up contaminated sites. He cited the costs of clean-ups in his constituency—everyone accepts that such costs are phenomenal. The practice of building on virgin land will continue unless something is done to redress the balance between the costs of developing on greenfield and on brownfield sites—the extra costs are significant on contaminated brownfield sites. The tax system could be used to redress that imbalance.

Another good approach involves the use of VAT, which is set at zero for new build and at 17.5 per cent. for the renovation or conversion of existing buildings. Many hon. Members and housing and regeneration organisations regard that as ridiculous. That disparity should be redressed very quickly—if possible, in the next Budget. If VAT equalisation was achieved using a 5 per cent. rate, for example, any surplus generated could, as the Rogers report suggests, be used to subsidise the decontamination of the sites that the hon. Member for Halton mentioned. The Chancellor has an opportunity to introduce a greenfield development levy, which could be used to tax the excess profits on land sales. The bulk of the revenue raised could be used to clean up brownfield land, with a small proportion going to environmental projects that benefit local communities. That would help to redress the balance. The cost of cleaning up contaminated land is excessive and, although we have made use of less-contaminated sites that are easy to clean up, many sites require extensive clean-up.

The issue of contaminated and derelict land cannot be addressed without taking into account the role of land speculators. The uniform business rate taxes businesses on improvements that have been made to property, which discourages developers from improving property, because it would increase their tax bills. Developers who build up land banks for speculative purposes and leave the land undeveloped, in a dilapidated condition or even completely out of use, suffer no financial penalty. Does the Minister agree that it is time to consider alternative arrangements to replace the uniform business rate?

Site value rating would levy a tax on the value of unimproved land, but not on buildings on the site. The land alone would need to be assessed and a tax would be fixed on the basis of that value. A tax on land values would be unaffected by a landowner's decision to make good or bad use of the land and it would therefore pay landowners to make the best possible use of their land to gain maximum income. If the urban landowner is taxed on the value of the land, whether it is used or not, the cost of land speculation would pass from the community to the landowner. Urban areas would be regenerated without costly intervention and the pressure to develop green-belt land would diminish.

That is another positive measure. Derelict sites could be brought into use more quickly, which would speed up urban regeneration and reduce the need to develop greenfield sites. The much clearer picture of land availability and housing demand in rural areas would be an added bonus. It is hard to predict demand and know how much land is available for development, which means that more is brought into the planning system for development than is necessary.

It is right that the cost of clean-up should fall on the polluter. However, as the hon. Member for Halton said, the polluter often cannot be found. In such cases, the cost of cleaning up contaminated land falls to local authorities and extra costs are put on the Environment Agency. In an ENDS—Environmental Data Services—report of March 2000, the agency stated:

> If . . . the Agency's role should extend to the provision of guidance on any site where a local authority requests assistance, this is clearly a new duty and will require substantial new resources.

Mr. Pike: Does the hon. Gentleman accept that when local authorities consider new planning applications for opencast coal mining, they should be able to take into account the costs of future reinstatement? Bonds are often insufficient and costs that are not met by the private sector are picked up by the public sector. Does he accept that if we are not careful, we will create new areas of dereliction because local authorities cannot consider the financial standing of bodies that make such planning applications?

Mr. Brake: I thank the hon. Gentleman for his useful intervention. Local authorities should be able to take into account the cost of future reclamation. I shall ask the Minister a question on that in a few minutes, in relation to ICI.

I welcome the Government funding in the comprehensive spending review to support the implementation of the contaminated land regime, but I question whether sufficient funds have been made available. I do not know the precise estimate of the costs of cleaning up the quarries to which the hon. Member for Halton referred.

Mr. Derek Twigg: You have made an important point. At present, no definitive answer has been given on how the quarries should be reclaimed. The removal of materials may cause more contamination and pollution. A membrane could be used, but what guarantees will that give to my constituents that the pollution will not spread in the next 20, 30, 40 years?

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. Before the hon. Member for Carshalton and Wallington replies, I must inform the hon. Member for Halton that I have not made any interesting observations. The hon. Member for Carshalton and Wallington may have done so. As the Chair, whatever my personal views are in a debate, they are withheld.

Mr. Brake: Thank you, Mr. Deputy Speaker. I am sure that if you had the opportunity, you would make many interesting and useful contributions.

I have not seen the estimate of the clean-up costs. Indeed, from what the hon. Member for Halton has said, no estimate has been made at present and nor has

[Mr. Brake]

a best approach been decided on to sorting out the problem. It is not unreasonable to think that the clean-up costs will be very substantial indeed and could eat into any funds made available through the comprehensive spending review. That is why I question whether sufficient funds have been granted through the comprehensive spending review to deal with the level of clean-up that is required. Any further moneys could be part-funded through a greenfield development levy or by additional revenue generated by VAT equalisation.

What assessment has the Minister made of the costs associated with part IIA of the Environmental Protection Act 1990? What assessment has he made of the cost to local authorities in this and future financial years? How does the Minister expect those costs to be funded? What assessment has he made of the role of insurance in the clean-up of contaminated sites? Does he agree that insurance is underused because the insurance companies are not in a position to insure budgets against overspend in relation to the clean-up of contaminated sites if that proves to be more costly than had been anticipated? Does he think that if ICI buys out all the homeowners in Weston—as was suggested in an article—it will have breached the spirit of the Act? Does he think that the purchase of the homes, while ensuring that the polluter pays, will allow it to pay less than the genuine cost of the clean-up?

Financial and fiscal rules are crucial to the debate. The planning process also needs to be reformed, perhaps through the creation of special planning zones for major reclamation projects, which would simplify and regularise the present, perhaps over-complex process. A shift from greenfield to brownfield development and the clean-up of contaminated land could be achieved by a small number of relatively simple fiscal changes. The question is whether the Chancellor will bite the bullet.

10.44 am

Mr. Tim Loughton (East Worthing and Shoreham): I add my congratulations to the hon. Member for Halton (Mr. Twigg) on raising the subject. It sounds as though he has been preparing for the debate for the past 40 years, given that he has acquired practical experience of the subject since childhood and in his constituency. I admire your restraint, Mr. Deputy Speaker: no doubt, you have views on the subject, which relates to that part of the country which is your home, and you would have expressed them, had not the rules of the Chair restrained you.

The subject of the debate might be less sexy than those of others in the Chamber this week, but it is arguably the most important. I say that the subject is less sexy, but even Hollywood has taken it to itself—it is topical. The current film "Erin Brockovich" goes to the heart of problems that the hon. Member for Halton has described. It is a shame that more hon. Members are not here to share their experiences, to hear of the problems in Halton and to tackle the Minister about the Government's attitude.

The subject is important in two main respects. First, we all have examples in our constituencies of contaminated sites: such sites might be former landfill sites, where there is a risk of contaminants leaching into nearby residential areas or into water aquifers. That is a potential problem in my part of the country, which contains the chalk downs of Sussex. Problems might also arise from former industrial sites. The hon. Member for Halton mentioned severely affected sites in Halton and referred to ICI. If those sites are not properly cleaned up—often because the liabilities of the polluter, if he, she or it is known and is still around, are uncertain—they are wholly unusable for future industrial, residential, leisure or other developments. The advantage of tackling the problems is that redevelopment brings community benefits. Many successful schemes have come from community partnerships. They bring many dividends, not least in terms of economic development and improvements to residents' health.

Secondly, the subject is important because derelict land, whether or not it is derelict because of contamination, is a wasted resource. We can ill afford such waste, which is a shared national problem. A thousand hectares of unused brownfield sites in the north-west represent 1,000 hectares of greenfield sites in the north-west or the south-east that could be saved from bulldozers. The problem is mutual, shared across the north-south divide and between town and country. The more that we can do to bring derelict areas in and around cities back into use, the greater protection there will be for green belts, greenfield sites and our countryside. Yesterday, the south-east regional planning committee voted on the Government's proposed house-building figures. The Government's response appears to be that they will carry on regardless—that is, regardless of the views of democratically elected members of councils in the south-east.

Proper recycling of derelict and contaminated sites will become more urgent by the day, especially if the Government stick to the White Paper forecasts of a 20 per cent. increase in the number of households from 20.2 million to 24 million by 2021. The forecast contradicts the experience of the past 30 years, during which the number of houses increased by only 10 per cent. at a time of a falling birth rate.

We welcome the new contaminated land regime legislation, which came into force in England on 1 April of this year. It results from part IIA of the Environmental Protection Act 1990 as inserted by section 57 of the Environment Act 1995, which was introduced by the previous Government. That legislation had five key points: focus, transparency, integration, consistency and better tools. We all agree with those aims and hope that the new framework will be successful, because we all have an interest in solving the problem.

As the hon. Member for Halton suggested, perhaps nowhere will the success of the legislation be judged more accurately than in north-west England, which, as he pointed out, has more than 25 per cent. of the all the derelict land in England. That is not surprising, given his constituency's history of heavy industry, especially the chemical industry. He referred to ICI, which has acknowledged its responsibilities and liabilities and is now seeking to take action. We can argue about whether its decisions are the right ones, but at least the company has acknowledged that it is responsible. A bigger

problem is smaller businesses that have long since flown the coop leaving behind problems for others to clean up at their own expense.

The north-west also has environmental problems: I gather that its 6 per cent. tree cover is the lowest in Europe, which has average tree cover of 35 per cent. In addition, one third of the region's rivers are classified as poor or bad, and Liverpool and Manchester are the second and third worst cities in the United Kingdom in terms of failure to meet urban air quality guidelines. The north-east has an acute interest in making the legislation work, but it must provide a solution that the whole of the country can share and enjoy. We have a shared interest, politically and geographically, in the success of the new regime. I do not take issue with the legislation, especially as much of it was introduced by the previous Government. It is too early to judge its success, as it took effect less than two months ago.

I should like to ask the Minister some questions. I am sure that he will have copious time in which to respond to my comments and those of other hon. Members. First, I shall deal with spending. The hon. Member for Halton mentioned several times the number of successful schemes conducted during the past 10 years or so, under the present and previous Governments. However, in the financial year 1994-95, spending in the north-west on derelict and contaminated land treatment was £29.07 million, whereas by 1998-99, it had more than halved, to £13.62 million. During that time, 899 hectares of land in the north-west were reclaimed: £76.82 million was spent on the reclamation, which works out as roughly £85,500 per hectare, which is not cheap. The hon. Gentleman cited many examples that involved the expenditure of a seven-figure sum per hectare. That all goes to show that reclaiming land involves no small amount of resources.

Why was spending reduced during that period, and what are the Minister's future spending projections? Will there be a significant increase and, if so, where will the funds be found? How will liability be split between local authorities or central Government and private companies? Will the Minister give us some indications as to the size of the bill?

Mr. Pike: Does the hon. Gentleman accept the point that I made earlier? Sometimes, local authorities are not prepared to go ahead with schemes because they involve an on-going revenue commitment that cannot be met. For example, if they create a new open space, the grass must be cut. Even if the cost of such work is minimal, it is an additional cost that often cannot be met.

Mr. Loughton: I agree that such schemes are not one-offs. It is no good reclaiming a site and then letting it go, as that merely builds up problems for the future. I shall deal in a moment with the implications of orphan sites, which can arise from different sources. The problem remains of how to sustain funding, not least for the 20 years that most reclamation projects are designed to last.

I hope that the Minister will address the question of spending on the land reclamation programme, which provides funding for local authorities to reclaim derelict land if private-sector firms have no incentive to undertake the task. Under that scheme, because local authorities do not receive central Government funding specifically for that purpose, 100 per cent. of the eligible cost of approved projects is met. To what extent is the programme likely to be expanded? What percentage of the total area of derelict land under consideration has been identified as orphan land? How important is that consideration to the submission of the Department of the Environment, Transport and the Regions to the Treasury in respect of the current comprehensive spending review?

What tax breaks do the Minister and his Department think would act as an obvious incentive for a private clean-up in cases where no obvious private liability can be shown? The Minister will be aware that it often proves too risky for new owners of previously contaminated land—or even land that is only suspected of being contaminated—to assume such a liability, given the much greater legal requirements that are, rightly, placed upon them and the consequent risk of being sued for contamination damage. Mixed ownership, where various firms or private individuals own a contaminated area, is also a problem. What measures do the Government envisage taking to ensure that a common approach is adopted toward such landlords, companies or individuals?

My third question relates to definition, which has already been mentioned. What is a brownfield site? What are the blackfield sites mentioned by the hon. Member for Halton? There is an inconsistency in the definitions used in the national land use database, which came into force in May 1999. Under those definitions, derelict land may include existing landfill sites. It may also include derelict land next to railway stations that is used for car parking, which use we and the Government would encourage, as we want to promote interchange facilities between various forms of transport to maximise the use of public transport. In no circumstances would we want housing, supermarkets or factories to be built on such land because that would have a detrimental effect on our transport strategies.

It has been estimated that only 20 per cent. of what is termed derelict or brownfield land in England is available and suitable for development. That equates to only 164,000 new dwellings, which is substantially less than the number of houses that the Government want to be built on brownfield sites. That potential shortfall is enormous, so the definitions must be correct.

A fourth factor is regional influence. The Rogers report recommended that the Government should have a strong economic policy to incentivise regeneration and the use of derelict land. I praise the north-west regional development agency report on derelict and contaminated land for recognising the problems mentioned by the hon. Member for Halton. The report stated that land reclamation will be a "central task" for the agency, which, at an early stage, will carry out a review of priorities and objectives for land reclamation in partnership with local authorities. However, it warned that it had serious doubts about the accuracy of the national land use database figures. What steps are the Government taking to ensure that we are all singing from the same song sheet and that that song sheet contains the right notes? There are many grey areas in relation to brownfield sites.

[Mr. Loughton]

I am sorry to ask the Minister so many questions, but I am sure that he will be delighted to write to me in reply, because I know that he takes these matters seriously. What value additional to that offered by local authority projects does he think is added by the involvement of regional development agencies in these matters? All the schemes mentioned by the hon. Member for Halton were local authority projects that were instigated long before regional development agencies appeared on the scene. How much derelict land reclamation work is to be funded in future by regional development agencies and how much by the Environment Agency grant in aid assistance for special site designation for orphan linkages—the problem of unclaimed land where the polluter cannot be traced? It seems to me that all the current action of regional development agencies takes the form of reviews and studies. When will those agencies tackle the problem and clean up the sites, rather than continue to hold apparently endless consultation exercises and reviews of the problem?

The hon. Member for Carshalton and Wallington (Mr. Brake) mentioned insurance. I have had discussions with an organisation called Certa, which specialises in insurance underwriting for contamination problems. Will the Minister comment on the work that has been done in the United States by the Environmental Protection Agency on the availability of environment insurance and risk transfer mechanisms? The Environment Agency in this country has been surprisingly quiet on the matter. Open-ended liability is a real problem, as it acts as a disincentive to companies becoming involved; exploring insurance underwriting to minimise the risk is a practical solution. Will we hear more from the Government about promoting that practical solution?

It would be helpful if the activities of the west midlands-based ground water and contaminated land national centre were more widely known. Much expertise is to be found at the centre, on which many authorities, especially those in the north-west, could draw, but it seems to be an unsung organisation. There are also problems where the Environment Agency has supported the use of an insurance-backed bond to satisfy the regulatory requirements of the Environmental Protection Act 1990. However, the general opinion of the waste management industry is that bank bonds are the only mechanism available. Will the Minister comment on the use of bonds?

Let me give an example from personal experience. I was employed by a City merchant bank that had an investment trust. That merchant bank dated back to the 1870s and had been built on the financing of railway construction in north America. The investment trust was deemed to be liable for some asbestos that had been used in the original railway building work back in the 1870s. As recently as two years ago, it faced the prospect of a multi-billion-dollar lawsuit for something done by the builders of those railways, in which the investment trust had invested 130 years ago. If that lawsuit had gone ahead and a settlement had been made, the investment trust would have gone bust. Long-term insurance liabilities are open-ended risks, because one might be liable for events that go back not just a few years, but centuries, especially if there are American ramifications, because of the litigious approach adopted to such matters in that country.

The Rogers report called for fiscal action to recycle derelict sites, especially the 1.3 million urban buildings that it calculated were lying empty. We are told by a report in *The Guardian* in May that

> The patience of new Labour's favourite architect finally snapped this week.

The article goes on to say that Lord Rogers described the Government's attitude to the urban report, which was produced almost a year ago, as "disappointingly negative". Lord Rogers has now

> decided that the only way to influence the Government is to go over the head of the Deputy Prime Minister and appeal directly to the Treasury,

possibly on the basis that the Chancellor would be more likely to be in the country, as we are told that the Deputy Prime Minister has now become the Prime Minister for the third world. The article quotes a member of the urban task force as saying:

> But it is clear that the urban agenda has not yet occupied the centre ground of Government thinking.

What progress has been made, after three years of the present Government and 12 months on from Lord Rogers' urban regeneration report and the formation of the urban task force? What recommendations have been implemented, as opposed to further consultation being held, such as on stamp duty? Why did the Government not support the Urban Regeneration and Countryside Protection Bill presented by my hon. Friend the Member for Totnes (Mr. Steen), which dealt with many of the problems that I have mentioned? We were told that Government measures would make that Bill superfluous, but I see no evidence of that.

The matters that I have raised are detailed, but they are of concern to everyone present and to many of our colleagues who did not attend this morning. We have a mutual interest in ensuring the proper working of the new legislative framework, whether we represent southern or northern, Welsh or Scottish, urban, rural or suburban constituencies. I ask the Minister to consider what I have said, although he might like to deal with it in more detail outside this Chamber.

11.6 am

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): My hon. Friend the Member for Halton (Mr. Twigg) has raised an issue that is serious, not only to his constituents, whose predicament he graphically outlined, but to the whole country, especially its old industrial areas. He comes from the north-west; I represent part of Sunderland in the north-east, which has many of the same problems. He described a truly shocking state of affairs relating to Weston quarries. I can well understand the devastation and anxiety caused to those of his constituents who are directly involved. The only mitigating factor is that ICI has accepted its responsibilities and is taking action. All too often, in areas of contamination, the original polluter has long since disappeared, or it makes arrangements to do so when the scale of the problem becomes obvious.

Amid the bad news, some better news and some lessons for the future can be found. I am glad to say that we are not creating more sites of the sort in question. Industry must now comply with rigorous controls on the way in which it disposes of waste, policed by the Environment Agency. We must still identify and resolve problems from the past, but the interesting lesson of Weston quarries is that the polluter, ICI, found and owned up to the problem. Thanks to the company's diligence in investigating problems that may have been caused by its past operations, risks to Weston residents have been identified. From my hon. Friend's remarks, I understand that some arguments about the details remain to be resolved with ICI, but the company is actively exploring ways in which to deal with the contamination risk. It also accepts that it will have to pick up the tab.

It would be wrong to say that everything has been handled perfectly or that it is now plain sailing—far from it. We have a lot to learn about the underlying science, and long-term solutions are still to be found. I am sure that ICI will have heard my hon. Friend's plea for the process to be accelerated. I shall raise with ICI the need to release information more speedily. In this case, ICI has taken a responsible attitude, but if the company had not done so, strong new powers are available to local authorities and the Environment Agency to deal with contaminated land.

The new contaminated land regime in part IIA of the Environmental Protection Act 1990 came into force in April this year. It places local authorities under a duty to inspect their areas to find problem sites and gives them regulatory powers to ensure that the polluter pays to deal with contamination. However, it is clearly better not to have to wait for legal action and for intervention by regulators: industry should find the problems that it has caused and sort them out.

My right hon. Friend the Minister for the Environment wrote in April to the chairmen of the top 300 companies asking them to help to clean up Britain's past and challenging them to act responsibly if they were responsible for problem sites. He specifically asked them to develop their own company strategy for identifying contaminated sites for which they are responsible—to be positive, instead of waiting for the regulators to call. I am pleased to say that the initiative is receiving a positive response from industry and that many companies are well ahead in looking at their land holdings to find problems and clean them up. That is good business practice, apart from being good for local communities and the environment. At few contaminated sites are the problems as dramatic or stark as they are at Weston quarries, but contamination issues must be considered carefully wherever old land is recycled to new uses.

The development industry, the professions and the emerging specialist land remediation industry are doing a great deal to clean up and inject new life into old contaminated sites, but we still face a significant problem throughout the country of derelict land, much, but not all, of which is contaminated. In some cases, contamination is the straw that breaks the camel's back and prevents redevelopment from taking place. I am sure that the north-west has more than its fair share of such sites.

My Department is working with Ordnance Survey, English Partnerships, the Improvement and Development Agency and local authorities to develop a national land use database. The first phase of the work has produced a snapshot of previously developed vacant and derelict land and other land in use that may be available for redevelopment. In 1998, that work identified 2,830 hectares of vacant land and a further 3,400 hectares of derelict land in the north-west. The figures for my hon. Friend's constituency are 38 hectares vacant and 31 hectares derelict.

Such areas of land in the north-west are noticeably smaller than those recorded in the 1993 derelict land survey. That reflects three factors. First, some of the land has been redeveloped and is no longer derelict—indeed, my hon. Friend described the work of his local authority and others in helping to deal with the problem. Secondly, some of the derelict land in the 1993 exercise was not counted in the new database, because it is urban and not suitable for new development. Land in that category includes derelict mines and quarries, and railway and military land that has blended back into the natural environment. Thirdly, there may be some under-recording on the new database. All that has been produced so far is a first snapshot: more work needs to be done to complete the database as a regularly updated source. Despite the lower figures, the database still shows that some 20 per cent. of the national total area of vacant and derelict land is in the north-west, compared with 25 per cent. as identified in the 1993 survey.

The Government are committed to bringing derelict land, in whichever region it is located, back into use for housing and other purposes. That is an important part of our goal of urban renaissance, which aims to improve the quality of life for local communities and to tackle social exclusion. My hon. Friend gave a couple of examples from his constituency—the golf course, reclaimed at great expense from a chemical waste tip, and Greenoaks retail centre. In Sunderland, there is the well-known example of our football stadium, which was built on the site of the old Monkwearmouth colliery and seems also to have improved the quality of the football played.

In the north-west, the regional development agency is responsible for the Government's land and property programme, which addresses the need for land for a variety of purposes, including industry and commerce, infrastructure, housing, leisure, recreation and green space. The national budget for the land and property programme is £254 million for the current financial year, allocated to the different regions on the basis of relative economic, social and physical need, as well as on-going commitments to projects. The north-west's share of the budget is £81 million.

In addition, English Partnerships is taking forward a national coalfield programme, which involves working with RDAs to assist coalfield communities who are suffering deprivation as a result of pit closures. An investment package of more than £354 million over three years is in place. In part, that might answer the point made by the hon. Member for East Worthing and Shoreham (Mr. Loughton), who quoted figures suggesting that spending declined between 1994 and 1998. In the light of previous discussions with the hon. Gentleman on Government spending figures, I want to

[Mr. Chris Mullin]

examine, not merely the two figures that he plucked out of it, but the entire picture, which is often rather different.

I should make two important points: first, for 1998-99, we operated according to the previous Government's spending plans; secondly, and more significantly, money for regeneration comes from many different budgets, not just the one to which he referred. I have mentioned some of them, such as English Partnerships' national coalfield programme. In the north-west, 26 hectares of land at the former Agecroft colliery, near Salford, have been reclaimed and serviced. The land is ready for development, and developers are showing a strong interest.

I appreciate that there are concerns about the budgets that will be available to RDAs and English Partnerships as receipts from the sale of industrial properties begin to decline. The long-term resource requirements of RDAs are being considered in the 2000 spending review. The hon. Members for Carshalton and Wallington (Mr. Brake) and for East Worthing and Shoreham invited me to give an insight into the current spending round. Far be it from me, at my lowly level in government, to make commitments on behalf of Her Majesty's Treasury. However, my Department has made clear to the Treasury the importance that we attach to reclaiming derelict land and making it attractive to developers, and recycling money in some of the ways that the hon. Member for Carshalton and Wallington suggested. He and my hon. Friend the Member for Halton can rest assured that their points about VAT and the greenfield levy have been put to the Chancellor by various parties over a long period, and my right hon. Friend is well aware of the arguments. Indeed, I recall making some of those arguments, too, in a previous incarnation. However, I am now a servant of the Government and everything that I say has to be strictly in line with the official position, which is that the Chancellor is considering all such matters.

Mr. Pike: On VAT, the Government have made it clear that the door has not been closed—it may not be wide open, but it is at least ajar. Does my hon. Friend the Under-Secretary agree that it is up to all of us who believe that there is a case for VAT to be equalised between new build and renovation to make that case very strongly to the Treasury?

Mr. Mullin: I certainly agree that the Treasury is the right place to make that representation and I would not prevent my hon. Friend or other hon. Members from making those points to the Chancellor. I think that he is probably well aware of them already, but repetition can do no harm.

My hon. Friend the Member for Halton made a number of very helpful suggestions. His first two—the introduction of a strategic plan and framework for dealing with contaminated sites rather than pepperpotting resources on an ad hoc basis, and the bringing together of different funding streams and bodies working on contaminated land issues—are the reasons why we set up the regional development agencies, which we hope are beginning to make progress in those respects.

I shall certainly reflect on my hon. Friend's proposal for a task force similar to the coalfields regeneration initiative within English Partnerships to tackle severely chemically contaminated sites, although it might, to some extent, be at odds with his earlier suggestion, in which he wanted everything brought together. I have already dealt with the introduction of a greenfield development levy; the same point was raised by the hon. Member for Carshalton and Wallington.

My hon. Friend mentioned greater use of landfill tax credits to remediate chemically contaminated sites. We stated in the waste strategy published a week or two ago that we are reviewing the use to which the landfill tax credits are put. That proposal is one possibility. The introduction of a separate strand of national lottery good causes to deal with especially large and problematic contaminated sites is a matter that my hon. Friend must pursue with our right hon. Friend the Secretary of State for Culture, Media and Sport. As hon. Members have pointed out, some lottery money has already been spent on projects involving contaminated land, the best example of which is the millennium village in Greenwich.

The hon. Member for Carshalton and Wallington made the reasonable point that we must do all that we can—perhaps we are not yet doing enough—to increase the amount of new development on brownfield sites. One of the difficulties is that there tend to be more brownfield sites in the north of England, where there is least development pressure, and fewer in the south of England, where there is greatest pressure. All Governments have to face that difficulty. My hon. Friend the Member for Halton made the point that some brownfield sites are not suitable for development—they are, in effect, blackfield sites, on which houses should never be built. He cited the example of the Weston quarry.

The hon. Member for East Worthing and Shoreham asked several detailed and difficult questions, and, having given them mature consideration, I shall probably have to write him a letter setting out some of the replies. One or two of his points were of a pettifogging nature, if he will forgive my saying so; they were attempts to score points, and do not merit a reply. On his question about insurance, he might be interested in a research project on the management of financial risks that is reaching its conclusion. It is funded by DETR and organised by the Construction Industry Research and Information Association. Its report is to be published soon and I commend it to the hon. Gentleman. That is all that I can usefully say in response to the hon. Member for East Worthing and Shoreham, save that we can all learn from his point about promoting insurance underwriting in the light of the American experience.

In conclusion, I thank my hon. Friend the Member for Halton for drawing this serious problem to the attention of the Chamber. Those of us who represent the older industrial areas have more reason than most to confront the consequences of our industrial legacy. The Government take that very seriously, and a great deal has already been done. Although I cannot promise that the problems will be solved overnight, I can offer the sustained commitment to addressing them for which my hon. Friend asked.

Partnership is the key to change; it cannot all be achieved by Government or local authorities. The polluters must also play a part. I am glad to say that in respect of those who are the most responsible, of which ICI is one, that is what is happening.

Mr. Deputy Speaker: The debate has come to an end a few moments before time. As the initiator of the next debate, the hon. Member for Billericay (Mrs. Gorman) is present, and the Minister has arrived in the nick of time, we can progress immediately to the next debate, which concerns the Government's response to the sixth report of the Committee on Standards in Public Life.

Standards in Public Life

11.26 am

Mrs. Teresa Gorman (Billericay): I have chosen to bring before the Chamber the report that was produced by Lord Neill to review the actions of the Select Committee on Standards and Privileges. Lord Neill is chairman of the Committee on Standards in Public Life, which reviews not only the House of Commons, but the House of Lords and other public institutions.

I am concerned about the fact that, although the report was produced six months ago, the Government have so far shown no inclination to bring its findings before the House of Commons. Those findings are extremely important, especially in view of the way in which the Standards and Privileges Committee has come to function in recent times. The recommendations would go a long way towards reinforcing public confidence in the House, which has become coloured, and to some extent eroded, by some of the proceedings that are currently associated with the Committee.

In October 1994, the former Prime Minister, my right hon. Friend the Member for Huntingdon (Mr. Major), established the Standards and Privileges Committee to replace the Select Committee on Members' Interests, which was established in 1975. That Committee required Members to enter in a register any assets or earnings that might be considered to influence their political judgment. In connection with the establishment of the new Committee, another innovation was the introduction of a Parliamentary Commissioner for Standards to act as a conduit for complaints that people wished to submit to the Committee for consideration.

The tradition of Parliament disciplining its own Members goes back a long way. Such procedures were initially introduced to protect the parliamentary body from the Executive, which was inclined to intervene, in the form of the Crown or other bodies, to attempt to influence the decisions of Parliament—dramatically so, in the case of Charles I.

Recently, the Committee and the commissioner have assumed an altogether different complexion, in that they have become a conduit for members of the public to lodge complaints. Some of those complaints are sensible, some not so sensible and some are what courts of law would describe as litigious, and they can involve political opponents or, indirectly, newspapers. The aim is to get a Government Committee to consider matters under privilege—if the press had published details of a case de novo, libel action might have resulted. The Committee's role is considerably different from that which the former Prime Minister had in mind when he instituted it.

The first commissioner under the new regime was Sir Gordon Downey, who had previously been with the National Audit Commission. When he retired, he made several salient recommendations. He said that there should be a statute of limitation, and that complaints about matters that occurred more than seven years ago should not be taken up. It was difficult to produce relevant evidence from that long ago, and the need for hon. Members who were complained about to produce evidence in their defence would place inordinate burdens on them. He warned that a tit-for-tat political

[Mrs. Teresa Gorman]

war might break out if parties sought to use the Committee as a political weapon. In fact, that is what happened—the war has been hotting up recently in a manner that does Parliament's reputation no good in the public's eyes, although it is helpful to the media because it generates much interesting copy.

An examination of some of the Committee's more recent judgments shows that it is not unreasonable to say that it has been used to whitewash the activities of some hon. Members, especially those of various Ministers. The commissioner made stringent criticisms of Ministers, but the Committee did not take them up, although if comparable complaints had been made against ordinary hon. Members, that might well have solicited the demand for an apology to the House. The system can also be used to intimidate hon. Members. I pray in aid the recent case involving the hon. Member for Brent, East (Mr. Livingstone), whose face did not seem to fit some of the Government's criteria for the office that he was seeking. I do not blame simply the Labour party in this context—both parties have had a go.

Since the Committee's inception, about 50 or 60 hon. Members have been reported to it. The fact that the numbers are increasing is surprising—when the new rules were in place and the new intake of hon. Members realised that a different regime was in operation, one might have expected the numbers to decline.

Interestingly, those hon. Members who are reported are almost exclusively from the Labour or Conservative parties—the Liberal Democrats do not seem to feature. That may reflect their political chances of being in government, although there may be skeletons in their cupboard. Even the Prime Minister has been reported to the Committee, and we are still awaiting the outcome. That places the commissioner in a significant dilemma—to criticise and to bring charges against the Prime Minister would be novel and the process would be fraught with overtones that hon. Members would understand. Two previous Prime Ministers have also been reported. The great and the good are not exempt from the process—everyone appears to be in the firing line. Some will say that that is how it should be.

If a complaint is made with enough substantiating evidence, it will go forward and a report will be produced along with documents and other information that may be of great interest to newspapers. Sometimes, a complaint will undoubtedly have been initiated indirectly by a newspaper—the press will have a field day because they would be protected from libel action.

In December 1999, when the Committee had been in existence for five years, Lord Neill presented a review of its functioning, in which he made a number of important recommendations that I believe the Government and the House should consider and would wish to implement, not least in defence of the reputation of the House, because this tit-for-tat war is hotting up rather than receding. Far from protecting the reputation of the House, the Committee is open to manipulation by a number of bodies that have a view or a dislike of a certain hon. Member, or may simply try to discourage that hon. Member from pursuing a course of action that the trade union or organisation happens not to like. That impinges on the hon. Member's right to free speech or may influence his or her decision to pursue certain courses of action or types of investigation.

There is no doubt that the structure of the committee lends itself to those criticisms. It is based on the Select Committee procedure. The Neill committee does not go so far as to say that that is possibly a wrong formula, but it makes a number of criticisms of the formula. We all know that membership of Select Committees is based on the relative numbers of the parties in the House, so the Government have a predominance of members on the Committee. The present Committee has eight members of the Labour party, two Conservatives, one Liberal Democrat and an independent. As it now deals not simply with matters such as "What did you put in the register?", but goes much deeper into what would be matters of legal complaint if they were made outside the House, the nature of the Committee, as Lord Neill says, must be looked at and the balance of members on it made more even.

Lord Neill also points out that the Chairman is always a member of the Government. However much we respect the individual who holds that office, he says that that could be politically influential in weighting the opinions. He believes that the Chairman should not be drawn from the ruling party.

Lord Neill also says that hon. Members who are indicted—the Committee functions as a court of law—or are in the firing line have no redress against the committee's decision. Indeed, they do not know what it will be until the report is printed and they have two hours in which to review the report. Unless they have made an earlier plea, they have no opportunity to request a delay in the implementation of the report, so although they may have thought that the commissioner's position and their point of view were closely aligned, they find themselves without any redress and perhaps with no time to deal with the matters in detail.

Lord Neill deals with that point. He emphasises that individuals who disagree with the Committee's decision should have a right of appeal before an independent judge, or a person with judicial experience, and before two senior Members of the House. They may also require help in complying with the commissioner's demands for information, if the investigations are extensive. Lord Neill says that they should be given that help and granted legal assistance if they opt for a review of the committee's findings before an independent judge.

In the recent past, a Member of Parliament was accused of neglect by a disgruntled constituent and it seemed that the matter would be brought to court. The House considered whether legal expenses should be paid with parliamentary assistance in such cases. The response was favourable and the Government are considering what the next step should be. There is a strong case for Members of Parliament, as for any professional body, to have some form of insurance for legal expenses, and whether that is administered through the House or by individuals is a matter for consideration.

Before I came to the House, I was a business woman and carried legal expenses insurance. One never knows whether a customer might find fault with one's service or

goods and it is necessary to protect oneself. Employers also need legal expenses insurance to cover the possibility of an employee going to an industrial tribunal. Members of Parliament are in a similar position and more vulnerable than previously. The well-publicised, "open sesame" system invites complaints that would not have been thought significant in the past. Such complaints are often more related to the political nature of this institution than to straightforward offences which, in other circumstances, might be subject to litigation.

Lord Neill said that there is no doubt that Members of Parliament are vulnerable to such complaints and suggested that we should bear that in mind when examining his recommendations. Hard cases make bad law and the setting up of the Committee was a reaction to a number of initiatives mounted by the Government when in opposition. It led to a reaction that may prove inappropriate and, if we pursue this line, require assistance for hon. Members who become caught up in it. It is time consuming and damaging to those concerned if newspapers become involved. The newspapers have the opportunity to report matters which, had they raised them de novo, might have resulted in libel actions by hon. Members to protect their reputations. Page 30 of the Neill report states:

> Given the politically-charged environment within which MPs work, it is likely that ill-founded complaints will be made from time to time in order to discredit the accused MP. It would be naïve to think otherwise.

When considering its general reputation with the public in pursuit of its legitimate political goals, the House should consider what we do about such complaints. Once upon a time, they might have been brushed aside because, in the old days, they did not create such a stir when hon. Members tended to trust each other to be honourable. The Committee has taken a political perspective, which I do not believe was intended, and both its structure and method of functioning are an abuse or contradiction of natural justice, which is the right to have a defence and to be tried by an independent body. All Committee members are related in some way to the hon. Member under investigation, either politically or because they know him. People who make judgments in our courts must prove that they have no acquaintance with the person whom they are judging. If that principle were applied to the Committee, its members would be excused from duty. For that reason, we need an independent judicial element, perhaps in the form of the commissioner. There must be a right of appeal to an independent body if all else fails so that the hon. Member and, to an extent, the House believe that the matter has been handled with complete independence.

Mr. Peter Bottomley (Worthing, West) *rose—*

Mr. Deputy Speaker (Mr. Nicholas Winterton): Order. The hon. Gentleman did not notify me that he wanted to speak. I am not sure whether he has asked the Minister or the initiator of the debate for permission. I shall therefore call the Minister to respond.

11.46 am

The Parliamentary Secretary, Cabinet Office (Mr. Graham Stringer): I congratulate the hon. Member for Billericay (Mrs. Gorman) on securing the debate. The sixth report of the Neill committee is undoubtedly an important matter. The committee chairman set up the report in March 1999. Hearings were held between the middle of June and July and it took six months before the report was published in January 2000. It covers a wide range of issues that are of interest to Members of Parliament, Ministers, civil servants, special advisers and lobbying and all-party groups, and that are relevant to sponsorship of Government activities, public appointments, proportionality in public appointments, task forces and business appointments.

The sixth report reviews the Nolan committee's first report, which made 55 recommendations. It contains 45 recommendations which, as the hon. Lady said, cover a range of important matters. For that reason, the Government have taken time to consider the issues in detail. She began her speech by saying that she did not know when we were going to reply to the report. In response to a written question from the hon. Member for Worthing, West (Mr. Bottomley), my right hon. Friend the Prime Minister said yesterday that the Government intend to report before the end of this Session. That is some comfort for the hon. Lady.

Hon. Members should welcome Lord Neill's declaration that there is less cause for concern about the disreputable or dishonest behaviour that characterised the period before the Standards and Privileges Committee was established. It is important to remind ourselves of the environment that existed in the early to mid-1990s when Members of the House were accused of and proved to be taking cash for questions. There was a feeling of sleaze and all of us in public life, no matter how honourably the vast majority of us behaved, were affected by the bad reputations of others. It is to be welcomed that Lord Neill has recognised that the situation has improved. Anthony King, who was originally a member of the Nolan committee, said in his evidence to the sixth inquiry that, if it had not been for Neil Hamilton—this is probably the one good thing that Neil Hamilton did for parliamentary procedure—the dark places and the decline in standards of the late 1980s and early 1990s would not have been looked into.

I welcome the process that has been undertaken. Not only did Lord Neill's committee say that an improvement had been made, but its report focused on a shift away from the direct influence on hon. Members and people in public life by the payment of cash to the indirect influence of lobbying. Lord Neill was considering the matters that I listed when he produced the first report.

In some ways, the hon. Lady leaves me in a difficult position. Many of the points that she made are matters for the House to consider after the Government have reported. In preparing for this debate, however, I have taken the trouble to read many of the reports published by the Standards and Privileges Committee. I was present when the hon. Lady was herself the focus of one of those reports. I was present in the Chamber to hear her speech and the comments of other hon. Members who contributed to the debate. I read the report on her case, as well as other reports. It is only fair to say that I could see no evidence of political bias in the reports. The vast majority of the reports are unanimous. I do not think that anyone would accuse the hon. Member for Tatton (Mr. Bell), who is a member of the Standards and Privileges Committee, of political bias for or against

[Mr. Graham Stringer]

any of the political parties represented in Parliament. As I said, the Committee has reached many unanimous decisions.

The hon. Lady's point about appeals is, in the final analysis, a matter for the House, but it is worth while commenting on it now. She was absolutely right: Lord Neill said in his recommendations to the Committee on Standards and Privileges that different processes should be put in place and that there should be an appeals process. It was made clear during the debate to which I referred, however, that that process would not have applied to the hon. Lady's case.

Lord Neill is very specific. I shall quote from paragraph 3.22 of the sixth report, which lists classifications of allegations, on which he makes proposals. Item A on the list is

allegations of misconduct amounting to a criminal offence.

The report contains a clear recommendation that such matters should be handed over to the courts. It goes on to list the following categories:

B. allegations of serious misconduct not amounting to a criminal offence, the facts of which are in dispute (contested allegations of serious misconduct);

C. allegations of other misconduct, the facts of which are in dispute (contested allegations of other misconduct);

D. any allegation of misconduct not amounting to a criminal offence, the facts of which are not in dispute (non-contested cases);

E. malicious or frivolous allegations of misconduct.

In the hon. Lady's case, it was clear that the facts were not in dispute, as was pointed out in the debate about the matter. Lord Neill's recommendations relate to cases in which there is dispute about the facts, in which there should be an independent appeals process. I wanted to make that clear, because I did not want it to be misconstrued outside the House.

Many of the other points made by the hon. Lady formed a specific attack on the integrity of those who serve on that Committee. It is outrageous to suggest that those hon. Members, from all parties, would want to whitewash Ministers or that the Committee is being manipulated. There is no evidence of that. One or two unwarranted allegations were made against hon. Members, and I hope that the hon. Lady will withdraw those remarks. She used those unfounded allegations to make her case that the House should not regulate itself. Like many of the points that she made, that is a matter for the House of Commons and not for the Government. On those issues, she will find herself in a small minority.

Mr. Peter Bottomley: Is the Minister aware that there would be a wider audience for his remarks if the Committee on Standards and Privileges were not meeting at this moment? Would he confirm that all hon. Members are under a duty to support the commissioner in her inquiries, so that facts can be put to the Committee and, if appropriate, to the House?

Mr. Stringer: I thank the hon. Gentleman for that information. I was not aware of that fact, although there is obviously more interest in Westminster Hall today than for most debates. It is a matter of great importance, and, as Members of Parliament, it is our responsibility to take an interest in such matters.

Mr. Christopher Gill (Ludlow): Before the Minister sits down, will he express an opinion on the other point made by my hon. Friend the Member for Billericay (Mrs. Gorman), when she referred to the constraints placed on hon. Members when defending themselves before the Committee, and the lack of resources allowing them to do so?

Mr. Stringer: The hon. Lady made a sound point. The Government will consider it and, in time, we shall give our response in the House.

Mr. Deputy Speaker: The debate has come to an end three minutes before time. We therefore move on to the next debate, which is initiated by the hon. Member for Middlesbrough, South and Cleveland, East (Dr. Kumar).

Cleveland Police

11.57 am

Dr. Ashok Kumar (Middlesbrough, South and Cleveland, East): Some seven months ago, I spoke in a similar debate on Operation Lancet—a Police Complaints Authority probe into alleged corruption in Cleveland police. I need to update the House on the progress, or lack of it, on that matter, which is vital to the policing of Teesside. Since that debate, many people in my constituency and throughout Teesside have been in touch with me asking for the matter to be kept under the spotlight of parliamentary scrutiny. That debate touched the pulse of the people, which is why I raise the matter once again.

Operation Lancet is the probe under which Detective Superintendent Ray Mallon, famed for his pioneering work of zero tolerance policing in Britain, has been suspended for more than two and a half years. His suspension was accompanied by the suspension of another seven Cleveland officers. It is with regret that I have to tell the House that the questionable activities of that inquiry have continued for seven months. More serious, I must inform the House that it seems that we and the Teesside public have been misled about the true cost of the operation. Those costs are paid by the public purse, which causes me great concern.

The Government are rightly committed to modernisation and to justice and opportunity for all, rather than to allowing the old boy network to rule public services. It is time for a complete overhaul of the way in which the police are policed. It is time to bring in checks and balances to ensure that police officers act in the best interest of the taxpayers who fund them rather than in their interest and that of their friends.

The handling of Operation Lancet has raised such serious questions about the misuse of public funds and the perversion of justice that it is time for a public inquiry to ensure that the truth comes out. Operation Lancet has been flawed from the start. The crucial flaw came when Cleveland's chief constable and the Police Complaints Authority placed in charge of the inquiry a Cleveland officer who had, at best, limited experience of leading major crime investigations. That has contributed to the rambling, unfocused way in which the operation has stumbled on. The officer leading the investigation had recently been in charge of the CID at Middlesborough police station. Many of the 40 officers allocated to his investigation team had also served there. They were effectively investigating themselves—a clear conflict of interest.

Sadly, senior officers involved with Operation Lancet have repeatedly failed the public. Detective Superintendent Mallon was suspended on 1 December 1997 by Cleveland's acting deputy chief constable Robert Turnbull. Most people would make such a decision knowing that they should take—and could be expected to take—responsibility for the consequences. Not in this case, however. Mr. Turnbull left in controversial circumstances, pocketed a large pension and commutation courtesy of the Teesside taxpayer and took up a senior position in the sun-kissed Turks and Caicos Islands.

Mr. David Earnshaw, who became acting assistant chief constable, took over Mr. Turnbull's mantle. He insisted that Ray Mallon and his colleagues remained suspended. He also did not feel that the issue merited being seen through to the end. He has now quit the Cleveland police, pocketing a vastly enhanced pension and commutation in excess of £150,000, thanks to his activities on Lancet. However, his presence is still felt in the corridors of the Cleveland police headquarters because he has returned to take up a newly created senior civilian post. He is not the only officer who has left the Cleveland police who has been offered immediately a civilian post that had not been advertised openly. That smacks of a jobs-for-the-boys attitude. Such an attitude is clearly contrary to the equal opportunities policy that the Government and, presumably, Cleveland police have signed up to.

A litany of senior police officers has fallen by the wayside while Operation Lancet was in their control. Mr. Richard Brunstrom, Cleveland's other assistant chief constable and another person with oversight for Operation Lancet, slipped away quietly for the possibly quieter life of the North Wales police.

Mr. Andrew Timpson, the outside Warwickshire chief constable appointed to oversee Operation Lancet, was also replaced in controversial circumstances following complaints about his conduct. The man who replaced Mr. Timpson, and who so far seems to have survived the curse of Lancet—Assistant Chief Constable Lloyd Clarke of West Yorkshire police—clearly had severe reservations about the way in which the operation was evolving. Those reservations have taken root and Mr. Clarke has removed several of the officers who were helping to conduct the inquiry. I am told that he has completed his investigation and returned to West Yorkshire. I suspect that he is writing the report. The public surely have a right to expect senior police officers who launch costly inquiries to stay in post until the inquiries are complete. It is wrong that such officers can dodge possible disciplinary repercussions simply by retiring or otherwise leaving the force. A basic tenet of English law is that justice delayed is justice denied. The delays that beset Operation Lancet despite Mr. Clarke's latest efforts are still intolerable.

Ray Mallon was suspended from duty on 1 December 1997 for alleged activity—which he vehemently denies—that could be construed as criminal. In January 1999 he submitted to the Lancet inquiry a lengthy statement dealing with every allegation against him. The file on Mr. Mallon has been passed from the police to the Crown Prosecution Service, then to Treasury Counsel and finally to the office of the Director of Public Prosecutions, where it has remained since December. In January, Mr. Mallon was informed that the criminal investigation into him was complete. Will my hon. Friend the Solicitor-General explain why, if the investigation was complete and the Treasury Counsel recommendation was passed on seven months ago, Mr. Mallon still has not been told whether he faces prosecution? I hope that my hon. Friend the Minister will assure the House that the Director of Public Prosecutions is not letting political interest overtake justice.

The costs of Operation Lancet are a very serious matter. They are expressed in two forms—the direct cost to the taxpayer and the cost of the loss of public confidence in the police force. That loss of confidence is based on the perception that a police force that appears to be totally introverted and obsessed with internal

[Dr. Ashok Kumar]

inquiries does not have its heart in fighting crime. I received a letter last week from June Goodchild, a well-respected member of the community who is vice-chairman of Easterside community council, who wrote:

In the summer of 1997—

that is, before Lancet—

we had a brilliant relationship with both the Community Team and also the Police Chiefs.

However, she states:

Since the Lancet investigation began we have been very lucky to even see a Policeman.

She adds:

I would like to know why members of the Public of all ages...feel they have no quality of life and also feel very unsafe, surely this should be the opposite, when we pay so much for the Police we have a right to feel safe but after so many complaints not everyone can be wrong.

The Cleveland police force recently announced its latest crime figures. A well-spun press release trumpeted the falling number of crimes such as burglaries, drug offences and car crime, but also showed, in an almost hidden paragraph, that the detection rate had dropped. Simple arithmetic should show that there should be a rough correlation between a drop in recorded crime and clear-ups. Such a correlation does not exist in Cleveland. Why? Perhaps the press release gives a clue to that, too. It states that the drop in the detection rate

is thought to have been affected by a number of long running, serious and complicated inquiries which have tied up officers.

Many of those inquiries are, of course, operational, designed to investigate and solve serious crimes, but hidden behind that innocuous phrase is the truth that Lancet and the ever-increasing number of subsidiary inquiries are tying the force in knots. That means a serious cost to the public. Many of my constituents tell me their fears and their stories of stolen property that is not recovered, stolen cars that are never seen again, personal injury from assaults and, above all, the loss of confidence that police response will be speedy and criminals will be apprehended. That loss of confidence will take a long time to be repaired.

The direct costs of Operation Lancet can and should be quantified. Last month I tabled a written question about how much it had cost and was told by the Minister of State, Home Office, my hon. Friend the Member for Norwich, South (Mr. Clarke), that the cost at that time was £2.6 million. It has been brought to my attention that the police authority papers over the three financial years show the cost to be far in excess of that. In addition, the continuing salary costs of eight suspended officers bring the real costs, I suspect, to double the figure that the House was given. I must ask for an explanation of the House being misled in that way, and whether there are other costs of which the House has not been informed.

It is imperative that those costs are given open and honestly. After all, they are coming out of the pockets of Teesside taxpayers who are picking up the bill and have a right to know what it has cost them. Therefore, I hope that my hon. Friend will agree that an independent auditor should be brought in to begin an assessment of the true cost of Operation Lancet and associated inquiries. Only then will the public be able to judge whether they have had best value. I know that my right hon. Friend the Home Secretary is considering reforms to both the mechanism and methodology of the Police Complaints Authority, which I applaud.

I suggest that the lessons learned from an inquiry into how Operation Lancet was handled will prove invaluable to such a shake-up. That will show how not to do it. It is not only the eight suspended officers who have suffered in Cleveland; the consequences of their suspensions have brought pain and suffering to their families as well as to the suspended officers themselves. The rumours and stories that abound do nothing for the morale of decent rank and file policemen and women. At the start of the inquiry, the Police Complaints Authority suggested that wholesale corruption, widespread brutalism and drug abuse were rife in the Middlesbrough police district. That has so far proved to be utterly unfounded and is a gross slur on the hard-working officers of Cleveland police—men and women who are a credit to their force and to their service. The least that those people deserve is an apology from the Police Complaints Authority.

I shall end by reiterating the basic facts of the matter. Eight Cleveland police officers have now been suspended for more than two and a half years without a single criminal disciplinary charge being levelled against them. The cost of Operation Lancet now stands at £5 million, which has been funded by the Cleveland taxpayer. The buck stops with the Government, who must explain what is happening. The public in my constituency have been hit by the largest hike in police precepts in Britain, yet those responsible for launching the inquiry have deserted the sinking ship. Moreover, they have walked the plank, but with very fat pay-offs and the knowledge that they have avoided any possible disciplinary repercussions. I urge my hon. Friend to agree to hold a public inquiry into the Operation Lancet fiasco once it is officially over, so that there is never again such an abuse of public office and public money in the police service.

12.12 pm

The Minister of State, Home Office (Mr. Charles Clarke): May I begin, as is conventional, by thanking my hon. Friend the Member for Middlesbrough, South and Cleveland, East (Dr. Kumar) for raising those issues, as he did in the previous debate to which he referred on 10 November last year? I am acutely aware of the interest that the inquiry continues to attract, both nationally and, more importantly, among the constituents of my hon. Friend and his colleagues in the area covered by the Cleveland police.

I shall begin by referring to what the Government are doing overall. I made a statement to the House a month or so ago to launch our whole approach to police complaints. There have been two inquiries; one by KPMG and another published on the same day by Liberty, which identified the best ways in which to fulfil our commitment to establishing an independent police complaints system. One of the key drivers in that is to reduce the time that is taken up by police complaints.

Unfortunately, the example from Cleveland described by my hon. Friend is not unique in terms of the length of time that the inquiry has taken for a variety of reasons, although the scale of that inquiry is more

substantial than most of those undertaken by the Police Complaints Authority. We believe that, for some of the reasons stated by my hon. Friend, the system should be reformed. We are committed to reforming the system and have published a consultation paper based on those two reports, to which we are seeking early responses so that we can take action as rapidly as possible. Therefore, I have great sympathy with my hon. Friend's main point that the length of the inquiry has led to difficulties in delivering policing, and those difficulties must be addressed. However, it is still the case that the performance of the Cleveland constabulary is good, and morale in the force, according to Her Majesty's inspectorate, is also good.

Some of the language used by my hon. Friend was unwarranted, but, before I explain why, I shall put the facts of the case in context. The inquiry began in late 1997, following serious and disturbing allegations against a number of officers, not only Mr. Mallon. It would be inappropriate for us to discuss the details of the cases under investigation while the possibility of criminal and disciplinary proceedings exists. The Crown Prosecution Service is considering a number of files from Operation Lancet. The Lancet team began submitting files to the CPS in November 1998. The CPS referred them to Treasury Counsel for advice, and is now considering those papers. The investigation team asked to make further inquiries, after which, in the near future, the CPS hopes to be able to make decisions.

More files were submitted to the Crown Prosecution Service last year. Many of them have also been referred to Treasury Counsel, and I understand that there is material still to be submitted. That material will also need to be carefully considered, before decisions are taken on possible criminal proceedings. Responsibility for such matters rests with the Director of Public Prosecutions, and I know that he is taking a personal interest in the case.

I must rebut my hon. Friend's suggestion that there is any question of political interests conflicting with justice. The sole responsibility of the Director of Public Prosecutions in this area is to secure justice. No political interest conflicts with that, and it would be wrong if it did. That is not how the DPP operates.

The chief constable and the Police Complaints Authority are responsible for considering the disciplinary aspects of the inquiry and for determining whether officers should face disciplinary proceedings. The Police Complaints Authority has the power to recommend or direct that the chief constable bring disciplinary proceedings, if there is evidence that an officer has behaved improperly. The Home Secretary has a role in the process as the appellate authority and may be called on to consider any disciplinary appeals from officers arising from the inquiry.

Public confidence in the police service rests entirely on its reputation for integrity. That is why allegations, from whatever quarter, must be properly addressed and investigated. The length of time taken is, as I have acknowledged, a serious concern, but it would be wrong if serious allegations of the kind that have been made were not investigated. When allegations of misconduct are made, bringing the reputation of the service into question, there must be thorough scrutiny. That is why I am pleased that Cleveland acted robustly, initiating an investigation into the allegations, although I share the concern that the inquiry should be brought to a conclusion as swiftly as possible.

My hon. Friend referred to costs. As I told him in my answers, the overall cost of the Lancet inquiry, to the end of April, was £2.6 million. The costs can be broken down as follows: for Cleveland officers, including salaries, overtime and travel and subsistence, they are £1.271 million; for officers from Northamptonshire, Warwickshire and West Yorkshire, including salaries, overtime and travel and subsistence, they are £1.169 million; for other costs, such as accommodation and office expenditure, they are £182,000. Those are the costs, and they are based on figures given to us by Cleveland police. The only explanation that I can give for the difference from the figures quoted by my hon. Friend is that the figures that I have just given, which I also gave him in an earlier parliamentary answer, do not include the salaries of the suspended officers.

Dr. Kumar: The report produced by Cleveland police on budgeting provision shows that supplies and services for an inquiry that was unforeseen at budget time created an additional cost of £266,000. Similarly, for 1999, the cost of the special inquiry was significantly in excess of the original £1 million budget—an excess of £1.087 million. In the budget for this year, the cost of the special inquiry has exceeded outturn forecasts by £950,000—a total of £1.95 million. It is in the Cleveland authority's papers; that is where the money is going. It has not budgeted for it, and it is not accounted for in the answer that the Minister has given.

Mr. Clarke: The figures that I have given are based entirely on those given to my Department by Cleveland police authority. That is the way in which such things are done, and that is how we should proceed. I shall of course look at the detailed figures that my hon. Friend has given, and ask my officials to discuss them with Cleveland police authority. Perhaps my saying that the overall cost of the Lancet inquiry was calculated to the end of April has caused some confusion. Another possible explanation is that, as I said, the figures do not include the salaries of suspended officers.

My point is that the information that I have given this Chamber is not misleading—it is open and honest, and I regret that my hon. Friend has decided to use such language. An independent audit is not necessary, nor would a public inquiry help matters. However, in the light of my hon. Friend's comments I am willing to ask my officials to discuss the precise figures and try to establish whether there is any sense in which the published figures do not correctly represent the total cost to the police authority. However, I should reiterate that I do not believe that there is any inaccuracy in what I have said to this Chamber.

On personnel, Lloyd Clarke, the deputy chief constable for West Yorkshire, replaced Andrew Timpson, the former chief constable for Warwickshire, as investigating officer for Operation Lancet, after allegations came to light about Mr. Timpson's conduct. Those allegations were made in relation to Warwickshire constabulary, and were unconnected with Operation Lancet. Mr. Timpson subsequently resigned his post as chief constable, but the process had nothing whatever to do with Operation Lancet.

[Mr. Clarke]

I acknowledge that the departure of Mr. Timpson as officer in command of the inquiry was unfortunate, and partly explains the time that the process has taken. However, Mr. Clarke, who was swiftly appointed in his place, took forward with vigour the task of completing the inquiry. Several officers from Cleveland who are working on the inquiry have now returned to other duties and, as my hon. Friend said, Mr. Clarke's team has relocated to West Yorkshire, which will prove more cost-effective at this stage of the inquiry.

Eight officers are still suspended from duty, and Cleveland police regularly reviews such suspensions. Matters involving the suspension of police officers are governed by the Police (Discipline) Regulations 1985, and unless the chief officer decides otherwise, suspensions may continue until a decision is taken not to bring disciplinary charges, or the case is resolved. As I said, my hon. Friend is right to draw attention to delays in the process, and I hope that they will be rapidly resolved.

My hon. Friend also made some points about senior officers. Officers who have completed 30 years' service are legally entitled to retire on pension and seek further employment. He asked whether that is right. Outstanding issues of discipline need to be considered. Such matters arise in relation to this inquiry and elsewhere, but the law of the land is as I described it.

Mr. David Earnshaw, to whom my hon. Friend referred, retired from the police force on 31 March 2000. He had completed 33 years' service, and had deferred his retirement on two previous occasions at the request of the chief constable. Mr. Earnshaw performed the duties of acting assistant chief constable from 8 February until his retirement, and was therefore entitled to a pension commensurate with that rank. Mr. Earnshaw has been employed by the chief constable on a fixed-term contract in a civilian advisory role to Operation Teak, which is investigating alleged police corruption and is completely separate from Operation Lancet. Operation Teak is at a crucial stage, and the Crown Prosecution Service is considering relevant papers.

Dr. Kumar: My point related to equal opportunity policy. The Government and Cleveland police force might believe in the equal opportunity policy, but they do not demonstrate as much in reality. The post to which Mr. Earnshaw was appointed was not advertised, and the Minister cannot avoid that fact.

Mr. Clarke: The tone that my hon. Friend is adopting is entirely unacceptable in a debate of this kind. Mr. Earnshaw was employed on a fixed-term contract in a civilian advisory role. As far as I am aware, the chief constable fulfilled his proper obligations in respect of the appointments procedure, and in a manner entirely compatible with the equal opportunities policy and other relevant matters. I realise that my hon. Friend is angry about the case of Mr. Earnshaw, and he is entitled to express that anger, but the allegations that due process was not correctly followed are entirely wrong.

The allegations against Mr. Earnshaw were fully investigated by Mr. Williamson, deputy chief constable of Nottinghamshire constabulary, under the supervision of the Police Complaints Authority. I understand that the police authority considered an interim report on the investigation on Mr. Earnshaw's final day of service. The report said that there appeared to be no evidence to substantiate the allegations made against Mr. Earnshaw and that, therefore, there was no reason to defer his retirement. The result of the completed investigation was reported to the police authority on 8 June, a few days ago.

My hon. Friend also mentioned the case of Richard Brunstrom. Nottinghamshire constabulary is continuing to investigate allegations made against Mr. Brunstrom, who is now deputy chief constable of North Wales. I understand that the investigation is expected to conclude shortly. The departure of Mr. Brunstrom to North Wales was unconnected to Operation Lancet.

As my hon. Friend described, Deputy Chief Constable Turnbull applied for the post of deputy commissioner in the Turks and Caicos islands on 30 November 1998 and was notified that he had been successful on 2 February 1999. Consequently, he retired from Cleveland police on 8 March 1999 after 32 years in the police service, including almost two years with Cleveland police. Mr. Turnbull retired for personal reasons, to enable him to take up the post abroad; his decision was not linked in any way to Operation Lancet.

I have tried to demonstrate as openly as I can that I sympathise with my hon. Friend's and his constituents' reasonable frustrations at the time taken to complete the inquiry and the way in which it has proceeded, with the changes of senior investigating officer throughout. His suggestion about the motivations of those involved in the inquiry is totally unwarranted. It would have been entirely wrong if we had not investigated properly the serious allegations of corruption in the force, because people must be confident that the police operate with complete integrity. It was therefore right to investigate the complaints, although I acknowledge that the time it has taken has led to a series of problems.

My hon. Friend is concerned about the quality of policing. In the HMIC report last year, general morale in the force was described as "buoyant". I understand, although I am open to correction, that the chief constable has been fully and publicly supported throughout this period by the chair and all members of the police authority. I have noted the strength of my hon. Friend's support and that of others for Cleveland police's positive policing methods.

My hon. Friend referred finally to a public inquiry and to the lack of confidence. The best way to establish—or re-establish if that is necessary—full confidence in Cleveland police force is to conclude the inquiry, which is now near conclusion, publish its reports openly and take whatever disciplinary measures are necessary, so that the people of Cleveland can be confident that there is no corruption in Cleveland police force. That is a course of action to which the Government are committed and which I believe the House as a whole would want them to take, in relation not only to Cleveland police but to other police forces. I see no merit in a public inquiry that simply keeps the uncertainty going longer at a time when, as my hon. Friend correctly says, we must address the issues, so that they can be seen to have been resolved openly and directly and as quickly as possible.

I conclude by urging my hon. Friend, who has campaigned strongly on this matter in debates in the House and in private representations and whose integrity in pursuing the case I fully respect—I understand his motivation entirely—to do what he can to ensure that when the issues are resolved, which I hope will be soon, the positive approach to policing in Cleveland that is so necessary will be re-established.

I have tried to answer the various points made by my hon. Friend and I hope that he will accept my comments in the spirit in which they are made.

Mr. Deputy Speaker (Mr. Nicholas Winterton): We now move on to today's final debate in Westminster Hall. I call, for the second time this morning, Mr. Brake.

Mobility Services (Sutton)

12.30 pm

Mr. Tom Brake (Carshalton and Wallington): Thank you, Mr. Deputy Speaker. I feel a sense of déjà vu in appearing before you an hour after I last did so.

I am grateful for the opportunity to initiate this debate on mobility issues in the London borough of Sutton and beyond. Had time allowed, I should have liked to cover many aspects of mobility—for example, access to and from trains and platforms. I am sure that that subject will be discussed during a public meeting that I have organised with my hon. Friend the Member for Sutton and Cheam (Mr. Burstow), at which Connex South Central and Go-Via, the two train companies that are competing for the Connex franchise, will be represented. I should also like to have talked about the Londonwide Taxicard service.

I had anticipated that the Minister with responsibility for transport in London would respond to the debate, because mobility involves transport as well as health-related issues. Nevertheless, I am pleased to see here the Minister of State, Department of Health. Most of my subject matter concerns the national health service rather than mobility transport.

I shall focus on four services in Sutton that provide services for people who are elderly or have a disability: the Shopmobility service, Banstead mobility centre, the medical engineering resource unit and the wheelchair service.

Transport and mobility are increasingly important as the population gets older and the number of people in the community with disabilities increases due to improvements in medical care. Many local facilities are dominated by much larger and more centralised services. That is especially true of the NHS, which has experienced successive mergers of trusts, such as the acute trust, the mental health service and the community trust. There is a risk that those mergers will make services less accessible to people who are not fully mobile. In Sutton, steps have been taken to create, as far as possible, a barrier-free society, including initiatives such as dropped kerbs, the freedom pass, buses that lower their platforms and developments at Sutton railway station—which will, with the exception of one platform, be accessible to people with mobility problems.

As the Minister will be aware, many people of limited mobility are unable to use public transport and therefore need an adapted car, electric wheelchair or special bus service. Generally speaking, a person with a disability should be enabled to move within a three or four mile radius of where they live, so that they can access health care, shops and other services that they need to use regularly.

The Shopmobility service can help with that. It is situated in St. Nicholas square in Sutton's shopping centre, has been established for more than 10 years, is open for six days a week and provides a free service to no fewer than 3,300 members. Members do not need to bring their wheelchair with them. They can arrive, leave their car, go shopping in the centre and return the wheelchair when they have finished.

[Mr. Tom Brake]

The Shopmobility service is funded by local authority traders and voluntary donations, and would benefit from increased ministerial recognition and support to ensure financial stability. Such is the renown of the service that people from Japan have come to Sutton to learn about the way in which it is provided.

I visited the medical engineering resource unit a couple of months ago. It has engineers on site who adapt computers and wheelchairs to make them usable by people who are more disabled than is normally the case. Children with weak arms, for example, require a sensitive control to operate their wheelchair or computer. The unit offers an excellent, constituency-based service.

I shall dwell in greater detail on the Banstead mobility centre. It is one of eight units that belong to Queen Elizabeth's Foundation for Disabled People. It was established nearly 20 years ago

to assist disabled people to achieve an optimum level of outdoor mobility which would enrich the quality of their working and social life.

It recently received an Investors in People award and has been re-accredited with the Forum of Mobility Centres. It provides a service to people of all ages and disabilities, including, for instance—I shall not quote the full list with which I have been provided—those with strokes, multiple sclerosis, arthritis or cerebral palsy. The people who access the centre typically live within a 50-mile radius of it—it offers a valuable service to all London boroughs.

The centre has four main purposes: to provide information on mobility, assessments for relevant forms of transport, training and research. It has charitable status and is supported by Queen Elizabeth's Foundation for Disabled People and Ford. It provides free information to people with disabilities, family and friends about outdoor mobility. In a typical year, it takes about 8,000 phone calls from people who are seeking information and it receives between 300 and 400 visitors.

During the past couple of years, no fewer than 1,000 people have been to the centre for assessment as drivers, passengers or wheelchair users, and each assessment lasts for most of a day. There is a bungalow that people can use while they are taking an intensive driving course in preparation for their driving test and, critically, there is a track on site that can be used for practice and tests. The training programmes are many and varied—the centre provides training packages for people who want to pass their test and for driving instructors who want to specialise in disability work.

I draw the Minister's attention to a problem that the centre is experiencing. As tenants on the site, the centre has access to the private roadway of what was Queen Mary's children's hospital. Part of that site has subsequently been sold for residential development, which means that the road network to which the centre has access for tests has been halved. A copy of the relevant map was faxed to the Minister, and I hope that he is aware of the site's current layout.

The residential development has brought some benefits. For example, the developer created a new park—the site contains green-belt land—to ensure that the footprint of development was smaller than, or equal to, the previous development on the site. The park will bring enormous benefits. However, it will not increase the centre's access to safe roads on which people can practise driving and take their test. For that reason, the centre wants to purchase land on the site that is adjacent to the property. There is a football pitch close to the centre that has rarely, if ever, been used. It is certainly not in current use, and could be converted to create additional road space on which the drivers could practice. The Minister can see the location of that site on the map.

This point would perhaps have been more suited to the Minister with responsibility for transport in London, had he responded to the debate. However, I understand that there would not be an issue if a track were created on the site, in relation to its open land or green-belt status. The creation of a small amount of road space would not infringe any planning rules or regulations.

A further service on this site that I have not yet mentioned is the wheelchair service, which is funded by the NHS and provides a broad range of wheelchairs to more than 4,500 users a year. The Minister might be aware that this service has been quoted as an example of good practice at a recent meeting in Llandudno. The wheelchair service, the Banstead mobility service and the medical engineering resource unit are, therefore, all adjacent to one another on the same site.

I should like to emphasise to the Minister the importance of keeping together this cluster of organisations specialising in mobility issues. Their collaboration has developed in the past decade, and they share equipment and road space. It is important for people who want to access their services that all the services are located in the same place. If someone were coming not only to look at an adapted car, but to access the wheelchair service, he or she could do so in the same location, thereby reducing the amount of travel and avoiding the problems that someone with a disability might encounter if they had to access those services across a much wider area.

I also want to raise with the Minister the concern that the wheelchair service, which is now part of the larger South West London Community NHS trust—formerly the Merton and Sutton Community NHS trust—might be moved. I would discourage that, for the reasons that I have outlined.

We need to keep this cluster of organisations together: it could become a centre of excellence for the whole country, in relation to mobility services. The medical engineering resource unit, which has a website, receives requests from all over the world for the equipment and facilities that it provides. It makes this provision in a research and development capacity, rather than a production capacity. It is dependent on other organisations to develop commercially the products that it has developed in a trial environment. Another reason for keeping those services together is the fact that the wheelchair service and Banstead mobility centre provide modular courses that have received national accreditation on that site.

Finally, I should like to pose a small number of questions. I shall be quite happy if the Minister responds later in writing, particularly as some of my questions concern transport rather than health.

What assessment have the Government made of the role of the Shopmobility service in integrated transport? It is all well and good to get people to shopping centres on adapted bus services, but what can be done to integrate schemes such as Shopmobility into the transport picture? Are there any plans to extend the network of Shopmobility services throughout the United Kingdom, and what is being done to promote the scheme? I am sure that the Minister recognises the valuable work of that service in enabling housebound people to have access to shops and social activities. What is the Minister's view about keeping Banstead mobility centre, MERU and the wheelchair service together, and does he agree that that facilitates the exchange of information and ensures that the services remain accessible to users who want to make contact not just with one service, but perhaps two or three? Does he believe that the cluster of mobility services could be promoted as an example of best practice to encourage other regions to institute similar services? Will he confirm or deny whether there are plans to move the wheelchair service from Carshalton, and will he comment on allegations that managerial staff at the wheelchair service are not being consulted on plans about their future by managers in the NHS? Does he agree that the cluster is a good example of voluntary and statutory organisations working together and of joined-up mobility services?

I extend an invitation to the Minister from the Banstead mobility centre to visit the centre, as other Ministers and Members of Parliament have done, so that he can appreciate the importance of allowing those services to thrive together. With the Government's support, Carshalton could have a cluster of mobility services that is unique in the country.

12.47 pm

The Minister of State, Department of Health (Mr. John Denham): I thank the hon. Member for Carshalton and Wallington (Mr. Brake) for providing the opportunity to discuss the provision of mobility services. I shall try to respond to the specific issues that he raised, although, as he said, some are the responsibility of other Departments. The Minister in my Department who deals with most of the day-to-day matters is in Committee, but I shall try to respond to them.

It may be helpful if I outline what the Government are doing to secure the future of the mobility service nationally and examine some of the local issues. We are committed to effective joint working across different organisations and one of the aims of last year's White Paper, "Modernising Government", was to remove the artificial barriers between different public services to ensure effective co-operation. We want a seamless and efficient provision of services.

Mobility services require close working across many different sectors and different Departments with joined-up government and strong partnership working from all stakeholders. We have tried to achieve that by working closely with colleagues in the Department of the Environment, Transport and the Regions and other Departments. Only last Friday, my hon. Friend the Under-Secretary of State for Transport announced three-year funding for mobility centres. We are aware of their enormously valuable contribution in enabling disabled and older people to obtain impartial professional advice on driving and vehicle choice as well as on a wide range of other aspects of personal mobility. In last week's announcement, my hon. Friend said that my Department and the DETR had agreed to contribute more than £1 million jointly to the 11 English members of the Forum of Mobility Centres. That funding, which was secured for an initial period of three years subject to annual review, will be used by mobility centres to improve and expand their services and provide a comparable level of professional advice and service at all the centres.

As I am sure the hon. Gentleman knows, the recent chair of the Forum of Mobility Centres, Mrs. Morigue Cornwell, is the manager of Banstead mobility centre in his constituency. She has been leading the campaign for the funding to be secured, and I am pleased to say that Banstead mobility centre, as one of the leading centres in the country, will receive £78,000 from the fund this financial year. Indeed, Banstead mobility centre, which is a voluntary organisation and is part of Queen Elizabeth's Foundation for Disabled People, provides an excellent example of this service, and I take this opportunity to place on record our appreciation of and gratitude for the good work carried out there.

I want to relate a number of issues that the hon. Gentleman raised to his constituency interests. I am pleased to say that local stakeholders in Sutton are actively working together to plan for the future of mobility services. Indeed, I believe that Banstead mobility centre was represented at a planning seminar held last Friday for statutory and voluntary agencies involved in transport provision for older and disabled people. The seminar was held by Sutton's Disabilities Issues Group, which is part of Sutton's multi-agency planning structure, and included representatives from the South West London Community NHS trust and the local health authority, as well as the manager of London Transport's unit for disabled passengers. A wide cross-section of voluntary organisations was also represented, including South London Dial-a-Ride, Sutton Community Transport, Sutton Mencap, Sutton Volunteer Bureau, Sutton Alliance of Disabled People and Sutton People First.

The aim of the seminar was to establish key priorities in improving service provision for users. The hon. Gentleman will be pleased to know that it is generally recognised that, compared with some boroughs, Sutton has a well-developed range of accessible transport services. However, the seminar was about more than discussing problems: it identified a range of issues to improve service provision as well as two clear priorities for action. The first was the need to provide comprehensive information for users and service commissioners about what is available and how to obtain access to a service. The second was the need for better co-ordination of the range of services to enable the optimum use of resources, pooling them wherever possible. There was also a discussion about the way in which the transport infrastructure in Sutton can be improved to benefit those with mobility needs. Representatives will have an opportunity to give their organisation's views on the council's interim transport plan before the council finalises it in July.

We welcome the fact that an action plan will be drawn up following that meeting and that all those different organisations can work together in this way towards a

[Mr. John Denham]

common goal. It is a good example of joined-up working. The local efforts will be complemented by the work being done nationally to improve mobility services.

The hon. Gentleman rightly referred to the valuable contribution to local mobility of disabled and older people made by Shopmobility schemes. It started with three schemes in 1981, by 1987 there were 13 schemes and now more than 231 schemes are used by more than 200,000 people a year, who undertake about 1.5 million trips. The schemes vary in size and in the facilities that they offer. That is one of the reasons why there are no standard funding arrangements. Some are completely funded by local authorities, some are run by volunteers and others have a mixture of local authority and voluntary funding. The National Federation of Shopmobility, an independent registered charity that supports existing Shopmobility schemes and encourages the formation of such schemes throughout the United Kingdom, supports them.

We recognise the important role that Shopmobility schemes play in the chain of accessible local transport for disabled people. We believe that the decision to introduce such a scheme should be taken at a local level. The provision of schemes is also best dealt with at a local level, through the retail sector, as in the case of many shopping centres, or by local authorities, which are best placed to judge the needs of their areas.

It is worth noting that shopkeepers in many areas have reported a significant increase in their takings following the introduction of a Shopmobility scheme—not only because disabled people are good customers in shops to which they have access, but because their friends and families are more likely to shop in places where they can go together as a family or a group. I recognise the good reputation that has been earned by the Shopmobility scheme in Sutton, which offers services such as manual and powered wheelchairs and powered scooters, escorts, including escorts for visually impaired people, and parking for blue—formerly orange—badge holders within 40 m of the office.

The hon. Gentleman mentioned Banstead mobility centre. As he will know, Merton, Sutton and Wandsworth health authority—supported by the local community NHS trust—has announced, following a process of public consultation, its intention to close Orchard Hill as a base for residential services for people with learning disabilities. That has caused concern among related users of the site, such as those to whom the hon. Gentleman referred. The proposed closure of Orchard Hill is subject to judicial review, which is due to be heard in the High Court in July. It would therefore be inappropriate for me to comment further, other than to say that I believe that the proposals for change have been made with residents' best interests at heart.

In relation to the work of Banstead mobility centre, the hon. Gentleman referred to the possible availability of the football pitch and the possible co-location of the mobility centre, the medical engineering resource unit and the wheelchair service. I shall bring him up to date on the current position. The land, along with the rest of the Orchard Hill site, is held by the NHS executive London regional office. It will take the request from Banstead mobility centre into account in determining the future use of the site, and fully assess it against all the other options. The local authority will deal with other issues, and any application will have to go through due process.

Mr. Brake: Does the Minister believe that Banstead mobility centre, which has been the tenant of the site for many years, should be given any priority in respect of the land sale?

Mr. Denham: I fully recognise the role that the centre plays, and pay tribute to its excellent work. However, it would be invidious of me to say that a group should be given priority without full knowledge of the competing priorities that might be involved. The claims and interests of Banstead mobility centre in applying for use of the land will be given appropriate consideration by the London regional office.

On a wider level, the trust has initiated a rapid review of its wheelchair services, which will deal with arrangements for the future delivery of those services, including the relationship between Sutton wheelchair services, Banstead mobility centre and the medical engineering resource unit. I assure the hon. Gentleman that the trust's review will carefully examine the issues surrounding the benefits of collocation that he discussed.

Mr. Brake: May I encourage the Minister to express a view on whether he thinks that collocation is the way forward?

Mr. Denham: Some of these issues are best dealt with by people who work at a local level with local stakeholders. It is not necessarily right for Ministers to say in Adjournment debates, "This must be the conclusion of a review which is currently under way and hasn't yet completed its work."

I want, above all, to assure the hon. Gentleman and his constituents that a process is in place to consider not only the future of wheelchair services but the strength of the arguments for collocation that he has put during today's debate. As Minister, I would not want to think that those arguments would go by default because no part of the system was charged with the responsibility of considering them. I am sure that the review will do so.

I hope that I have covered the majority of the points that the hon. Gentleman raised. If I find that any matters are outstanding, I shall write to him or draw them to the attention of my colleague at the Department of the Environment, Transport and the Regions.

Question put and agreed to.

Adjourned accordingly at One o'clock.

Westminster Hall

Wednesday 14 June 2000

[SIR ALAN HASELHURST *in the Chair*]

Christians in Egypt

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Betts.]*

9.30 am

Mr. Edward Leigh (Gainsborough): Last week, the first pedestrian bridge across the Thames in more than 100 years was opened. The new crossing is one of countless initiatives to mark the new millennium. While most people throughout our country continue to celebrate the start of the Christian calendar, I want to focus on pressures on the Coptic Church—the remnant of believers from the first days of Christianity. I am sad to report that while we celebrated the start of the millennium with fireworks, laughter and parties, in Egypt the new year was ushered in with a massacre of 21 Coptic believers. It was the worst episode of violence against Christians in decades.

It is easy to forget that, although Christianity started in the middle east, Christians in that region face persecution and possible extinction. While mass genocide in places such as Rwanda rightly grabs our attention, the plight of the people we are considering is important and relevant. I heard disturbing details of the persecution of the Coptic Church at a meeting organised by the Jubilee Campaign, the British human rights group. I met a Coptic bishop and Dr. Helmy Guirguis, the president of the United Kingdom Coptic Association, when they came to my home. Those men gave deeply moving accounts of atrocities against the Coptic Church in Egypt. It was strange to sit in the comfort of a Westminster home listening to quiet, impressive men, and being shown photographs of beatings inflicted on their people.

I was concerned when the two gentlemen told me that, in their view, the Government seemed unwilling to lend their full support to help the Egyptian Copts. It appears that it was difficult for a Minister—not the Minister of State, Foreign and Commonwealth Office, the hon. Member for Leeds, West (Mr. Battle)—to find time in his admittedly busy schedule to meet those Church leaders and hear the report of the human rights violations. I hope that the debate might lead to a meeting.

The Government were clearly ready and willing to support the concept of human rights in Egypt, but there was no direct evidence that they were prepared to make representations to the Egyptian Government. It is therefore fortunate that I have a factual and detailed report of the millennium massacre directly from Alexandria. I shall relate it shortly. I hope that it will spur the Government into action and into representing our deep anxiety about that incident and others to the Egyptian authorities in London and Cairo.

Mr. Patrick Nicholls (Teignbridge): I refer to my entry in the Register of Members' Interests and the fact that I visited Egypt recently as a guest of the Egyptian Government. When I was in Egypt, I spoke to the Grand Imam about the problem. He said that he believed that he and the Coptic Pope were close personal and spiritual friends. He said that whatever incidents had taken place did not reflect an aggressive attitude on the part of the Egyptian Government. He said that they were reprehensible incidents that had to be tackled. He believed that he and the Coptic Pope were as one spiritually and were personal friends. Does that give my hon. Friend any hope in the circumstances that he is about to relate?

Mr. Leigh: Yes. I am grateful for that intervention because it underlines the complexity of the matter. I am not talking about mass genocide, or the Egyptian Government overtly discriminating against Christians. We are not considering open disagreement between the Coptic Pope and the Muslim community. Enormous efforts are made to try to live together. However, we are considering a complex matter. The Coptic Church in Egypt is under great pressure. Disturbing recent incidents support the view that matters may be getting worse, despite efforts to make improvements. It is important that we do not remain silent. Silence strengthens the hand of those who persecute people from other churches.

I shall outline a little history. The Coptic Church is heir to a 2,000-year tradition of Christianity in Egypt. By tradition, it traces its origin to 42 AD and the formation of the first Church in Alexandria by St. Mark the evangelist and martyr. The Egyptian Church has an ancient heritage, and is the largest and one of the oldest Christian communities in the middle east.

Egypt was a province of the Byzantine empire. Before the Arab conquest of 640 AD, all Egyptians were known as Copts. Early Arabs called Egypt the land of the Copts. After the Arab conquest, Egyptians gradually converted to Islam, and Muslims became the majority population in Egypt. Coptic means "Egyptian" in the pre-Arabic language of the country. While opinions differ on the origins of the word "Copt", most agree that it is a derivation of the Greek term "Aegyptos", which the Greeks called Egypt and the Nile. It currently denotes the original Christians of the country who retained their faith when the majority converted to Islam.

Today, Copts comprise more than 6 million inhabitants—more than 15 per cent. of Egypt's population of 65 million. The Church in Egypt, including Protestants, Catholics, Anglicans and Orthodox denominations such as Syriac, is the largest Christian community in the Arab world. The Coptic Church has survived more than 1,000 years of petty oppression and sometimes outright persecution. Recently, it has been the target of systematic and brutal attack by extremists who try to influence the authorities to exercise their religious privilege. It has also witnessed the quiet erosion of its status in society.

Christians in Egypt are bystanders in the conflict between the Government and Islamic fundamentalists. They are frequently caught in the crossfire. They believe that the authorities do not give them adequate protection from such aggression. The difficulties that the Christian community in Egypt faces are varied, and I shall detail them. I am grateful to several sources for the

[Mr. Leigh]

information. They include the United Kingdom Coptic Association, the Jubilee Campaign, the Egyptian Centre for Human Rights for National Unity, Just Law International, Compass Direct, Open Doors, the office of Congressman Joseph Pitts, the head of the religious liberty taskforce of the United States Congress and Christian Solidarity Worldwide.

For years, the Government in Egypt have strictly enforced laws that date back to the Ottoman empire. They forbid the construction of new churches or the repair of existing churches. Christian churches can be built only with express permission of the President. The Hamayouni edict of 1856 requires the Head of State's approval for repairs, even mending a church toilet. In the past 10 years, few churches have been constructed. Some communities have been working for a church for 30 years.

I recently read "From the Holy Mountain" by William Dalrymple. It states:

> According to the Government's own statistics, mosque building had accelerated—some 125,000 unauthorised masjids had been erected in the last decade alone—but in the same period, the Hamaynoic Laws had been used to deny permission for the building of more than a handful of churches.

In December 1999, the decree was relaxed and permission must now be sought from a local authority. The change requires mosques as well as churches to obtain permits for repairs, but mosques receive permission far more easily.

A report published by the Committee for Fact Finding in Sectarian Incidents recorded in the People's Assembly on 28 November 1972, identified the following:

> Total of existing churches in Egypt: 1,442
>
> Total churches that are licensed by royal or presidential decree: 286
>
> Total of churches without permits: 1,156.

Those 1,156 churches function illegally and face the wrath of the authorities. Permits that are sanctioned are frequently for churches that were built approximately 100 years ago. More recently, surveys have been undertaken by the Egyptian Centre of Human Rights for National Unity, which, among others, has sent documentation to the Jubilee Campaign. I have many examples of locations without in Egypt without a church, but shall cite only a few. An application for one was made in Mamoura district in 1967, but the presidential permit has not yet been granted. In Luxor, no building permit has been granted by the local authorities since 1979. There is no church on the northern coast—375 km from Alexandria to Marsar-Matrouh—nor in the towns of Sixth of October, Al-Rehab, Al-Sherouk, Al-Nahda, Badr, Al-Salam, and so the list continues.

I also have many examples, which I can send to the Minister, of locations where churches have had difficulties, but I shall mention just two or three. The Church of the Virgin Mary in Ashmonein in Malawi has been closed. The Church of the Virgin Mary and Mar Girgis in Al-Ayat and the Church of Shaheed Abu-Seifein, Governorate of Al-Fayoum were burned down, and so the list goes on.

I shall refer to some of the problems and difficulties faced by Copts in Egypt. Under Islamic Sharia law, conversion from Islam to any other faith is punishable by death. Converts to Christianity face harassment from not only the state, but their own families. In fairness, Sharia law is not strictly enforced in Egypt, but it has been recognised as the foundation of Egyptian law. The Egyptian Government do not allow people to change their religion or the names on their identity cards and other personal papers if they convert. That regulation does not apply in the case of converts from Christianity to Islam. That difficulty is constantly faced in Egypt. Such discrimination is not overt, but it makes life very difficult, especially when it involves changes to identity cards.

The Egyptian Government have done too little to control those who provoke hatred against Christians. For example, an Egyptian newspaper reported that the nationally famous late Sheikh Muhammad Mitwalli Al-Sharawi referred to Christians as "infidels". He was also accused by a Christian leader of making extremely derogatory remarks about Christians and Christianity. On one occasion, he allegedly stated that "the Sons of Dogs call the Torah the Old Testament." His implication was that Christians are sons of dogs.

There are reported cases—I shall not read out the list—of the use of rape as a means of forced conversion. Admittedly, those events are rare and, of course, abhorrent and intolerable, but they have taken place and should be dealt with firmly. Forced conversion is illegal according to Egyptian law. Egyptian civil law number 31, 1948 sets a legal age of 21, and Egyptian child law sets the age of consent at 18 years. The Grand Sheikh, Dr. Tantawi, issued a decree in 1997, stating that no Christian girl should be forced to marry a Muslim and that Christian girls younger than 21 cannot convert to Islam without the consent of their legal guardians.

There have been complaints of inaction by Egyptian authorities in the face of such practices and of refusals to act on behalf of victims and their families. Again, under Egyptian law, a Christian must speak to a priest or pastor before converting to Islam, but that law is rarely applied and a clergyman is usually informed only after the conversion takes place.

A major reason for conversion is economic. Conversion to Islam improves Christians' economic prospects because of the widespread discrimination against employing and promoting them. Pressure to convert is also applied to Copts, with offers of material reward, money, jobs, accommodation and even a spouse.

All that is serious enough, but I shall now deal with reports of violence. In the past five years, extremists have killed more than 100 Christians. In that period, not more than one or two of the killers have been arrested, tried and convicted. In the past two decades, more than 700 Coptic Christians have been wounded in attacks; more than 700 properties and businesses of Christians have been targeted by militants; more than 120 churches have been burned or ransacked; and about 100 homes have been destroyed. On 4 May 1992, armed members of the Islamic group, Al-Gamma Al-Islamyia, conducted a co-ordinated attack that resulted in the

killing by gunfire of 13 Christians. I have a long list of many such incidents, which I can send to the Minister, but I shall not read it out.

In August and September 1998, more than 1,000 Christians were detained in Sohag province in upper Egypt, many of whom were tortured, including 13 and 15-year-old girls. That was the incident that prompted the Coptic delegation to visit me. Bishop Wissa of Baliana and his co-priests were targeted for their part in exposing police brutality and reporting it to non-governmental organisations outside Egypt. They were interrogated and charged, but released, pending trial, after posting bail of 100 Egyptian pounds each.

One of the worst incidents was the millennium massacre. Five predominantly Christian villages in upper Egypt's Sohag province were ravaged over the new year weekend. At least 21 Christians were killed and another 34 hospitalised with injuries. More than 80 Coptic homes and businesses were destroyed, along with a village church. That was the worst sectarian violence for years and the largest massacre of Egyptian Christians for decades. Significantly, El-Koshesh is the same village where, 22 months ago, police were charged with brutality when more than 1,000 Christians were arrested.

I could go on relating such completely up-to-date information. For example, on 5 June this year, the Sohag criminal court convicted a Coptic Christian of murder and sentenced him to a maximum term of 15 years. Shaiboub William Arsal was convicted of murdering his cousin and a friend following a gambling dispute in August 1998. His defence lawyers are convinced that the verdict was a political decision and that the prosecution case was based on forced confessions extracted from two army conscripts from the same village after they were tortured. The Egyptian Organisation of Human Rights accused the police of detaining more than 1,000 Christians after the double murder at Al Kosheh and treating many of them brutally in an effort to pin the crime on a Christian to prevent tension with Muslims from occurring.

To reveal the horror of that incident, I quote a little passage from *The Glastonbury Review*—a journal of the British Orthodox Church within the Coptic Orthodox Patriarchate of Alexandria. It states:

> On New Year's Eve, Friday 31 December . . . an argument broke out between a merchant and a customer. The situation could have been brought under control but the local security forces failed to intervene and before long a mob was on the rampage whilst all night long Christian-owned homes and shops were looted, destroyed and finally burned. Unchecked by the authorities, assaults against property now turned to persons and the killings began. Copts were living in fear and stayed in their homes, not even able to open their windows. They did not feel safe at all. Some congregated far from the attack areas but were able to hear shots being fired.
>
> The violence soon spread from El Kosheh to surrounding villages, including Awlad Touq East and Awlad Touq West, Naga Moussa as well as other areas. St. George's Church in Alwad Touq was destroyed and all of its contents were looted. Fear was spreading among Copts as they witnesses these uninterrupted acts of vandalism and killings. All of these acts occurred without any intervention on the part of local authorities.

Pope Shenouda has tried to take a moderate line, which is why he kept quiet after the first incident. Perhaps that prompted the intervention of my hon. Friend the Member for Teignbridge (Mr. Nicholls). Pope Shenouda waited three months after the first incident before issuing any public statement. I continue to quote the review, which states that

> when he did so it was with the intention of bringing the polarisation resulting from this first incident to an end and preventing further escalation. Having worked for so long and so assiduously to foster good relations between Christians and Muslims and in support of national unity as the surest antidote to Islamic extremism, he rejected foreign interference and counselled quiet resolution for discussions with the authorities.
>
> For their part the authorities assured him that complaints would be properly investigated, grievances righted and those who were responsible brought to justice. Unfortunately, not only were these promises not fulfilled but the principal perpetrators appeared to be rewarded whilst the innocent suffered.
>
> His Holiness felt that this failure to address matters was the cause of the further problems, "In all honesty attempting to cover-up the previous events in El Kosheh approximately one and a half years ago, by means of acquitting individuals responsible for the incident and accusing the victims, has led to the escalation of the problem in a horrific manner. Physical attacks have turned into killings".

The Egyptian Government are aware of our concerns and they acknowledge that the constitution guarantees religious freedom. However, they often say that those terrible incidents are not sectarian clashes, but personal feuds. I understand the problems that they face with extremists. For example, the ruthless murder of the leading secular dissident, Farag Foda, has escalated the problem in Egypt, but Christians are dangerously exposed.

What do the Christians and Copts want? The answer is simple and can be summarised in one word—equality. The president of the United Kingdom Coptic Association has told me that they seek nothing less than equality. That is all. At the start of the 21st century, when the world considers equality and human rights as birthrights to be taken for granted, we cannot ignore such injustice. I call on the Government to place the plight of the Coptic Church at the head of the agenda in discussions with the Egyptian authorities.

Copts are not asking for special treatment or compensation for centuries of discrimination and persecution. They want to feel that Mr. Mubarak is President for Muslims and for Copts. They want him to care for them and to address their concerns. They want him to meet their religious leadership regularly and perhaps visit their churches, which other Presidents did. That would no doubt break down walls of mistrust and build bridges of tolerance and harmony between Muslims and Christians.

Copts want the abolition of the antiquated 19th century Hamayouni decree, which restricts the construction of new churches and the repair of existing ones. Copts want all Church trust lands returned to the Copts. The income generated by those lands was used to provide for needy Copts. Copts want all Egyptian citizens to have freedom of belief, including the freedom to change one's religion. Copts want religious affiliation removed from national identity cards, job applications and so on. Christians must not be identified and discriminated against.

Copts want the education curriculum to be revised to guarantee that it contains no denigrating references to Christians and Christianity. Copts want the Government to control the media to ensure that they refrain from conducting attacks against Christians.

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Copts want an end to discrimination in job appointments and promotions. Few Christians are appointed to key jobs, such as Ministers or other Government officials. At present, there are no Christian governors, mayors, chiefs of police, presidents of city council or deans of college.

Copts want the Egyptian Government to be serious about apprehending those who murder Copts, to punish them to the fullest extent of the law, and adequately to compensate the victims of such crimes. Copts want to be allowed to enrol in all schools that are publicly funded, such as the Al-Azhar university. Copts want to be treated with honour and dignity within police departments. Copts want an end to religious discrimination that prevails at all levels of the Egyptian education system. Copts want an end to the enforced conversion of Christian girls.

I hope that our Government will raise the matter of the new year massacre of 21 Christians with the Egyptian authorities in London and in Cairo, and seek assurances that it will be thoroughly investigated. I also hope that Ministers visiting Egypt will raise these matters and apply and encourage concern in international forums. When I wrote to the Minister of State, Foreign and Commonwealth Office, the hon. Member for Neath (Mr. Hain) about the Al-Kosheh massacre, he replied:

> We shall encourage the authorities to take appropriate action against anyone found to have committed a crime or to have violated international human rights standards.

That is encouraging, but what does it mean exactly? The Minister also said that the Foreign Secretary had

> discussed interfaith issues with members of the Government, including President Mubarak.—[*Official Report*, 14 March 2000; Vol. 346, c. 163.]

However, there is no indication that the Government have made direct representations on behalf of the Copts. I hope that the Minister of State, Foreign and Commonwealth Office, the hon. Member for Leeds, West, will tell us that Her Majesty's Government are now prepared to do so.

In a written answer to my hon. Friend the Member for Meriden (Mrs. Spelman), the Minister of State, Foreign and Commonwealth Office, the hon. Member for Neath, said:

> Our embassy in Cairo has been following the events and has discussed them with the Egyptian authorities.—[*Official Report*, 2 February 2000; Vol. 343, c. 624W.]

That could mean anything. It could just mean a polite request for information.

On 3 February 2000, the Minister of State said in reply to my hon. Friend the Member for Chesham and Amersham (Mrs. Gillan):

> When my right hon. Friend the Foreign Secretary visited Cairo . . . this year, he met the Sheikh Al Azar and Bishop Daniel as well as members of the Government . . . Interfaith issues were part of the discussion.—[*Official Report*, 3 February 2000; Vol. 343, c. 737W.]

Again, what does that mean? Did the Foreign Secretary make direct representations on the part of the Copts?

It is important to ensure fundamental rights of political representation, to end educational apartheid, to allow the building of new churches, and to prevent massacres and killings. I hope that the Government will make strong representation on all those matters.

The Copts are a brave and quiet people. They are used to discretion. Indeed, they often have to deny in public what they say in private. They do not overstate their case in any way. William Dalrymple quotes a Copt as saying, "We Copts have always been attacked for our faith. Compared to some of those attacks these troubles are nothing." "So what sort of attacks are you thinking of?" said Dalrymple. "Oh, the massacres of Emperor Diocletian, for instance," was the reply. These matters have been going on for a long time, but that does not mean that they are not serious.

The old Ottoman empire was relatively tolerant of Christian minorities. Up to recent times, our record in Christendom was far worse than theirs. The result is that, whereas at the beginning of the 20th century there was a thriving Christian community all over the middle east, today only 14 million Christians are left out of a population of 180 million in the middle east. Istanbul is virtually cleared of Greeks, and the Syrian Orthodox Church is a dying ember in Turkey. Only in Syria has the Church survived relatively in tact, but, with the death of Assad, that may change. In Lebanon, the Maronites are in retreat. In Jerusalem, a commentator said that the last Christians could be flown out in nine jumbo jets. In Egypt, the Copts are fearful, knowing that if Mubarak falls things would probably only get worse.

I am not opposed to the Egyptian Government. I know the difficulties that they face in resisting fundamentalism. I can also understand the reticence of our Foreign Office, which is rightly anxious not to criticise a Government who are moderate by middle east standards and vital to the peace process. However, as a friend of Egypt, we have the right and duty to speak up. Christianity is, by origin, a middle eastern religion. If we remain silent, by the end of this century it will no longer be a religion practised widely in the middle east.

It is estimated that more Christians were massacred worldwide in the 20th century than in any other century of the two millenniums. The world is becoming less, not more, tolerant. We should proclaim the values of tolerance in our own society and praise Muslim values. By speaking out, we will discourage intolerance everywhere and ensure that religion unites people rather than dividing them.

9.56 am

Mr. Nigel Evans (Ribble Valley): I congratulate my hon. Friend the Member for Gainsborough (Mr. Leigh) on gaining this Adjournment debate and raising a vital issue. I am vice-chairman of the all-party friends of Egypt group. As my hon. Friend stated, this country is a friend of Egypt, and it is vital that such issues are raised openly and freely.

To be true friends of Egypt, it is vital to ensure that problems and crises such as those facing the Copts in Egypt are eradicated, and to encourage a feeling of toleration and understanding in that country. It is an important country: it has a population of 63 million and sits between the middle east and Africa, both of which are strategically important regions. We have interests in both those areas, and a number of British people live in Egypt.

I recently went to Egypt with the all-party group, and we visited Cairo among other places. Last year, we managed to set up meetings with a number of Egyptian

Ministers, including the Chairman of the Foreign Affairs Select Committee. There have also been visits by Egyptian Ministers to this country, and I and other members of the all-party group met them and raised issues, including the situation of the Copts.

We went to a factory in Sixth of October, which is an amazing, vast and growing city. We visited Unilever, which had a number of British workers. We spoke with a Copt who felt that there was no impediment to her job acceleration. She had reached quite a high position in Unilever. The issue that we are discussing and some of the events that my hon. Friend has mentioned, although ghastly and appalling atrocities and human rights violations, including violence and death, are exceptional in Egypt.

Ministers have made a number of visits to Egypt in the past three years. I hope that this issue has been paramount in their thoughts when they have spoken with their opposite numbers in Cairo. It is vital that they take every opportunity to have a constructive dialogue with Egypt.

I am involved in a number of all-party groups, including those on China and Turkey. Human rights violations not only occur, but some seem to be promoted by the Governments of those countries. Where we look to influence them, it is right to do so through constructive dialogue where possible, although, in certain examples such as Zimbabwe, constructive dialogue seems to be a complete no-no. It does not matter what we say to Mugabe—he will just carry on with his campaign of terror against the people of that country—but the Egyptian Government have not systematically carried out atrocities such as those referred to by my hon. Friend.

On our previous visit, we met the Grand Imam and spoke about the Copts and the death penalty. We had a free and frank discussion. As my hon. Friend said, the Egyptian constitution guarantees religious freedoms. We must do what we can, even when personal feuds exist, and I believe that the Government and Islam, the Muslim religion, have a role to play in ensuring that atrocities are stamped out. Egypt wants to maintain good relations with this country and although we know of the tourism atrocities in Luxor and a number of other places, the Government seem to have taken speedy action to stamp them out. I hope that they treat the atrocities in other parts of Egypt equally seriously.

My hon. Friend talked about what he wants for the Copts and spoke on behalf of us all when he mentioned tolerance, dignity and respecting the rights of people of minority religions. He also referred to churches and planning. To flip that on its head, there are planning issues for building mosques in this country. In certain areas, it is difficult for planning permission to be given and building a mosque never seems to be popular among the local population. Although they show great tolerance, their area never seems to be the right place to put a mosque. I have one in my own constituency and do not believe that it is in the right place, so perhaps similar issues are being discussed in Egypt and various other countries.

Over and above simple planning procedures, my hon. Friend mentioned a number of atrocities that give us great cause for concern. I, too, ask for those issues to be raised time and again through the British embassy in Cairo, when the Minister meets his opposite number and when other Ministers visit Egypt. We must work with the Egyptian Government and should perhaps suggest where we can help to ensure that the minority who perpetrate atrocities show greater tolerance and understanding. The all-party group also has a role to play in raising those issues whenever possible. My hon. Friend might think it helpful if we tried to arrange a meeting with someone from the Egyptian embassy, perhaps even the ambassador himself, to enter dialogue and discuss what progress can be made. I have met the ambassador a number of times and he has been very helpful in all sorts of areas. I am sure that this is an issue on which the all-party group may be able to facilitate progress.

I conclude as I began: we are friends of Egypt, and I believe this country to be a friend of Egypt. Being real friends means having the honesty to say where things are going wrong. When there are problems, it is only right for us, as friends, to point them out. I hope that initiating the debate will enable more progress to be made. Sweeping those issues under the carpet would only make things worse. I congratulate my hon. Friend again and hope that, through the Minister, progress can be made.

10.5 am

Mr. David Amess (Southend, West): I congratulate my hon. Friend the Member for Gainsborough (Mr. Leigh) on initiating the debate and endorse everything that my hon. Friend the Member for Ribble Valley (Mr. Evans) said.

When politicians talk about Christianity, there is an audience that automatically turns off. That is well understood, but if being a politician in today's Parliament has any value, and given the significance of this particular year, we should applaud any Member who is prepared to take the time and trouble to raise the atrocities carried out against Christians throughout the world. In particular, I pay tribute to Christian Solidarity Worldwide and the Jubilee Campaign, which do marvellous work to alert people to all sorts of issues throughout the world. We should applaud the way in which those organisations conduct their lobbying, which contrasts with that of one or two other groups that tend to antagonise rather than encourage hon. Members to support their view.

Two years ago, I was privileged to be a member of the United Kingdom delegation to the Inter-Parliamentary Union annual conference in Egypt, which I had never visited, although I was only too well aware of pyramids and the Nile. However, other matters were brought to my attention that week and after, one quite graphically: the day after the UK delegation had returned home, terrorists planted a bomb by a museum. They were a day late in their activities. That incident brought all the difficulties home to us. Perhaps I should not speak for all colleagues, but the UK delegation was slightly irritated by the protection we were given throughout. We thought, "This is a lot of old nonsense; everyone seems pleased to welcome us." Of course that was not the case at all.

During that week, I saw poverty the like of which I had not seen before, whether it be in the Philippines, Pakistan or elsewhere. I was gripped by the scale of

[Mr. David Amess]

problems in Egypt and at a loss as to the solutions. I know that the Minister is a devout Christian and I do not want to over-criticise the Government's role and their response to the questions of hon. Members, a long list of which I have asked. However, I feel in my heart of hearts that these matters are not at the top of their agenda, although I could be completely wrong. *[Interruption.]* The Minister says, from a sedentary position, that that is not the case. However, although this is 2000, I feel that Christianity and trying to help people who wish to practise it—not only in this country, but throughout the world—is not the focal point of the Government's agenda.

The Government seem to think that Christians form a diminishing number of the population, so perhaps there are other priorities. That may or may not be the case and no doubt the Minister will mount a robust defence, but a number of opportunities have been missed. Hon. Members have already touched on Church property, conversion, the incitement of hatred against Christians, use of rape as a means of forcing conversion, pressure on Christians to convert to Islam and violence against Christians.

I want to focus briefly on two of those, beginning with the use of rape as a means of forcing conversion. Some people would immediately say, "That is absolute rubbish. Where is the proof?" I hope that hon. Members keep raising the issue long after the debate is forgotten and put it to the test, but the Jubilee Campaign has received reports from Christian sources in Egypt of the use of rape by Islamic extremists to coerce Christian women to convert to Islam. In Egyptian society, a girl's virginity is highly valued. Its loss through rape is often viewed by her family members as a loss of honour. That leads to their ostracising the victim, or even killing her.

It is difficult for a rape victim to find a marriage partner. Extremists use rape to pressurise Christian girls to convert. After the girl has been raped, the extremists promise that they will arrange for her to be married to a Muslim if she will convert to Islam, guaranteeing that they will provide her with a husband. Conversion offers marriage to a member of the group and "security" to the victim, whereas returning to the family after the rape would result in potentially fatal consequences. That practice is reportedly becoming more widespread.

I know that many people will be cynical and say, "That cannot happen in this day and age," just as it is completely dismissed that baby girls are culled in China. I believe the Jubilee Campaign. I believe that those atrocities are happening. It is beholden on this the mother of all Parliaments to continue to disregard the smirkers and doubters and to speak up on the issue, so that world leaders will raise the point when they meet. Let other world leaders smile at them when they do so.

There have been complaints of inaction on the part of the Egyptian authorities in the face of such practices: complaints that they refuse to act on behalf of the victims and their families. That has undoubtedly led to a change in life style among Christians in the upper part of Egypt. There is a growing reluctance to allow girls to attend schools. When girls are allowed out of the house, they are usually accompanied by a male member of the family.

What is going on in Egypt as regards the property of the Church is of great concern. The legal foundation for the Egyptian state's control of Church property is the Ottoman decree of 1856, which was amplified by the Interior Ministry in 1934 as the Alazabi decree. That decree severely restricted the construction and repair of Christian churches by requiring Christian congregations to submit petitions for building and repairs to the head of state. The decree completely contradicts the 1971 constitution.

Regarding repairs to Church property, progress has been made over the past two years. In January 1998, an amendment was made that delegated presidential authority to issue permits for church renovation to the country's 26 provincial governors. On December 28 1999, President Mubarak decreed that church repairs no longer required presidential, a governor's or federal ministry permit. Only planning permission from the local council was required. However, the need for presidential assent in order to build a new church is still required. That is ridiculous. There can be no justification for such nonsense.

No such permission is necessary for the building of mosques. In addition, churches may not be built in an Islamic locality. It is absolutely crazy. That criterion creates a loophole for the refusal of any application to build a church, as any locality may be considered Islamic. It theoretically promotes the persecution of Christians. A church may not be built within 100 m of a mosque.

In practice, the state systematically obstructs the construction of new Christian churches, halls, offices and parsonages, leaving many parishes without adequate facilities for worship and other congregational activity. The Coptic Orthodox Church has particularly suffered in that regard. Few of its applications for building permission have been accepted. Even the successful applications can take up to 30 years before presidential approval is granted.

Although the current Egyptian Government boast that, since President Mubarak has been in power, he has not denied permission for a single church to be constructed, the fact remains that many applications have never reached him. Even if an application receives presidential approval, in practice, it will often be blocked at the level of the Interior Ministry. In some cases, after permission had been given by the president for construction, Muslims quickly built a small mosque within the 100 m limit, thereby preventing the church's construction.

I am sure that my hon. Friend the Member for Gainsborough would not wish the debate to damage our relationship with the Egyptian Government. I do not think that we are particularly bothered about our relationship with Her Majesty's Government, but we certainly would not want to damage our relationship with the Egyptian Government. As I know my hon. Friend the Member for West Suffolk (Mr. Spring), our Front-Bench spokesman, will say, the Conservative party understands all the issues involved in trade; we understand those only too well.

We recognise that people will say, "What did the Conservative Government do for 18 years with their relationship with the Egyptian Government?" No doubt all those matters will be raised, but we have come into a

new dawn since May 1997. Her Majesty's Government has had more than three years to deliver on all their promises. Given their style, I should have thought that they would have been delighted to put Christianity at the heart of government.

The celebrations of the year 2000 have not been entirely joyous. There were many people who thought, "Never mind the hype about the dome, the millennium eye, the new bridge and all that; it should all be about Christianity". Therefore, what could be a finer tribute to the United Kingdom celebrations of the 2,000 years after the birth of Christ than the mother of all Parliaments, in raising issues concerning Christianity in this country and throughout the world, but in Egypt in particular, making a difference and stopping the persecution of those people in Egypt, who have devout beliefs in their Christianity and should be allowed to worship without any interference whatever from the Egyptian state?

10.17 am

Dr. Jenny Tonge (Richmond Park): I, too, congratulate the hon. Member for Gainsborough (Mr. Leigh) on raising the issue in debate. I am pleased to reply on behalf of the Liberal Democrats.

We have all heard about what went on in Egypt over the millennium. I say at the beginning—I have got more and more stirred to say this while listening to hon. Members—that I was raised as a Christian, I love God, but I loathe religion. I think that it is dangerous and causes immense suffering throughout the world. We need to play it down in the modern world, not up.

I have read the reports from the non-governmental organisations; we have been well briefed. The Jubilee Campaign and Christian Solidarity Worldwide have sent us briefings. We heard about those briefings in detail from the hon. Gentleman. There are sickening reports of torture; I entirely agree. There is abuse of human rights and the introduction of Sharia law by stealth, it is alleged. The hon. Member for Southend, West (Mr. Amess) has talked about rape as a means of converting Christians to Islam. Referring to my previous remarks about religion, I remind him that, in Kosovo, the Christians were raping the Muslims to destroy their lives and to ensure that they could not be proper Muslims any more. It happens on both sides all the time. That is why I loathe religion so much.

My right hon. and learned Friend the Member for North-East Fife (Mr. Campbell) wrote to the Egyptian embassy and, indeed, to the Foreign Secretary after the incidents over the millennium in Al Kosheh, and was assured that the Egyptian Government had taken the matter seriously. For what it is worth, I shall quote the embassy response:

> The incidents which occurred on the 2nd January 2000 at the city of Dar El Salam were a reaction to false information and rumours about events in Al Kosheh.
>
> A large number of the Christian inhabitants of Al Kosheh . . . took refuge and were hiding in the houses of their Moslem neighbours.

Such friendship between religions is common. People who feel as I do can often be quite friendly across the board.

The embassy response continues:

> That reflects the sudden nature of the event and the deep rooted cordial relations between the two communities.
>
> The incidents that occurred in Al Kosheh and the events that followed started with a quarrel between a shop owner and one of his customers.

I have no idea whether that is true.

> The investigations establish that these incidents do not reflect a bias towards any religion.

That is what is claimed by the Egyptian Government. I agree that it is difficult to believe when one takes word for word what is said by the Jubilee Campaign and Christian Solidarity Worldwide. I therefore looked up the Amnesty International reports on what was going on in Egypt. I have four pages of them here, three of which are entirely occupied by accounts of abuses of Muslim groups.

The Egyptian Government come down very hard on religious groups, it would appear. We read of torture, imprisonment without trial, the imposition of the death penalty—what I must call the usual pornography of violence which takes place in countries all over the world. The treatment of people by their own police force, and their treatment when in prison, is pornography, and is perpetrated against both Christians and Muslims.

Mr. Leigh: To be fair to the Egyptian Government, they are engaged in a vicious war against an Islamic fundamentalist terrorist group. It is an ugly war, and the hon. Lady should be careful about what she says. The Egyptian Government are not persecuting Muslims in any way; they can be accused of acting very strongly, perhaps too strongly, against terrorist groups, but there is no persecution of ordinary Muslims in Egypt.

Dr. Tonge: What I am trying to illustrate is the fact that Egypt's human rights record is by no means good, as far as I can tell from the Amnesty International reports. Even if those arrested are terrorists, there is no need for the treatment that they are receiving. I am saying that there is a good deal of equality in the treatment of the groups involved. I think that the hon. Gentleman made a very biased speech.

I congratulate the hon. Member for Ribble Valley (Mr. Evans) on his point about planning applications. It was fair to point out that planning applications for mosques are sometimes difficult to get through in this country. I am pleased to say that there is a mosque in my constituency, which provides a useful centre for Muslims in the constituencies of Richmond Park and Kingston and Surbiton. I hold a surgery there every two months; I am always well received, and always have a good afternoon. I pay tribute to those who go to the mosque and foster such good relations in my community.

I look forward to hearing the Minister's reply. I contend that there is some brutality and abuse of human rights in Egypt, but that it is being dished out to all sections of the population, not just to Christians. There is a good deal of doubt about the way that the Egyptian police are behaving.

I must confess a love for Egypt and Egyptians, which I share with the hon. Member for Ribble Valley. I have been to Egypt twice, and I had a dear neighbour—a constituent—who was Egyptian. I sprinkled his ashes in

[Dr. Tonge]

Kew Gardens a few weeks ago. He loved his country, but he loved the United Kingdom equally, and I think he would be horrified if he were able to listen to this debate. Perhaps he is listening.

We need to reassure Egypt of our support. We want it to be part of the international community. However, I appeal to Government representatives from the Egyptian embassy—I am sure that they are here—to listen carefully to the debate, and to improve human rights for all their people.

10.25 am

Mr. Richard Spring (West Suffolk): I congratulate my hon. Friend the Member for Gainsborough (Mr. Leigh) on introducing the debate. We all recognise and applaud the fact that he genuinely tries, as a Member of Parliament, to consider some of the key moral issues of our times and the practices in our society in the light of Christian ethics, and I believe that all Members respond to his sentiments. The same can be said of my hon. Friend the Member for Southend, West (Mr. Amess).

Although there are no clear figures relating to the size of the Christian minority in Egypt, it is undoubtedly significant, and 90 per cent. of the Christian community belongs to the Coptic Orthodox tradition. Many years ago, I stumbled into a church in Luxor where a mass was taking place, and was very moved by the ceremony.

In our country, we believe in religious diversity, and think that it should be accommodated in any pluralistic society. There is no doubt that Christians in Egypt have suffered significant difficulties, especially at the hands of Islamic groups, in a number of ways.

The jizya tax originated in the seventh century, and involved the defeated Jews of Khaybar paying a tribute to their Muslim conquerors. Some Islamic groups are trying to revive the tax, claiming that Christians and Jews accorded a separate and subordinate status under Sharia law must pay a special tribute to secure their own protection. The Egyptian human rights lawyer Moris Sadek says that the tax is nothing more than

> a form of extortion used by Islamic militants to fund their campaign of intimidation and terror against Christians, tourists and the government.

The extent to which some Islamic groups are prepared to go to reinstate the tax is of considerable concern. In an interview with *Al Ahram Weekly* in 1997, Mustafa Mashhour, head of the Islamic group Muslim Brotherhood, publicly called on Muslims to impose the tax, saying:

> Christians must pay jizya . . . it is part of Sharia.

Human rights groups in Egypt estimate that up to 2,000 Christians are being forced to pay; the actual figure may be considerably higher.

Coptic Orthodox leaders describe the practice as akin to a "religious mafia". It is reported that at least 40 Copts have been killed for refusing to pay the tax in recent years. Some Christians are too afraid to inform the police of the pressures. There is a widespread belief among Christians that pressure is being put on the Christian minority, either directly or indirectly, to convert to Islam.

The hon. Member for Richmond Park (Dr. Tonge) spoke of her loathing of religion. She talked of the violence of rape, but she was really talking about human failings and human weaknesses, however detestable. That is the antithesis of what religion is about. To equate feelings about those terrible human failings and weaknesses with a loathing of religion is a quantum leap that I would not wish to make.

The Christian community is vulnerable to many kinds of pressure because of its economic situation. There is a widespread belief that there is discrimination against Christians in terms of employment and promotion, and that conversion to Islam is the only way of improving their economic position. There are reports of constant intimidation and persecution, to which my hon. Friends have alluded. Let me describe the problem affecting one family.

In March 1997, 13-year-old Teresa Shakir, a Coptic Christian in the eighth grade at school, was taken by her teacher—believed to be an Islamic extremist—to a police station. The police and the teacher tried to force her to convert to Islam, it has been alleged. Her family were able to obtain a form from the chief of police, instructing that the young girl be returned to her father, but it is reported that the local police refused to release her. Only after the family had contacted human rights organisations, Pope Shenouda and the office of the President was the girl finally released. The police had held her incommunicado for nine days.

In November 1997, Teresa's older brother returned home late one night to discover that his parents and younger brother had been shot to death, and another sister wounded. Teresa was also dead. Her brother ran to the police station to report the incident, and was arrested and accused of murder. To cut a long story short, a retrial is due to take place, at which I hope that justice will be done.

The case that I have described has been a major source of anxiety in the Christian community, whose members do not consider the Shakirs' family history to be unique. Egyptian Christians feel threatened by Islamic groups. Rightly or wrongly, they do not feel adequately protected by the police.

I hope that the Minister will say what recent representations he and the Foreign Secretary have made to the Egyptian Government about the problems of the Christian community and their human rights. What measures can he take to seek to improve the human rights of Egyptian Christians?

Egypt is, of course, the jewel in the crown of Islam. Its unique history, beauty, and intellectual and spiritual life have exerted an influence on the whole Islamic family of nations. Britain has close and friendly relations with Egypt, and it is also worth noting that the Egyptian Government have had their own significant problems with Islamic fundamentalists. They have reacted vigorously against such violence and extremism, as my hon. Friend the Member for Ribble Valley (Mr. Evans) noted.

Mr. John Bercow (Buckingham): I declare an interest in that I recently took part in a visit to Egypt, courtesy of the Gulf Centre for Strategic Studies. In the course of it, I raised the subject of the death penalty. Does my hon. Friend agree that the existence on the Egyptian

parliamentary statute book of the death penalty is undesirable, as is the fact that conversion from Islam to any other faith is punishable by death? Do not those factors effectively act as a spur to private citizens in Egypt, who think that it is both legitimate and desirable to mete out violence to people who are Christians or who are in the process of converting from Islam to Christianity?

Mr. Spring: I am grateful to my hon. Friend for making that point. I hope that the Minister will take it on board, and that he will consider it in the light of Egypt's human rights obligations.

No one is suggesting that the Egyptian Government promote any calculated persecution of the country's Christian citizens. Traditionally, there has been greater religious tolerance in Egypt than in many other parts of the world. However, I urge the Minister to bring to the attention of the Egyptian Government the important questions of religious freedom and human rights set out so graphically by my hon. Friend the Member for Gainsborough.

Egypt is a member of the United Nations. It is a signatory to the international covenants on civil and political rights and on economic, social and cultural rights. The attempts by Islamic groups to reinstate the tax that I described, the planning difficulties alluded to so powerfully by my hon. Friends, and the ordeal of the Shakir family that I set out illustrate the pressures on Egypt's Christian minority. These concerns have been raised frequently by Egyptian Christians, most recently after the tragic incident in January described by my hon. Friend the Member for Gainsborough, when 21 Christians were killed. I therefore urge the Government to raise the issues of justice and equality for all Egyptian citizens, in practice as well as in the law.

10.35 am

The Minister of State, Foreign and Commonwealth Office (Mr. John Battle): It is routine to congratulate hon. Members on securing a debate such as this, but I shall go further and say that the Government are grateful to the hon. Member for Gainsborough (Mr. Leigh) for introducing this topic.

The hon. Gentleman has a track record in such matters, and his interest in the welfare of Christians worldwide is well known, in this Chamber and beyond. He has led several delegations on behalf of Christians to my office in recent months, the last time on behalf of Christians in Burma, and he is respected for the consistent rigour with which he campaigns. Raising this important subject in the Chamber, as other hon. Members have noted, helps maintain a spotlight on it, as our deliberations go far beyond this quiet Westminster Hall.

I also welcome the tolerant tone of the debate, which has been well balanced. The hon. Member for Ribble Valley (Mr. Evans) called for constructive dialogue, and that has been evident in the spirit of the debate. I agree that what the hon. Member for Gainsborough called the plight of people is important and relevant, and that we should regularly discuss such matters. Violence and abuse are unacceptable, and the House's opposition to them should present a seamless robe.

Freedom of religious worship is a basic human right, and must be respected. All hon. Members should work together to ensure that it is respected fully, and we have a duty and responsibility to raise such matters in debate.

I know that many hon. Members have read troubling reports in the press and have received direct accounts about violence between Christians and Muslims in Egypt. They have also come across allegations of police brutality and of other harm to members of the Christian Churches in Egypt. The hon. Members who have contributed to the debate have presented a detailed and worrying catalogue of charges this morning. I shall try to respond to the points that have been raised, and to set out what the Government have done. I shall be happy to receive more details from hon. Members who want to take matters further, and to act on them. I assure hon. Members that the Jubilee Campaign's representations continue to be welcome and respected, and that the Government take them seriously.

I shall begin with the incidents in upper Egypt to which some hon. Members have referred. The first Al Kosheh incident in August-September 1998 resulted in the murder of two Christian villagers. That was followed by numerous arrests and there were allegations that many of those arrested were tortured in police custody.

The Government have made clear to the Egyptian authorities our concern that the allegations—in particular those of police brutality—must be fully and effectively investigated. Soon after his appointment last year, the new Egyptian prosecutor general reopened the investigation. It remains open, due to the number of matters under investigation. The Government will keep a close eye on developments.

The hon. Member for Teignbridge (Mr. Nicholls) is no longer present, but I can say, in response to his intervention earlier, that people do not believe that the Egyptian Government are systematically persecuting people. Independent human rights organisations have stated that more than 80 per cent. of the Al Kosheh villagers are Copts. They point out that it is, therefore, not surprising that, when arrests are made after an incident, some or most of those arrested will be Copts.

However, that inevitable effect of the numbers involved in no way excuses any torture that may have taken place—one case of the torture of a human being is one too many. Although what has happened does not necessarily add up to organised religious persecution, that does not mean that the Government do not take the matter seriously.

The hon. Member for Gainsborough drew attention to the case of William Shaiboob, the Copt who has now been found guilty of the two murders and sentenced to 15 years hard labour. We are following his case with close attention, as two of the main witnesses at his trial withdrew their evidence and claimed to have been tortured.

I understand that, on Monday, Mr. Shaiboob's defence lawyers put a request for an appeal to the Court of Cassation, Egypt's highest appeal court. That case is now being heard. It is, therefore, technically sub judice so we cannot comment further as that would prejudice it. However, our embassy in Cairo is following the case closely, and will keep Ministers informed. I shall be

[Mr. John Battle]

happy to keep right hon. and hon. Members who have raised these points and others informed as we receive information.

The second incident took place in and around Al Kosheh in January this year, when violence and rioting left some 20 Christians and one Muslim dead, and 19 Muslims and 14 Christians injured. As with the first Al Kosheh incident, our embassy in Cairo has been keeping us up to date with regular reports. We have discussed the incident on several occasions with the Egyptian authorities; we are not afraid to raise these difficult issues with Egypt, because our strong relationship enables us to have a tough conversation occasionally, and that is as it should be. We have a good, open and free dialogue with the Egyptian Government on these matters. We have discussed them on several occasions, and have stressed the need to investigate them fully and bring wrongdoers who commit crimes to trial. That is exactly what we are monitoring now.

Given the intense interest that there has been, and in order to hear from the villagers first hand, a member of our embassy staff in Cairo visited Al Kosheh in May. He was the first and only embassy official from any country to visit so far. He talked to members of the village council as well as to individual Muslim and Christian villagers, including some of those whose relatives had been killed. He found that the atmosphere in the village was stable—there is now a strong security presence to ensure law and order and calm.

It was clear that the authorities had also made some real efforts to encourage reconciliation between the communities. Whether those efforts are successful will become clear only with time. Obviously, given the feelings of animosity and mistrust in that poor, traditional and divided rural community, in which more than 80 per cent. of the population is Christian, it remains to be seen whether reconciliation and tolerance work at a local level, but it is a project to work at.

We understand that when the Egyptian authorities set up their investigation into the second Al Kosheh incident, they consulted religious leaders and co-ordinated their efforts closely with them. On 11 March, the public prosecutor announced that he had completed his investigation into the events, and that 97 Muslims and 38 Copts would be charged in connection with the murders and the events leading up to them. I understand that five Copts have been charged with attempted murder, and that the rest have been charged with illegal assembly, damage to property and ownership of firearms without licence. No religious leaders, it might be noted, have been charged.

Two trials opened on 3 and 4 June, in a normal criminal court. One was for those accused from Al Kosheh and the other was for those accused from a nearby village. Both trials were adjourned until 7 August and 3 July respectively. Our embassy in Cairo will continue to monitor both trials. In other words, where there is criminal activity, the due course of law and order in bringing people to trial should take place. We like to insist that it does, and we are monitoring the fact that it is. That should be on the record, and part of the account of these events.

Other questions have been raised, of a rather wider nature. The hon. Member for Gainsborough listed a number of tragic attacks on Christians by Muslims, including acts of terrorism. All people should deplore murder, and terrorism in particular, wherever it occurs. The hon. Gentleman spoke of a systematic and brutal attack by extremists. I would simply add that systematic and brutal attacks by extremists are extremely difficult for any society to defend itself against, as we have seen recently in other countries, without the state taking an over-secure approach, as it were, to tackle the possibility of problems.

Sadly, the problem of terrorist attacks is not confined to Egypt and nor, within Egypt, has it been confined to Copts. Foreign tourists, including British citizens, have also suffered at the hands of fundamentalist terrorists. The Egyptian authorities have expressed their determination to prevent such attacks and to increase security for all. We fully support their attempts to increase security for all. The difficulty, as the hon. Member for Southend, West (Mr. Amess) pointed out, is that that can lead to a kind of over-protection to defend people against possible terrorist attacks. Getting the balance right is extremely difficult in individual circumstances.

Acts of fundamentalist terrorism must be the most difficult threat that any society can face. It does not necessarily mean that there is something wrong or corrupt at the heart of a state if there are terrorist activities within it.

Some hon. Members have claimed that there is systematic state discrimination against Copts that amounts to persecution. We maintain a regular dialogue with many Coptic Christians, from the Coptic Pope, to bishops and clergy, and to ordinary members of local communities in Egypt and elsewhere. We listen to their views and opinions—we take readings of their interpretation of the situation. Not surprisingly, as in all human situations, we hear a range of different opinions, not least on discrimination. While some Copts do indeed talk of persecution, other leading Copts tell us that they do not believe that there is a general Egyptian Government policy of discrimination against Christians; nor do they talk of persecution. We need to take that range of views into account in working towards that agenda. Building an atmosphere of tolerance and respect has been mentioned in this debate.

The Copts are deeply concerned, as are we, about any cases of violence, allegations of police brutality and other reports that raise human rights concerns. Such matters are always of concern, regardless of the ethnic or religious background of the person or group concerned. However, that does not necessarily mean that there is active state persecution in Egypt.

The Egyptian constitution provides for equal public rights and duties without discrimination due to religion or creed. Forced conversion, to which hon. Members have referred, is illegal under the constitution. The President has been very clear on such issues, stating publicly that he wants to see more Christians in the next People's Assembly after the elections this autumn. Ensuring that assemblies, Parliaments and Governments are properly balanced according to the population is not always easy, as we know from our experience in this place when it comes to getting the

balance right between the genders. However, that is on the agenda of the Egyptian President, which is encouraging.

We have also seen positive changes on another issue that the hon. Gentleman raised—the difficulties that Christian communities in Egypt have faced in building and maintaining their places of worship. It is just a few years since William Dalrymple's book came out. I suggest that matters have improved slightly since then. The difficulty that Christian communities face in this respect is on the agenda.

In 1998, authority for granting permission for church repairs was devolved from the President to the regional governors. I am not opposed to that. The hon. Member for Ribble Valley—I nearly said upper Ribble, but it is more like the valley of the Ribble—made a telling intervention about linking that to events here, as did the hon. Member for Richmond Park (Dr. Tonge). When planning permission is sought in this country, reconciling local communities of Christians, non-Christians and Muslims in not easy. I know that from my own constituency.

Negotiations for a community centre to have a minaret on it so that it can become a mosque can turn into an enormous argument and conflict about religious histories and traditions. I am waiting to see what happens when the application is made for the call to prayer five times a day to begin at sunrise, not at 7 am every morning, given that sunrise is currently at 4.28 am. I am simply saying that we have not reconciled those conflicts in our society either, so we need to work together internationally on the agendas of tolerance.

I prefer such decisions to be taken locally, rather than that the Prime Minister should decide whether a mosque should be sited in my constituency. To devolve such decisions to local areas is not a bad thing. It should be a stimulus for people to work together to build communities, instead of being antagonistic and oppositional, and not seeking reconciliation.

Mr. Bercow *rose—*

Mr. Battle: The hon. Gentleman is itching to intervene, so I gladly give way.

Mr. Bercow: Notwithstanding the Minister's remarks about the Egyptian constitution, will he comment on the fact, about which the Jubilee Campaign—among others—is most concerned, that, under Sharia law, conversion from Islam to another faith is punishable by death? There seems to be something of a tension between the constitution and the practice of the Islamic faith.

Mr. Battle: There appears to be a tension, but I made it clear that forced conversion is illegal. The question remains: does it happen? The practice in local communities may not always comply with the law and then the state has to act to ensure that the local community conforms. I accept that there is tension—just as there are tensions in this country over similar issues. However, we do not have time to spell them out, and this may not be an appropriate debate in which to do so.

I welcome the hon. Gentleman's use of the word "tension", as that suggests that we should address the matter. There is conflict, but it does not need to degenerate into violence and personal abuse; we should look for ways to reconcile such conflict locally, so that people can live together, tolerating each other's activities, behaviour and practices—respecting one another as human beings. That should be the challenge for all religious traditions; it should be at the heart of their theological practice. I make that point because there is no easy reconciliation between the law and practice in any context.

As I pointed out, the authority for granting permission for church repairs was devolved, in 1998, from the President to the regional governors, but, in December 1999, it was decreed that all places of worship would be subject to the 1976 civil construction code—putting mosques and churches on an equal footing. Permission for new church buildings remained in the hands of the President, but, as hon. Members will be aware—from correspondence with my Department and with the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Neath (Mr. Hain)—President Mubarak has agreed all applications put to him since he came into office in 1981. When such matters were referred nationally, there was agreement; that brought about reconciliation locally, including over planning permission. If we consider planning permission in our own country, there are also some question marks; we can understand the tensions involved in that process.

We shall continue to follow these matters closely; we take them seriously. We raise them regularly—not merely through nods and hints in passing conversations, but to point out that they are important matters. We have strong back-up evidence and research, and we need to act on them. We discuss them with the Egyptian Government and religious leaders.

When my right hon. Friend the Foreign Secretary visited Cairo in January, he met a wide range of people from many communities, including Sheikh Al Azhar, the leading Egyptian Muslim cleric, and Bishop Daniel, a Coptic bishop, as well as President Mubarak and other members of the Government. He discussed inter-faith issues and the importance of dialogue and tolerance. He pointed out that, even though all our societies have not resolved such matters, we could none the less work together on a common agenda.

That conversation and those representations were not a one-off. We shall maintain our dialogue with the Egyptian Government; we shall welcome positive change when we see it; we shall encourage the authorities to bring to justice anyone who has committed a crime or violated international human rights standards; but we shall not be afraid to raise human rights concerns. At the same time, we need to try to remain in touch with a wide range of Egyptian Christians so that we receive first-hand reports of matters that affect Christian communities in Egypt—cases of discrimination, for example.

While balancing the evidence, we must continue to raise such matters and to campaign for an increase in tolerance. The way in which we do so can either contribute to the spirit of tolerance or can undermine it.

[Mr. Battle]

This morning's debate could help, in a small way, towards generating a stronger atmosphere of tolerance—the tone of the debate is to be welcomed.

The debate will not be confined to this Chamber; these matters will be taken further—by the Government and by the Egyptian authorities. We thank the hon. Member for Gainsborough again for raising the issue, as well as for his introduction and presentation of the debate—it was a model to all of us.

Health Services (London)

10.55 am

Dr. Jenny Tonge (Richmond Park): This debate was requested by some Liberal Democrats from south-west London; it was not initiated solely by me. We hope that the Government will treat it as part of their consultation exercise. I cannot mention everything, but I want to raise one or two matters in the context of the future of the national health service and the next tranche of money that the Government will allocate to it. I do not speak as a Liberal Democrat spokesperson; this is a Back-Bench debate, so for its purposes I am a Back-Bencher, expressing my Back-Bench views.

The Prime Minister often says that the NHS must get used to change. However, at present, the health service is definitely sick and one of the causes of its sickness is change—unfortunately. Although I accept that much change is needed, this time—this year—the Government must get it right. We cannot go on reorganising the health service, because the energy of everyone—managers, doctors and nurses—is going into the process of change and reorganisation, instead of into the improvement of patient care. As someone who has worked in the health service for many years and who has undergone many changes and reorganisations, I plead with the Government to try to get it right this time.

The health of Londoners has always been at issue. I have been practising for long enough to remember when the Black report on the health of Londoners was published. I do not know what happened to that report. It stressed the importance of the link between poverty and deprivation and ill health. It made exactly the same points as eight subsequent reports. I do not know why we have to keep producing reports that say the same thing.

London has some incredible centres of excellence. Some of the best medicine and surgery in the world is practised in this city, but, at the other end of the scale, we have inner-city areas where medical facilities are appalling and where there is squalor, poverty and ill health.

I was considering the health services in the Tottenham area, as a by-election will be held there soon. They are patchy. I compared some of the statistics for Tottenham with those for Richmond, which is in Surrey but is also a part of London. In Tottenham, the infant mortality rate is three times higher, and the rates for tuberculosis are five times higher than those in Richmond.

Long ago, as a medical student, I was taught that a key indicator of poverty and deprivation is TB. It occurs where there is poor housing, poor health and poor nutrition. We have that in areas of London. I obtained the figures for TB from the Library; they clearly show a frightening rise in the number of cases in London over recent years.

I have spoken to people who work in the national health service who have had to contend with, among other things, the recent scandalous shortages of TB vaccine. I must draw the matter to the Minister's attention. It is no excuse to say that the manufacturer does not want to manufacture the vaccine any more because the patents have run out and it is not making enough money from it. Someone must get on with

manufacturing that vaccine, so that a generation of children does not grow up unprotected against TB. TB is on the march and it is resistant, and it is an indicator of what needs to be done in this city.

Let us consider the modernisation funds that were recently given by the Government and gratefully received by the health service. I understand that the first tranche was intended for primary care development, but in the London area 90 per cent. of it was used to address the deficits of the trusts; it did not go into primary care at all. The London region had allowed St. Mary's hospital and the Chelsea and Westminster hospital—large, famous teaching hospitals—to run up huge deficits. The new money was used to pay off the debt.

The remaining 10 per cent. of the first tranche was used to pay off the overspend on drugs in primary care. I know that the Government are addressing that problem, so I shall not go into it in detail; I simply ask how will the Government ensure that the second tranche of money, which we are all looking forward to, will be used for patients, not to cover the debt that has built up over years of mismanagement of the health service. In attributing responsibility for that mismanagement, I would cite previous Governments more than the current Government.

General practitioners are very enthusiastic about primary care groups and trusts. After initial reservations, all the GPs in my area whom I talk to now express enthusiasm. Particularly in the London area, we desperately need computerised records, but they must link up with those of hospitals. I understand that my local health authority, the Kingston and Richmond health authority, will run a pilot scheme for computerised patient records. I hope that the hospitals will be as enthusiastic about it as the general practices are, because it seems to me that the consultants and some of the people working in the hospitals are less enthusiastic about the switch to computerised records than the GPs.

Before I leave the subject of GPs, I repeat my plea on behalf of those in the London area who have had to wrestle with the problem of asylum seekers in the past two years. It has been a great problem for them. One of the greatest difficulties has been the lack of translators and language facilities. Everyone knows that there is a telephone line that one can ring to obtain a translation of almost any language, but it is very difficult—as I have found—to conduct a consultation with a patient in a consulting room when a telephone is in the way.

Mr. Philip Hammond (Runnymede and Weybridge): Does that remark indicate a lack of confidence in NHS Direct, where there is a telephone in the way of the consultation?

Dr. Tonge: No. The patient telephones NHS Direct and receives advice. As a doctor, I have reservations about that service, but I was referring to the language service that doctors can use when they have a patient with whom they cannot communicate. I have had to use it myself. One rings the language service and speaks to someone who can speak Serbo-Croat or whatever language one needs, and then one has to interview the patient via the telephone, which is terribly difficult—almost impossible. I hope that the Government will acknowledge that GPs in the London area have been wrestling with those problems.

Although it is not a feature of London alone, a problem remains in co-ordination between health services and social services. I have worked on both sides of the pale: I have been chair of a social services department and I have worked as a manager in community health. The two sides must be brought together. The Liberal Democrats would like to see them brought together under the auspices of local government. I do not mind any more how they are brought together, but they must be brought together. In the interests of patients, the buck-passing cannot continue.

I shall briefly discuss beds and NHS facilities. Over the past 10 years, there has been a 35 per cent. reduction in acute beds in the health service in the London area. I have failed—someone else in the Chamber might be able to help me—to find the figure for the percentage reduction in mental health beds, but I know that too many have been closed and that even the Government admit that.

The enthusiasm for competition and the internal market led hospital to fight hospital against closures. In my area, two hospitals were competing for supremacy. To show their hospital in a better light than the competitor, managers made extravagant claims and projections about how they would cope with patient flows, where patients would go and how facilities in their hospital would be able to cope—claims that did not materialise.

I plead with the Government: if there are to be any more closures in the London area, for heaven's sake let us have the extra facilities in place before a hospital is closed. In my area, the closure of facilities at Queen Mary's hospital in Roehampton created chaos at Kingston hospital. I pay tribute to the staff and managers at Kingston hospital who dealt with that, but the casualty department was woefully inadequate. Now, thankfully, the money has come through and a new casualty department will be ready at the end of next year, but that should have been in existence before Queen Mary's hospital closed; likewise the beds to replace those in Queen Mary's hospital. What I describe as a portakabin ward had to be put up to accommodate the extra patients. Funding has only just come through to create a proper ward block to look after our patients adequately.

If my hon. Friend the Member for Kingston and Surbiton (Mr. Davey) had been here—I pass on his apologies—he would have told hon. Members that in our area we also urgently need better diagnostic facilities. Patients from a huge area depend on Kingston hospital, and the facilities at Queen Mary's hospital are sadly out of date. For example, we have no magnetic resonance imaging in the area. In the United States, every hospital has an MRI scanner—it is standard diagnostic equipment nowadays. We must have proper facilities. Likewise, for radiotherapy we have old cobalt machines instead of linear accelerators. There is so much to be done.

The bed closures have caused a phenomenon that horrifies me. Bed occupancy rates are often touted. If we visit hospital managers—I do so regularly—we are told that bed occupancy rates are 95 or 96 per cent. My response is that that is a disgrace. It is impossible to run an acute hospital if 95 per cent. of its beds are occupied all the time. The result is that sick people must wait on

[Dr. Tonge]

trolleys and chairs for empty beds. In the mental health sector in London, the bed occupancy rates are 130 per cent. That does not mean that there is one patient at the top of the bed and another at the bottom; it means that while a patient goes out for treatment for a day, another patient occupies their bed while they are away. It is appalling.

High bed occupancy also causes poor hygiene. Recently, I initiated a debate about the rise in methicillin resistant staphylococcus aureus infection and the lack of hygiene in NHS hospitals. High bed occupancy is the cause. There is not enough time even to wash one's hands between patients, to clean down drips caked with blood or to ensure that the ward is tidy.

We cannot continue with such occupancy rates. They cause bad practice and corner cutting, and if there is an influenza epidemic or a disaster—such as a serious crash—they cause mayhem. I have experienced it. We must tackle the problem. We need more empty beds in the national health service, and we need more low-tech beds for the so-called bed blockers—those poor and mainly elderly patients who cannot be sent home and must be kept in hospital while social services and the health service pass the buck between themselves to decide whose responsibility they are.

I urge the Government, before they close any more small hospitals and cottage hospitals, to think very seriously about improving those hospitals in the London area in the context of low-tech beds, GP beds and nursing beds where elderly patients can receive the sort of care that they expected to receive for the rest of their life from the health service.

Other issues that affect London disproportionately are pay and accommodation. I saw a student nurse in my surgery last week. She is a mature student with two children, but her husband walked out on her three years ago, so she is on her own. She had managed to find a house that was just about big enough for herself and her two children and the rent was £10,500 a year. That is a bargain and good going in the Kingston and Richmond area, so she is not complaining about that. However, her bursary—it takes into account the fact that she has two small children—to be a student nurse at Kingston university and at St. George's hospital in Tooting is £8,500. Because she is a student nurse, she cannot claim income support and, because she is not on income support, she cannot receive housing benefit.

There is no way that my constituent could manage unless she did care assistant work at night. She thought she might be able to claim the working families tax credit if she carried out her studies during the day, picked up her children and worked at night. However, she then faced the problem of finding someone to look after her children at night, and that costs money. Will the Government please examine this problem, which does not affect only student nurses? I have been lobbied by other nurses. One of them said, "I'm really lucky that I have a council house, but my pay and conditions are so awful. I am so busy, tired and stressed that I think that I am going to have to leave nursing."

The price of accommodation is a big problem in London. I do not know whether it can be addressed through London weighting. It affects not only nurses but pathology laboratory technicians. We have all heard about the cytology technicians—they are university graduates—who earn £12,000 or £13,000 a year. There is a huge need for better pay and conditions for staff in London.

I take a deep breath before I mention hospital consultants. I shall qualify my remarks by saying that the vast majority of hospital consultants—I am married to one and I know many of them—are decent people who do an amazing job and work extremely hard. The British Medical Association will tell us that independent research carried out for the doctors and dentists review body by MORI in February 1999 showed that hospital consultants worked on average 50 hours a week in the health service, and that is not bad. Surgeons and anaesthetists work between 40 and 70 hours per week in the health service.

The research does not break down the figures for London and it does not go into much detail on them. I have had experience of the health service for 30 years and I know exactly what is involved. In the London area, consultants have a huge opportunity for private practice and their contracts are arranged in a rather odd way. One can be a full-time consultant and work eleven elevenths of one's time, because the contracts normally include Saturday morning. That still enables consultants to practise privately, provided that they do not earn more than 10 per cent. of their health service salary. I would not accuse consultants of fiddling their tax; I am sure that they do not do that. We must accept that they work their eleven elevenths in the health service, put in many hours and earn only 10 per cent. extra.

However, many consultants opt for another contract. It is a nine-elevenths contract which gives them two free sessions a week in which they can practise privately. Some say, "Okay. On Wednesdays and Thursdays, I work in the private sector, but I work for the NHS for the rest of the week." Many consultants work that way and it is absolutely fair and above board. However, there are a number—I know because I have worked in the NHS—who spread the two sessions over lunchtimes, early mornings, evenings and any other time when they get a senior registrar to cover for them. I could tell all sorts of anecdotes and tales of consultants who are not in NHS hospitals as much as they should be, but who can always be found in private hospitals. The problem of consultant contracts must be addressed for the sake of the future of the medical profession and the reputation of consultants.

Mr. Hammond: Obviously, no one condones anyone who seeks to cheat the system. However, for the sake of balance. will the hon. Lady tell us whether she is aware from her personal experience of the surgeons and anaesthetists who would like to carry out more NHS work, but who are unable to do so because of the rigidities relating to support staffing and operating theatres?

Dr. Tonge: I entirely accept that point and I am glad that the hon. Gentleman has raised it. Consultant contracts are not the only problem. Many consultants are forced not to work for the health service because of the non-availability of an operating theatre owing to the closure of hospitals and the lack of provision in the

hospitals that remain, or to the lack of staff or beds. I shall return to that point later, which, if not the only reason, is one of the reasons for the problem that has been described.

I represent a well-heeled constituency and when my constituents see a consultant, they are disturbed when they are invariably asked whether they want to be seen privately. If they do, they are told that they can be seen tomorrow or the next week. If they do not, they have to spend 12 to 18 months on the waiting list. That makes people suspicious and upset. If the same consultant can operate on them next week, why cannot they be operated on under the health service next week? Why do they have to wait 18 months for the same man to carry out the operation?

Even more ridiculous things happen in specialisms such as diagnostic radiology. I know of a consultant in a hospital not far from here who sees all the private patients and carries out all the investigations on the private patients that are referred to his department. The patients are referred by general practitioners and other doctors from all over the region and the managers love that because it brings revenue into the hospital. The consultant takes his fee from the patient and then returns a little whack to the hospital for the use of its facilities. Consultants who see private patients who have jumped the queue in the health service cause health service patients to wait much longer for their investigations.

In the hospital that I have mentioned, there is not a particularly long wait for the investigations; it has plenty of capacity. However, a young woman in my constituency has had to wait nine months for a pelvic ultrasound examination. That is ridiculous when private patients can be seen in an NHS hospital just five or six miles away and have the same investigation carried out within a week. That cannot be right, so I urge the Government to tackle that problem.

I suspect that I shall not have any friends or colleagues left if they get to hear about what I have said this morning, but—to be really nasty—the consultants who carry out the most work in private practice are, sadly, the consultants who receive the biggest merit awards. The more doctors and surgeons one knows and the more one is a member of the private practice referral club, the more likely one is to be nominated by one's colleagues for a merit award. That fact must be aired publicly, so I put my head on the block by airing the issue this morning. The Government must take that problem on board.

There is no shortage of consultants in London and there is certainly no shortage of beds and facilities; there is loads of spare capacity in the private sector. If the Government are serious about reducing waiting times and waiting lists, they have two clear options. They can use the private sector for NHS patients and let Sir Lancelot Spratt take his patient for a hip replacement down the road to a private hospital if he cannot do the operation in an NHS hospital—and why not? Alternatively, we should tell consultants that if they work exclusively in the health service where they will be given more beds and better facilities, they will receive much greater rewards than they currently earn.

Most NHS consultants receive consultant pay, not consultant pay plus merit awards. Therefore, their pay is not comparable to that of lawyers, who probably earn two or three times as much they do. In addition, lawyers do not suffer from the angst and are not subject to the flak that consultants have experienced in recent years.

Mr. Hammond: Does the hon. Lady not see a potential danger in inviting the most eminent surgeons to make the choice that she has described? There is the risk that they will be lost to the health service altogether. I have always found it a rather attractive feature of the health service that a surgeon who charges a high fee to see a wealthy patient from overseas in the morning will work in the afternoon seeing patients free at the point of use in the health system. Is that not a strength of our system?

Dr. Tonge: It is a strength of the system, provided that it is not abused. My contention is that the majority of consultants probably do not abuse it. However, those of us who have worked in the medical profession know that it is abused. Often, when an eminent person is seeing a patient in his private rooms, his senior registrar and junior staff may be coping like Trojans in his out-patient clinic in an NHS hospital. That needs to be examined carefully and tactfully. The Government must recognise that consultants need better rewards than they currently receive in the NHS if they are to compare with other specialties and are to continue to take the risk of doing complicated procedures that may sometimes lead to a patient's death. However, both options cost money.

I am sorry to have taken so long, but I shall conclude with a point about funding, which relates not just to the health service in London, although it affects us acutely. The health service cannot go on without secure guaranteed funding every year, and funding must not depend on the whims of the Government, focus groups or whatever we think will give us enough political kudos. The health service needs far more funding than the Liberal Democrats have ever proposed and more than the Government are planning to give it. Indeed, it needs more money than any political party is prepared to take out of direct taxation. That is the problem: no one is honest enough to tell the British people that if they really want the sort of health service to which they aspire, it will cost them money. It would actually be much cheaper to pay far more in taxes than to take out private health insurance, perish the thought. The problem is never declared openly and we desperately need a debate about how we will fund the health service in future.

Mr. Deputy Speaker (Mr. Frank Cook): There are seven speakers to get in if everyone who wishes to make a contribution to our debate is to be satisfied. I must therefore alert the Chamber to the fact that I shall be looking for concise, pertinent and clear statements that do not take an awfully long time.

11.22 am

Mr. Gareth R. Thomas (Harrow, West): As is traditional, I congratulate the hon. Member for Richmond Park (Dr. Tonge) on securing the debate. I agree with her concerns about mental health beds in the capital and think that her point about them was particularly important, although I suspect that the thrust of her other remarks will get the most attention. I share the general view that the amount of private work done by a small number of consultants needs to be

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examined by the Government. I understand that that is happening, but the Minister may be able to comment further.

I welcome the debate as it is almost a year since we last debated London's health services, on a Government motion in an Adjournment debate. Today's debate gives us an opportunity to see how London's health services have progressed in implementing the Government's health reforms. This time last year, the key strategic issue facing London was how to inculcate the principle of partnership. The hon. Lady's experience of two local hospitals battling for supremacy is one with which my constituents would have considerable sympathy. In our debate last year, I said that, at times, there seemed to be a sense of bureaucratic imperialism in the health service, with the chief executive of an acute hospital battling with the chief executive of another hospital over services that they wanted.

How have matters developed in the past year? I shall give local examples and discuss the atmosphere now prevailing in Harrow's health care services, which have embraced the Government's national priorities with enthusiasm. In relation to national priorities on heart disease and strokes, the Harrow West primary care group has agreed local development schemes and incentive targets with all GPs and practices in the group. The GPs have identified all the patients on their lists at risk of heart disease, strokes and diabetes. There are now proper records and monitoring of the treatment of those patients. There is new investment by the primary care group in clinics, and staffing levels to meet concerns about heart disease, strokes and diabetes.

Another positive development in health prevention is the recent launch of the Harrow Heartbeat health campaign, which is a multi-agency primary prevention exercise aimed at raising public awareness of how to avoid heart disease and diabetes. The primary care group has worked to develop better access to care and has been successful in extending psychological counselling, for example. There used to be only 13 practices with access to such counselling; now all 27 practices in the primary care group have access to such services.

Practice-based mobile ultrasound services have been extended from two primary care teams to 22 practices in the primary care group, and local waiting times have come down from 11 weeks to two weeks, easing considerably the pressure on hospital ultrasound services, especially at Northwick Park hospital. All practices are now able to carry out cryosurgery—surgery on bumps and lumps—which, again, eases the pressure on hospital out-patient referrals. There have therefore been positive local developments on better access to care for patients.

Most significantly, £2 million is being invested in Northwick Park hospital's accident and emergency unit. That investment has been needed for at least 10 years and is only taking place thanks to this Government. The newly refurbished unit should be open in September. Furthermore, £5.8 million is due to be invested in two linear accelerators at the Mount Vernon cancer unit, which will substantially improve the quality of cancer care available to my constituents and others in the region who benefit from the hospital. It will also give my constituents much-needed reassurance about the future of Mount Vernon hospital.

There is considerable concern nationally about quality of care, not least in the light of what is taking place on the issue at the General Medical Council this week. In my constituency, the primary care group has delivered a clinical audit covering all GP practices, and a second audit is due to take place. Proper peer review visits are being made to all the primary care practices. There have therefore been good and positive developments in both primary and secondary care in my constituency.

We have done a lot, but I want to highlight one or two matters on which further work must be done. I spoke in the Easter Adjournment debate to highlight the need to expand the provision of intensive care beds at Northwick Park hospital. There is an urgent need for significant investment in intensive care in outer London, so that my constituents and their relatives do not have to travel into central London to benefit from the intensive care services there.

Northwick Park hospital is ideally placed to benefit from additional investment in intensive care. It is a fully staffed unit. Northwick Park is probably one of the most successful hospitals in London in maintaining a full staffing complement for its intensive care needs. However, the existing facilities are not adequate to meet the local demand. I hope that the Minister will convey as a matter of urgency to her colleagues the need to accept and recognise the business case for an expansion in intensive care beds at Northwick Park.

Another local issue in Brent and Harrow is a review of the capitation process and formula. Under the present formula, Brent and Harrow is considered to be above its target so we tend to receive less growth moneys than other districts. The skill of many of the people who work in the primary care group, the health authority and the local trusts has meant that we have been successful at winning new funds for the NHS locally, but a review of the capitation formula needs to take place. I, for one, do not accept that the formula properly reflects the needs for health care in Harrow.

Recruitment and retention of nurses have received substantial attention in other debates both in this Chamber and in the main Chamber, but recruitment and retention of support workers are equally crucial to the quality of care. I am thinking of cardiac technicians and technicians who work in the delivery of pathology services. The pay and conditions of those professionals need attention.

I suggest that we need some more investment in the assistance that we offer to patients who think that they have not received good service from the NHS. In my constituency, the son of a woman who died had some genuine concerns about the quality of care that she received from one of my local hospitals, but he had and still has problems in obtaining access to medical expertise to advise him and help him read the medical records available to him and judge whether there was significant substance to his concerns. We have done a great deal to improve London's health service and health care for my constituents, but there are other things that we need to do, and I hope that the Minister will take those concerns forward.

11.33 am

Mr. John Randall (Uxbridge): I congratulate the hon. Member for Richmond Park (Dr. Tonge) on securing this debate. The attendance shows how popular the subject is and the need for the debate. Perhaps I can make a plea to the Minister. The hon. Member for Harrow, West (Mr. Thomas) said that a year ago we had an Adjournment debate in Government time on health services in London. I suggest that a proper debate on the Floor of the House is about due. We do not want to have any more waiting for that.

The hon. Member for Richmond Park raised one issue about which I have a genuine question. I am not too up on it and perhaps she can give me an answer. I understand that if a GP holds only computerised records and not hard copies, he or she is in breach of some regulation, and that that deters many GPs from computerising records.

In Hillingdon, we have recently had the arrival of the primary care trust—one of the few in London. It is early days, but it has been greeted by most of the people in the health agencies with open arms. It seems that, although it is early days, the enthusiasm and optimism shows that PCTs might well be appropriate in certain areas, certainly in suburban and urban areas.

I and the two other Members of Parliament for the London borough of Hillingdon had a meeting last Friday with all the health agencies, including the community health council, to find out whether there was a cunning plan for Hillingdon. We feel that we are just drifting. We were slightly reassured. We are having a further meeting, but there is a great willingness to work together. We were told by someone from outside the area that Hillingdon is a good example of an area in which everyone is working towards a common goal. The social services department is working closely with the health agency to try to resolve some of the problems that we know exist.

We are not entirely sure what the big plan is for Hillingdon. We have our own vision and ideas of what we want and expect for NHS patients in three or four years' time. Although many matters need to be dealt with for the time being, we also want to look to the future. We are worried that once we have our own plan, regional and perhaps national plans will be changed.

If the hon. Member for Hayes and Harlington (Mr. McDonnell) were here, I am sure that he would raise the problem that he has and that I share in the Uxbridge constituency—the problem of GP practices. As time is short, I will make passing reference to the work that my hon. Friend the Member for Ruislip-Northwood (Mr. Wilkinson) has done in promoting the problems facing Mount Vernon and Harefield hospitals, which were mentioned briefly by the hon. Member for Harrow, West.

There is a great deal of concern locally—when I say "locally" I mean over quite a wide area—about threats to close those two hospitals. I cannot single out either of them, but Harefield is regarded as a national asset, and I find strange the idea that it would improve people's health to take them into the inner city for their operations and recuperation. Anyone who has been to Harefield knows what a tranquil and idyllic spot it is. Even a layman such as I realises that being in a place like that aids recovery.

As time is short, I shall not rehearse the points about Mount Vernon. I mention only the A and E unit, which has gone, and the burns unit and the cleft palate unit, which are under threat. There is a strong feeling locally that consultation with local interested parties is consultation for the sake of it. It seems that the decisions have already been made. Whether that is true remains to be seen, but there is a strong feeling that the consultation is just lip service.

I share many of the concerns expressed by the hon. Member for Richmond Park. I have many of the same problems, including recruitment and retention. The hon. Lady mentioned the TB vaccine. I have taken up the issue and found out that there has been no routine BCG vaccination of children under the schools programme in Hillingdon for the past two years. In a letter dated 21 January 2000, I was told that this was due to the non-availability of BCG vaccine. I should like to know from the Minister whether there has been any improvement and what the Government plan to do about the problem. Are there any plans to vaccinate people who missed out? In that case, there will surely be a huge backlog. In the light of increasing incidence of TB, what threat is there to those children who have not been vaccinated? Do the Government consider the vaccination to be as vital as do the parents of those children who have not been vaccinated? I hear little on the subject from the Government, and I hope that today we shall hear more.

As Members of Parliament, we hear only the complaints, sometimes serious complaints, that come to us, so it is easy for us to think that everything is doom and gloom. Many questions surround the NHS in London. I pay tribute to all those people who work in the health service in Hillingdon, who are doing their utmost, sometimes in difficult conditions. There are some good things going on; I particularly mention the diabetes unit at Hillingdon hospital, which is certainly first class.

I regret that, as a Member of Parliament, I have spent the past three years or so fighting closures in the local health service. I should like to be welcoming the arrival of new services. It is a great shame that most Members of Parliament have been fighting such causes for some while. I make a special plea for increased renal services in our area. There seems to be a dearth of such services in west London—particularly of dialysis, but in a range of other services, too.

I am sure that the Minister is aware of the great disappointment and frustration, not only in my area and in London generally but throughout the country, about what is happening in the NHS. If we are not careful to address those concerns quickly, there really will be a crisis. I do not want to talk up crisis for party political gain, but if she walks the streets, she will find that that is what everybody is saying.

11.41 am

Mr. Barry Gardiner (Brent, North): I, too, congratulate the hon. Member for Richmond Park (Dr. Tonge) on securing this vital debate. It is vital in the true sense of that word because it concerns the life and death of our constituents here in London.

I must disagree with the hon. Lady on one specific point. Early in her speech, she made a plea for no more change in the health service. I want more change; I want

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the sort of changes that we are seeing at Northwick Park hospital accident and emergency department. It was originally designed 30 years ago to accommodate just 40,000 attendances a year, but in the past year, that A and E department saw 75,000 people through its doors.

Dr. Tonge: I must qualify the point. There is great difference between reorganisation of management structures and new facilities that will affect patients.

Mr. Gardiner: I understand very well the hon. Lady's point. Indeed, were there time, I would elaborate on it.

I am delighted that we have secured the £2.2 million from the Government modernisation fund to make the change that is needed. Work has already begun. It includes a new six-bed resuscitation unit, a dedicated child care service, 22 new major injury bays, new minor injury bays and accommodation in the new A and E department for 90,000 attendances—more than doubling that of the present design and allowing for a 25 per cent. increase on throughflow. That is the sort of change that I welcome, and I am sure that the hon. Lady would do so, too. It is the sort of change that I want more of.

As anyone in Brent will tell you, Mr. Deputy Speaker, the overcrowding of the A and E department at Northwick Park was desperately exacerbated by the scandalous closure of the emergency unit at Edgware hospital, which was rushed through by the Conservative Government just one month before the election. My greatest disappointment since becoming a Member of Parliament has been to find that we could not reverse that decision.

We had pledged to review the closure. It was only after the election that the true extent of the deviousness surrounding that closure became apparent. The Tories had not just closed the A and E department; without telling the public, they had let the contract to demolish the surgical block. Without surgical back-up, it is of course not safe to have an A and E department. The promised review therefore could not restore the emergency unit. That is the sort of change that I did not want.

Together with other local Members of Parliament, I spoke to colleagues in government—indeed, to the now Secretary of State for Health—and secured for the hospital another review of all the services that were to take place on the site. The full business case for the redevelopment of Edgware hospital has now been approved at a capital cost of £21.8 million. That is £22 million of new money going into services and provision for the local community in Edgware, Brent and Harrow.

A pilot of a primary care walk-in centre will open in August. The new hospital will include consultant-led out-patient services, children's services, day surgery and a birth centre. Those are all changes in the health service in the Brent and Harrow area that we want and on which we welcome the Government's initiative.

However, there are other aspects of the service in Brent and Harrow which the Government must address and change. I believe that the Minister knows of my concern, which is shared by my hon. Friends the Members for Harrow, West (Mr. Thomas) and for Harrow, East (Mr. McNulty), about the provision of breast screening by the Brent and Harrow health authority.

Women should receive reports of abnormal results from breast screening within two weeks. In fact, the results are reported within four weeks. The Government set a target for assessment of abnormal results within two to three weeks. The time span is up to six weeks. That is a desperate situation for women who are concerned about an abnormal scan and who want to find out what is going wrong and what treatment they might be able to receive. Mobile units in the Brent and Harrow health authority are clapped out. There is one left that is working. I challenge anyone to say that a screening unit that has for five months stood in a car park in Stanmore is truly mobile.

Those are the sorts of problems with which we are dealing, and they must be addressed by the Government. I know that ministerial colleagues are committed to providing good oncology services and that screening is one of the most fundamental parts that is subject to the review that the Department is undertaking, but I urge the Minister to respond to the concern of all local Members of Parliament and to ensure proper provision.

I shall finally pick up a point made by the hon. Member for Richmond Park on the curse of tuberculosis. She talked of it as one of the most fundamental indicators of poverty. She may or may not know that my constituency has the highest incidence of TB. I raise the point because, although otherwise correct, her remarks cannot apply to Brent, North.

Brent, North is a comparatively affluent constituency, but 40 per cent. of its population comes from the Indian subcontinent, and they return there frequently. The health authority—I have been in discussion with it—is convinced that the real problem is with the Indian community visiting family on the subcontinent, where conditions are as the hon. Lady described, contracting TB and returning with the infection. I share her deep concern about the matter, but incidence of the disease in my local community is not indicative of poverty.

If time permitted, I would comment on many other issues. In particular, I welcome the reduction in the waiting lists in the Brent and Harrow health authority at Northwick Park from 11,500 to 8,500—a 25 per cent. reduction during the past three years. However, I am conscious of the time, and I know that other hon. Members wish to speak.

11.50 am

Mr. Andrew Love (Edmonton): I add my congratulations to the hon. Member for Richmond Park (Dr. Tonge), and apologise for arriving late and missing the start of her contribution.

I shall focus my brief remarks on an issue of major importance to the health service in London—the balance of funding between primary care services and the acute sector. Hospitals have always been synonymous in the public mind with the health service, but most people look to primary care—in many ways the cinderella service—to deal with their health care needs.

The balance of funding has been a problem in London since the advent of the national health service in 1948. A major recommendation of the Tomlinson report in 1992

was that there should be a shift of resources from the acute sector to primary care. It was suggested that that should be achieved through a reduction in bed numbers. I shall not elaborate on the problems that that has created in London, but the report recognised the difficulties of funding primary care and the provision of GP services in the Greater London area, which was identified as a major problem by the hon. Member for Uxbridge (Mr. Randall).

The Tomlinson report made a number of recommendations for improving the number of GPs, the associated services provided by health centres, and GPs' premises. However, it is clear from the Turnberg report of only two years ago that the problems of primary care in London continue and in many ways intensify. Since 1990, GP numbers in London have fallen by 1 per cent., during a period when they have risen by 6 per cent. in the rest of the country, and at a time when the population of London is increasing.

There is a particular problem with single-handed GP practices. Whereas they have reduced to 8.6 per cent. of all GP practices in the rest of the country, in London they represent 20 per cent. of practices—a major issue for London health services.

With regard to list sizes, the number of GP practices with lists of more than 2,500 is much greater than in the rest of the country. I recognise that there is far more population movement in Greater London, so some lists may well be inflated, but the pressure on GPs in London is significantly greater than on those in the rest of the country.

The problem of GP premises was supposed to have been addressed by the Tomlinson report in 1992, but in my district, Enfield and Haringey, 55 per cent. of GP premises remain below the minimum standard.

Taking all those difficulties together, we can understand why Leslie Turnberg stated in his report:

> General practice lags behind the rest of the country and appears to be getting worse rather than better.

The problem is not just the failure to attract GPs into Greater London. There is a series of associated problems, often but not exclusively related to single-handed practices. I refer to the additional services that we have come to expect from health centres—the provision of practice nurses, chiropody and so on. Those are not provided in Greater London, as they are in other parts of the country. The training of staff to provide those services is not being achieved in Greater London, partly because of the number of single-handed practices, and partly because of a lack of commitment to maintaining staff of the highest standard.

The professional development of GPs is a further issue. Many single-handed GP practices in London are run by elderly general practitioners, many of whom have never had to update their skills and are still practising as though the health service was still in the 1950s and 1960s, rather than going into the 21st century.

The provision of proper primary care in the most deprived areas has been a particular problem. The difficulty of attracting GPs to deprived areas was partially addressed by the Government in 1998, when they made available £25 million for additional deprivation payments. I welcome that, but there are continuing doubts. It is clear in London and other parts of the country that deprived areas face significantly greater problems in attracting staff.

I recognise that a salaried general practitioner scheme may overcome some of those problems, but we must find ways of attracting GPs to work in those areas. The way in which the payments scheme operates is not to the advantage of the service. There seems to be some confusion about whether the payment is for additional work load, for providing additional time for the patient, or to attract staff into less attractive areas.

I urge my hon. Friend the Minister to re-examine the deprivation payments scheme, to see whether there is anything further that the Government can do to ensure that our most deprived areas—those that have been the focus of the recent report entitled "A National Strategy for Neighbourhood Renewal"—will be able to offer a level of service comparable with that available in other parts of the country.

Finally, I hope that the spending review will address the balance of funding between primary care and the acute sector. Tomlinson got it entirely wrong by suggesting that resources should be shifted across the two. With the additional resources that are to be made available, there is an opportunity to provide an adequate level of funding for primary care. If we do that, we may create a health service in London that meets the real needs of its people.

11.58 am

Mr. Paul Burstow (Sutton and Cheam): I congratulate my hon. Friend the Member for Richmond Park (Dr. Tonge) on securing the debate. It is a timely debate, following on, as others have pointed out, from a debate in Government time about a year ago. From the contributions that we have heard today, it is clear that it would be valuable if there were a further debate in Government time, so that more hon. Members—London Members in particular, but others, too—could contribute.

Speeches have reflected a range of constituents' experiences and the concerns of professionals in the health service. As the hon. Member for Uxbridge (Mr. Randall) rightly said, in our mail bags we receive and pass on many brick bats; we receive fewer bouquets. However, much of what the national health service does in London and elsewhere is excellent and needs encouragement, promotion and further development.

My hon. Friend the Member for Richmond Park has raised several important issues. I want to mention some, and develop a couple of other themes that emerged from the debate. She was right to mention the huge health inequalities that exist in London and the litany of reports that have identified the strong relationship between poverty, deprivation and poor health, and the need to do more.

My hon. Friend was right to highlight bad practice and corner cutting, as she put it, that is caused by an obsession with bed occupancy rates. The fixation with bed occupancy statistics, and efforts to concentrate on conditions rather than the person as whole, can lead to lack of attention to detail in the care of an individual, often at the expense of that person's dignity and overall care.

My hon. Friend identified another problem, which applies to my constituency. She spoke of change that is not about investment in services, which the hon. Member for Brent, North (Mr. Gardiner) rightly

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described and welcomed, but organisational change. The NHS appears to be in perpetual revolution. It perpetually changes its organisation and management structures, not always with the outcomes trumpeted by the Ministers who initiated them. The primary care groups and primary health teams in the latest review are useful to drive primary care, but I am worried about the lack of integration of health, especially primary care, with social care. In my constituency, there is a lack of coterminosity between primary care groups and social services departments. That could get worse.

My hon. Friend said that she was making a Back-Bench speech. She made a typically forthright speech and raised many issues that will continue to be debated in this place and outside for some time. She was especially right to consider staff vacancy rates. It is important to acknowledge that capacity is vital in dealing with many anxieties that are raised with us in our constituencies. We have only to consider the legacy of staffing in the NHS to appreciate that the problems with which the Government grapple did not necessarily begin on 1 May 1997. They were long in their manufacture under the previous Government's tenure. We have only to consider the age profile of many staff, especially nurses, to realise that the current problems are not likely to be solved for some time. Many staff are approaching the end of their time in nursing. We must acknowledge that when considering the resources for tackling vacancy problems.

London suffers from the most acute staff shortages in professions allied to medicine and in nursing. One in three of the 15,000 vacancies throughout England are in London. The three-month vacancy figures for nurses and midwives show 2.6 per cent. in England and 5.1 per cent. in London. The figure in my health authority is 4.9 per cent; in my local Epsom and St. Helier trust, it is 6 per cent. Managers are grappling with genuine problems. They have to go ever further afield. Reports in the *Evening Standard* show that they look not only further afield in this country, but abroad to try to find additional staff to plug the gaps.

The hon. Member for Harrow, West (Mr. Thomas) mentioned the need to invest in intensive care services. I agree, but we must acknowledge that there was intense pressure on intensive care beds in London last winter and that that was caused, at least partly, by staffing problems. There are 20 per cent. vacancies in intensive care units in London. The problem is therefore not simply one of beds and units. However, the hon. Gentleman was right to point to the need for investment in such services in outer London.

The problem of vacancies is caused partly by the fact that people are being priced out of London. That applies to public sector workers generally, and especially NHS staff. In the past year, house prices have increased in London by 23 per cent. It is a harsh reality that a newly qualified nurse, who earns approximately £17,000, cannot get on the property ladder. As my hon. Friend the Member for Richmond Park rightly said, our benefits system makes it difficult even to get into the rented sector.

I want to address two other issues briefly. First, I want to speak about neurology, another Cinderella service which needs some attention in London. I understand that a review is currently taking place. I hope that it will shed light on the way in which the services might be developed in future. Specialist services have suffered through reorganisation and fragmentation. It is therefore important to consider the way in which we can tackle that.

Probably more than one in 30 people in London are affected by neurological conditions. There is only one neurologist per 200,000 people in the United Kingdom. I suspect that the position may be worse in London. There are not enough neurologists to fulfil demand. I undertook a survey earlier this year and found that the average wait for a first appointment with a neurologist was 19 weeks. The longest waits were 23 weeks. That is unacceptable when trying to map out the necessary care pathways to provide support, care and attention. Indeed, in this country, patients who sustain a head injury or stroke have half as much chance of waking with a neurologist or a neurosurgeon at the bottom of the bed than anywhere else in the developed world. That is an unacceptable measure of our position as a country.

Many neurological conditions leave people feeling marginalised and left to navigate their own way through the care system. Early diagnosis is vital; it leads to a better prognosis. Clear care pathways and counselling are often the key to many neurological conditions. Greater co-ordination of service providers and a multidisciplinary approach are essential. I hope that the Government will consider developing not only the strategy that is being worked on in London, but the need to provide a national service framework to develop neurological services.

Secondly, I want to speak about communicable disease, to which the hon. Member for Brent, North and my hon. Friend the Member for Richmond Park referred. I shall concentrate on mumps, measles and rubella, and tuberculosis. There is a strong correlation—although the hon. Member for Brent, North cited some evidence to contradict it—between deprivation, low immunisation levels and outbreaks. That is not surprising when we take into account that 11 out of the 20 poorest boroughs in England are in London.

Let us consider TB first because mortality rates in London are a serious problem. Incidence of TB in London is 80 per cent. above the national average. Incidence is concentrated in some of the most deprived parts of London. The hon. Member for Brent, North identified other reasons why it is a problem in Brent. There is also a serious problem in east London. The incidence in east London is six times the national average. The hon. Member for Uxbridge is right to draw attention to the backlog of BCG vaccinations and the potential problems that that could cause, for example, a future increase in TB.

The recommended level of immunisation to avoid outbreaks of mumps, measles and rubella is 95 per cent. In the United Kingdom, take-up is 88 per cent; in London, it is 80 per cent. However, like any average, that figure hides wide variations. In some parts of London, the figure is as low as 71 per cent. Outbreaks occurred in east London last year. They were not major or life threatening, but they are a serious cause for concern when we consider that serious outbreaks

occurred in the Netherlands, where immunisation levels are too low. Consequently, the more fatal elements of the condition were reached.

We need a concerted campaign to increase immunisation. Even if poverty is not the cause of outbreaks, low immunisation is a major reason for the increase in outbreaks. We need to consider carefully what immunisation levels in London mean for outbreaks in the next five to 10 years and ensure that we put that right now.

This debate has been a useful taster of the fuller debate that I hope will be allowed in Government time because many issues need to be discussed, including high-tech investment, about which hon. Members have spoken, and the need to deal with the detailed care of individuals. As my hon. Friend the Member for Richmond Park has said, the statistics on health inequalities in London are striking. Those inequalities need to be acknowledged in allocating resources and using existing resources more effectively, which means considering how to improve capacity without losing sight of Cinderella services, such as neurology. We must ensure that we drive home the message about immunisation and the links with poverty and communicable diseases so that health in London is as good as anywhere else in the country.

12.10 pm

Mr. Philip Hammond (Runnymede and Weybridge): I apologise to hon. Members for my late arrival. I had not realised until today that debates in Westminster Hall could start before the allotted hour. I, too, congratulate the hon. Member for Richmond Park (Dr. Tonge) on securing the debate. She seemed to be slightly torn between the temptation to attack the current Government and the temptation to attack the previous Government, so she had a go at both, safe in the knowledge that the party that she represents is unlikely to be burdened with that responsibility.

We have had a good debate, and hon. Members have made some important and interesting points, to which the Minister will want to respond. London is different. London's size, population density, ethnicity mix, social problems and environmental characteristics provide a specific backdrop to its health agenda. Many of the issues that hon. Members have raised reflect the more general problems of the NHS across London.

The hon. Member for Edmonton (Mr. Love) made the point, which I am fond of making, that we as politicians are guilty of a tendency to focus on hospitals and acute services, yet primary care and community services represent the routine point of contact with the NHS for the great majority of people. A health agenda that works for Londoners must address the inadequacies in those services and provide people in the heart of the capital with the same quality of primary and community services that those who live on its periphery and in the surrounding suburbs have come to expect. Until the primary care tier is right, the secondary sector will always struggle to do its job properly against a background of inappropriate referrals and self-referrals to hospitals.

The hon. Member for Richmond Park referred to the huge additional burdens that the influx of asylum seekers have put on health services in London. That is an example of the specific problems that London faces. The incidence of TB is soaring. One estimate suggests that TB could have increased by 80 per cent. in 1999 alone, which inevitably imposes a huge burden on the service. There are other pressures, including HIV. A third of all HIV suffers in the United Kingdom live in London. The number in south-east London alone has increased by a third in the past two years, yet, for example, the genito-urinary medicine clinics at Guy's and St. Thomas's are forced to shut their doors once they have seen 100 patients because of the lack of resources. Facilities are not being used to address the urgent problems that face the capital.

Substance misuse and mental illness are particular problems in London, as hon. Members have said. Those problems affect twice as many male London residents compared with the United Kingdom average. Health authorities in London are inadequately resourced to deal with those specific problems, often with the result that improvements in basic health services for Londoners are not taking place as fast as in other parts of the country or as fast as necessary.

I am very concerned that the consensus by which the NHS prospers and has worked for the past 50 years will start to break down if what I shall typify as the ordinary working Londoner finds that the health services cannot deliver for him and his family, that the accident and emergency department cannot respond when his child needs it and that the family health services are not there for him and his family when they need them because of the extraordinary burdens that face the health care system in London. In addressing the specific needs involved in mental illness, HIV, sexually transmitted diseases, TB and so on, it is important that we do not lose sight of the fact that we have to preserve that consensus by providing appropriate services across the board.

Outer London has some of the longest A and E waiting times and, on average, London as a whole has longer waiting times than the rest of the United Kingdom. That is linked to the problems of staff recruitment and retention. Some London trusts are 30 per cent. under establishment in nurses and are surviving only by using agency and bank staff.

The hon. Member for Richmond Park described the problems facing student nurses on bursaries. I have seen examples of such problems in my constituency, where house prices are almost as high as in hers. That urgent problem needs to be addressed. I do not pretend to have an instant or easy answer, but it is vital that it is resolved so that the health service in London has a future.

The hon. Lady also dealt with bed-occupancy rates—obviously, a critical issue given the rising number of hospital-acquired infections, yet the Government are still closing beds. According to *The Sunday Times* last Sunday, that has led to scenes of third-world chaos and squalor at a major teaching hospital in London.

On the eve of the election, the Government's slogan was "24 hours to save the NHS". Now that they are in office, they seem to be slightly less pressured by time. In response to the Turnberg report, the then Secretary of State, the right hon. Member for Holborn and St. Pancras (Mr. Dobson) said that it would take 10 years to improve London's health services, but, in the meantime, the NHS is still failing Londoners too often. Deficits are piling up in health authorities and trusts.

[Mr. Philip Hammond]

The Government promised a moratorium on hospital closures, but, after their three years in office, the axe still hangs over several London hospitals and beds are whittled away in others. Other hospitals have gone. Bart's—which was supposedly saved for the community and which, we were told, would focus on cancer and cardiac services—will not be a general hospital serving the local population, but a specialist unit. To all intents and purposes, for local people, Bart's has closed—a triumph of spin over substance and another broken election pledge.

The Harold Wood hospital scheme has been scrapped. The Havering hospitals NHS trust has now conceded that the new Oldchurch hospital will not be completed before the autumn of 2005, and people close to that situation believe that 2007 is a more accurate estimate. A further 200 beds have been cut from the planned number at the Royal London hospital development and the split-site solution has been chosen. Senior consultants have condemned that decision as a "dangerous" political fix, which presents a "serious risk" to patients.

The hon. Member for Richmond Park has spoken about the situation at Queen Mary's hospital, Roehampton. Ambulance response times there were only 26 per cent. compliant with the Government's target, which had knock-on effects in maternity and A and E services across west London. Services at the Royal Free, Whittington and other hospitals are facing continued threats and uncertainty.

What of the future? The fact that London has an elected Assembly and an elected mayor has not been mentioned. They are bound to want to have a say in the health agenda for London. Across the country, political interference and attempts by politicians to micro-manage the health agenda have been part of the problem, not of the solution. I hope that the Minister will reassure us that the NHS in London will not be turned into even more of a political football when the clash of titans takes place as the mayor gets into his stride.

The Minister needs to tell us that the extra money that will be made available to London during the next three or four years will reach the health authorities and can be used to improve primary and secondary services so that ordinary, hard-working Londoners can be confident that the NHS in London will be there for them when they and their families need it. After all the other extraordinary pressures that are specific to London have been dealt with, the ordinary people of London must find that the services that they need exist so that the consensus that is essential for the NHS to survive and prosper in the 21st century can be rebuilt.

12.20 pm

The Parliamentary Under-Secretary of State for Health (Ms Gisela Stuart): I congratulate the hon. Member for Richmond Park (Dr. Tonge) on securing this timely and useful debate. Up until the last 10 minutes, I thought that it was specific to London, and I wish that I had more time to respond to the points that she raised. I realise how busy she has been this morning, as I saw her taking part in the earlier debate on Christians in Egypt. Her concerns go well beyond her constituency.

I shall deal with the specific points before coming to the more general aspects. Consultation is part of the national development plan. Some people have said please, no more change, and others have said that they want more change. I think that we need both. We need continual change, but it must be part of a much wider, strategic framework.

The hon. Lady referred to bed occupancy rates. I am aware that there have been problems with bed occupancy in hospitals in her constituency. However, I understand that they have now been alleviated. Kingston hospital has 30 more acute beds than it had last year, and the provision of mental health beds at Queen Mary's University hospital in Roehampton has improved because alternative provision and arrangements have been made at Tolworth hospital.

I was grateful that my hon. Friend the Member for Harrow, West (Mr. Thomas) recognised the improvements that have been made, but he highlighted the issue of intensive care beds, especially in Northwick Park hospital. I understand that he has a meeting tomorrow with the regional director of the NHS executive in London. I hope that he will have a successful exchange of ideas.

The hon. Member for Uxbridge (Mr. Randall) was concerned about whether consultations in this area are real consultations. I point out that the Mount Vernon hospital accident and emergency department was closed under the previous Government. We must not lose sight of the past. Closing accident and emergency departments is not a significant characteristic of this Government: we are concerned with the provision of services. The consultation process can sometimes be unsettling for communities. We seek certainty, but the very process of consultation involves a period of uncertainty until decisions are made.

Many hon. Members raised the subject of tuberculosis and the TB vaccine. We are fully aware of the problems. The Government are in discussion with the manufacturers about the national shortage of vaccine. I assure hon. Members that the Government have made sure that the available vaccine goes to the children who are most at risk. In London, where this is a specific problem, the Thames regional directors of public health in 1998 published "A strategy for tuberculosis control in London: a need for change". As a result of that, a taskforce was set up in consultation with multidisciplinary agencies. We are piloting a TB register in London, and we shall soon have some of the results of that scheme.

My hon. Friend the Member for Brent, North (Mr. Gardiner) reminded us of the disgraceful manoeuvring in relation to Edgware hospital, which made a revision of the plan impossible when we came into government. He raised valid concerns about breast screening in his constituency. I am fully aware of the number of parliamentary questions that he has tabled on that issue. If he would find it helpful, I should be happy to facilitate a meeting with Ministers to discuss the matter further.

My hon. Friend the Member for Edmonton (Mr. Love) expressed his concerns about funding for primary care. He explained the problems faced in many parts of the country, especially in big cities. As a Birmingham MP, I recognise some of the problems that

he referred to, but not on quite the scale that people face in London. Considerable extra funding is going into the primary care sector, not least the £10 million additional funding in 2000-01 that has been targeted on improving primary care premises in London. I am sure that my hon. Friend welcomes the opening of the walk-in centre in Tottenham and Edmonton on 31 July.

The hon. Member for Sutton and Cheam (Mr. Burstow) referred to the problem of boundaries, which is almost insoluble. There will always be overlapping boundaries: there is no perfect solution. It is important in the establishment of primary care groups and subsequent primary care trusts that the configurations we end up with have a natural dynamic. Communities should have cohesion. Sometimes boundaries will be concurrent, but in other places they will not be. Where there are overlapping boundaries, especially between health authorities and social services, we want provisions to be put in place that will overcome the problem.

Like all of us, the hon. Member for Runnymede and Weybridge (Mr. Hammond) learned something new today. I hope that he welcomes that learning opportunity. We welcome such developments in the national health service. I must challenge his notion that the problems are due to inadequate resourcing. He rightly said that we need a national consensus for a national health service. If there is one party that is committed to a national consensus for a national health service out of taxation it is the Labour party. We do not think that private insurance is the way forward.

To come back to the overall problems, what the debate showed is that London contains an extremely diverse community. It does not have a static population: some 7 million people live in London, but 25 million tourists visit the city, some 670,000 commuters come into London to work and almost a million people travel into the city centre every day. It has great diversity, including some of the most deprived areas and some of the most affluent. It has extraordinary nationally and internationally recognised medical expertise, and some examples of the worst practice.

That is why one of the first things we did when we came into government was to establish the Turnberg review, which was an independent investigation into the needs of London. We also set up the NHS executive's London office. The Turnberg review reported in seven months, and the Government accepted all its recommendations. It is important in the London context that all the agencies work together.

Hon. Members raised the issue of mental health. It is important to remember that on 11 April the Minister of State, Department of Health, my hon. Friend the Member for Barrow and Furness (Mr. Hutton), launched "Mental Health in London: A Strategy for Action", which was developed jointly by the NHS executive and the social care regions. As the hon. Member for Richmond Park said, health and social care services must be delivered coherently.

These strategies are underpinned by increases in resources and the provision of new services. It is no accident that, of the 36 walk-in centres, a quarter are in London. The new services of NHS Direct will be available for the whole of London by 31 October. The Soho walk-in centre is important because it is a local health service centre that includes the Chinese national healthy living centre. That is a recognition of the ethnic diversity of London.

The funding that has gone into London has been unprecedented. There has been huge capital investment of £3.5 billion in a building programme, and there is year-on-year recurrent investment that is not used to pay off debts, as has been suggested. We expect any institution, whether it is a hospital or a trust, to finance its services coherently. In London, new moneys are certainly not being used to repay old debts. They are used to address the shortcomings in services, and to reconfigure services so as to provide a better service for everyone in London.

Focus is being put on health action zones working together with the new London mayor to provide a much healthier environment for people in London. We have recognised the need for strategic input, for extra money and for extra help for the training and retention of nurses. We are confident that we will put those policies in place.

Industrial Deafness

12.29 pm

Mr. Martin Salter (Reading, West): I welcome the opportunity to bring the case of my constituent, Mr. James Fryer, of Purley in Reading, to the attention of the Chamber. Sadly, due to ill health, Mr. Fryer cannot be here to witness the results of his four-year struggle to obtain industrial injuries disablement benefit. However, it is obvious to me that there is a clear case for the legislation surrounding the IIDB qualifying criteria to be reviewed by the Government.

I want briefly to outline the history of my constituent's case. As my hon. Friend the Minister and hon. Members will know, to qualify for IIDB the claimant must have worked in a prescribed occupation and the claim must be made within five years of having worked in that employment. For 34 years, Mr. Fryer worked with power presses at Waymaster Ltd. in Reading. However, unfortunately for him, and for some bizarre reason, power presses are not listed in the Department of Social Security guidelines and the occupation is not prescribed.

Mr. Fryer has suffered hearing loss as a result of his employment. That has been supported by subsequent medical reports. He made his claim for IIDB in 1996 and was refused in the same year in which the social security tribunal upheld the idea that the use of a power press did not constitute the use of a prescribed tool in a prescribed occupation. The nub of that argument is that power presses somehow make only background industrial noise. Anybody who has spent time on the shop floor and has seen such a press in operation will know that the very last thing that a power press makes is background industrial noise. It makes a considerable noise, and 34 years' work in the industry is likely to have some effect on a person's hearing. I should know; I was born right next to Heathrow airport, which is one reason why I have to shout a lot.

It is worth quoting the DSS tribunal hearing of 3 November 1996. Giving the grounds for his appeal, Mr. Fryer states:

> If you read the first paragraph of NI 207 you will find that Industrial Injuries Disablement Benefit was introduced to help the very people like myself. That is the first and foremost reason of its existence.
>
> Secondly I do not believe there are two kinds of industrial deafness and I don't think the members of a tribunal will either, but if you can prove me wrong would you please put it in writing so that I might forward your statement to Mr. Hayworth, the hearing consultant at the Royal Berkshire Hospital, so he does not unknowingly mislead other people into thinking that they are industrially deaf when in fact, according to your rules, they are not.

A senior consultant at a well-respected hospital is advising constituents of mine that they qualify for that benefit when, because of a vagary in the rules, they do not.

Although I could continue at length, I am aware of the time constraints. However, I must quote the adjudicating officer's statement:

> Mr Fryer is claiming that his deafness has been caused by working with power presses. In his letter of 23/4/1996 Mr Fryer states his deafness has been caused by working for 34 years with power presses and "for the rules to exclude power presses is very wrong".
>
> As Mr Fryer has not worked with any of the prescribed tools or in any of the prescribed occupations in the five years prior to his date of claim the decision at box 1 was given.

Unfortunately, that decision was to deny Mr. Fryer IIDB. It is ridiculous that we have such time-limited criteria. Even though someone worked in an industry for 25 or 30 years—34 years in the case of my constituent—and because of the five-year gap before the hearing impediment became such that he felt able to lodge a claim, Mr. Fryer is somehow ineligible. Somehow, 34 years' work in heavy engineering counts for nothing under the rules.

In my three years as a Member, I have made a number of representations about Mr. Fryer to Ministers in both Houses. Although the responses have helpfully set out the legislation surrounding the qualifying criteria for IIDB, unfortunately the law offers my constituent little hope of obtaining a benefit that was established in 1974—in his eyes and mine and, I would suggest, in the eyes of Parliament at that time—to cater for people such as Mr. Fryer.

I have had copious correspondence with Ministers, which has been useful but not productive. A letter from Baroness Hollis of Heigham states:

> You also expressed concern about the fact that Mr. Fryer's occupation is not on the list of prescribed occupations for which industrial injuries disablement benefit in respect of deafness can be paid. A disease may only be prescribed as an industrial disease if it can be treated as a risk of occupation and not as a risk common to all people and where, in particular cases, the occupational link can be established or presumed with reasonable certainty.

Apart from the fact that that statement makes absolutely no sense whatever, it defies logic to suggest that members of the general public wander in and out of engineering shops, exposing themselves to noise caused by power presses. That is the implication of what the Minister wrote.

My gripe is not with the treatment that my constituent has received from the Government, but with the inflexibility of the IIDB qualifying criteria. I call on the Government to relax the criteria for those who have suffered hearing loss or impairment as a result of their employment. I understand that the Industrial Injuries Advisory Council keeps under review literature that relates to hearing loss at work. That fine, independent body then reports to the Secretary of State for Social Security and advises him or her accordingly. I put it to my hon. Friend the Minister that there is a case for reviewing the way in which the scientific evidence is used in this area.

Perhaps my hon. Friend can advise me whether the Government have any plans to establish a group to look more deeply into the problem. I want to hear from him today whether there will be a full review of the criteria surrounding industrial deafness and the prescribed occupations. I am aware that being able accurately to assess the nature of a claimant's hearing loss after the statutory five-year period is a problem for Ministers, but I hope that they will look again at the nature of the employment that perhaps led to the hearing difficulties in the first place.

I draw to the Chamber's attention the results of "Indecent Exposure", a joint report on noise at work by the Royal National Institute for Deaf People and the Trades Union Congress that was published in March last year. I congratulate both bodies on their fine work

in researching excessive noise in the workplace. I am sure that, like me, hon. Members will be concerned to learn that current Health and Safety Executive figures suggest that at least 1.3 million employees are exposed to noise levels above 85 decibels—the point at which noise affects hearing and can affect it in the long term.

The connection between hearing loss and excessive noise is certainly not one that any self-respecting scientist or doctor would dispute. Clearly, the Government have done much to improve working conditions for millions of employees throughout the country. However, it seems clear that improvement is still lacking in this area and, despite various regulations and Acts of Parliament, industrial deafness still is not treated as seriously in the workplace as its consequences demand.

The report "Indecent Exposure" discovered that nearly a quarter of all respondents to the RNIDP-TUC survey reported listening to uncomfortably loud sounds for more than four hours a day. Almost one in five construction workers, more than one in 10 workers in the manufacturing sector and those working on oil rigs reported being exposed to uncomfortably loud sound for more than eight hours a day. A third of respondents said that work tasks left them with dullness of hearing—in 16 per cent. of cases, the dullness was continuous—and 20 per cent. reported that work tasks left them with ringing or rushing noises in their ears or head lasting more than five minutes.

Just as worrying is the fact that nearly half the respondents said that they were concerned that noise levels at work were affecting their hearing. However, only a quarter had raised their concern with someone and only two thirds had approached their employer. I endorse the noise at work campaign, which called for a number of improvements in the regulatory regime, such as:

> more research into the dangers of noise in industries where the risks are not understood, or acted on . . . employers to meet their legal obligations under the Noise at Work Regulations 1989, reducing the risk of noise damage in the workplace; employees to be aware of the potential risks to their hearing from working in noisy environments, to wear appropriate ear protectors when provided and to inform and work with the employers to reduce noise risk; and greater awareness of the cumulative effects of noise damage—both from the workplace and from leisure activities—which increase the risk of hearing damage and tinnitus.

Those are very worrying figures, which should concern us all, particularly those of us who represent the few places in the country where there is still heavy industry, and manufacturing industry at that. To that end, I urge the Minister to re-examine the law surrounding the criteria for prescribed occupations with a view to offering my constituent some recompense.

I urge the Government to commission a report into noise levels in the workplace and their health implications, and to do more to encourage enforcement of existing noise regulations. I ask them to encourage employers and employees to foster a more ear-friendly culture in the workplace, especially through enforcement of the Noise at Work Regulations 1989.

12.41 pm

The Parliamentary Under-Secretary of State for Social Security (Mr. Hugh Bayley): I congratulate my hon. Friend the Member for Reading, West (Mr. Salter) on raising the important issue of occupational deafness. I sympathise with the difficulties that his constituent has experienced. I pay tribute to my hon. Friend for the persistent way in which he has pursued Mr. Fryer's case. He has proved again that he is an exemplary Member of Parliament speaking up for his constituents.

Before I respond to my hon. Friend's points, it may be helpful if I give some background information about occupational deafness and the industrial injuries benefit scheme. Occupational deafness became one of the prescribed diseases for industrial injuries disablement benefit in 1974. To qualify for industrial injuries disablement benefit on the ground of occupational deafness, a person must have worked in one or more of the prescribed occupations for an aggregate period of at least 10 years. The person must then claim benefit within five years of leaving the occupation that caused the hearing loss.

The person will be tested to see if he has an average hearing loss of at least 50 decibels in both ears due to damage in the inner ear. In at least one ear, that must be owing to noise at work. To get benefit for occupational deafness, the person's disablement must be 20 per cent. or more.

As hon. Members may be aware, the Industrial Injuries Advisory Council is an independent statutory body which provides advice to the Secretary of State for Social Security. The advisory council consists of a chairman and 16 members. There is an equal number of representatives of employers, appointed by the Confederation of British Industry, and employed earners, appointed by the TUC. The remaining members come largely from medical backgrounds connected with occupational diseases.

The advisory council advises the Secretary of State on the prescription of industrial diseases, on legislation and on the industrial injuries benefit scheme itself. When the advisory council prescribed occupational deafness as a disease in 1974, it considered that the prescription should cover those most at risk of substantial, work-related hearing loss.

The advisory council recommended that there should be four qualifying conditions. Those related to, first, the level of hearing loss; secondly, the occupations; thirdly, the length of exposure to noise; and, fourthly, the time limit for claiming benefit. The advisory council can recommend prescription only where there is good scientific and epidemiological evidence of a link between the disease and the occupation. Since 1974, the provisions for occupational deafness have been extended in line with further recommendations from the advisory council in 1979, 1983 and 1994.

My hon. Friend asks whether there will be a full review of those issues. I confirm that a review of occupational deafness is taking place. I will return to that later. First, I should like to comment, as far as I can, on the issues raised in relation to Mr. Fryer's case.

As my hon. Friend will be aware, Ministers cannot become involved in individual claims for benefit. Claims for benefit are entirely a matter for Benefits Agency decision-makers or, before July last year, adjudication officers. When they are contested, the claimant has the right to ask a social security appeal tribunal to hear the case. The tribunal, which is independent of the DSS—

[Mr. Hugh Bayley]

tribunals are accountable to a judge, not to the Department or to Ministers—can overturn the adjudication officer's decision.

The tribunal has the status of a court of law and a Minister cannot ignore or overturn its decision. Therefore, it would not be right for me to enter into a detailed discussion of the decisions on Mr. Fryer's claim. However, in his case, I understand that there are two main issues of concern. The first issue relates to time limits and the second relates to the types of job listed as a prescribed occupation.

In 1983, the advisory council recommended that the time limit for claiming benefit should be extended from one year to five years. The Government agreed with that recommendation. The time limit was set at five years and not longer to ensure that occupational deafness is linked to a prescribed occupation and is not due to subsequent environmental or natural causes, or simply the ageing process.

Mr. Salter: Does the Minister accept that, although there may be a case for a time limit to avoid fraudulent claims, my constituent worked on the same piece of machinery for 34 years? Does that not indicate that his industrial deafness is unlikely to have been caused by anything in the five and a half years that passed between his leaving that employment and his registering a claim? It is the fact that he is out of time that caused the problem in the first place.

Mr. Bayley: Under the earlier rules, there was a one-year, rather than a five-year, time limit. A time limit is necessary because the longer a person waits before making a claim, the greater the probability that some factor other than noise at his former workplace injured his hearing.

I hope that my hon. Friend accepts that a time limit is needed, even if he feels that the five-year period is too short. However, if we have a time limit of any kind, there will always be the chance that someone will apply just beyond the time limit—just too late for his or her claim to succeed. The decision to extend the time limit from one year to five did, of course, improve the rights of a claimant.

The second issue, on which my hon. Friend dwelt most, related to the prescribed occupations for industrial deafness. More than 20 types of job are prescribed for occupational deafness. The jobs range from those using continuous glass-toughening furnaces, to work in ships' engine rooms, the use of band saws for cutting metal in the metal founding or forging industries and certain work on gas turbines.

Mr. Fryer argues that his deafness was caused by operating power presses, with which he worked five years before his claim for IIDB, and that his former occupation should be prescribed. Of course, his claim had to be determined on the basis of the law at the time. The tribunal has determined that, on the basis of the law at the time, he did not qualify for the benefit. However, I will try to respond to his argument.

The Government's decision on what to treat as a prescribed occupation is informed by the expert advice that we receive from the advisory council. As I have said, the advisory council is looking at the whole issue of occupational deafness.

In August 1998, the advisory council issued a consultation paper entitled "Occupational Coverage For Occupational Deafness." The paper invited evidence and views about the occupations already listed and about those not listed but which evidence suggests should be considered for inclusion. The paper also invited evidence and views about whether the approach to occupational coverage should be reconsidered.

The advisory council set up a group called the occupational deafness working group, whose job is to take forward the examination of occupational deafness. The working group is examining all the evidence that it has received, and is preparing a draft report for consideration by the full advisory council later this year.

The advisory council would recommend prescribing an occupation that used certain tools and machinery only if there was strong and sound scientific evidence that that occupation carried a generally much higher risk of occupational deafness.

Mr. Salter: Are power presses being considered as an additional category in this welcome consultation?

Mr. Bayley: I am afraid that I cannot answer that question, because I have not reviewed the evidence. The working group is reviewing it, however, and when it reaches conclusions it will submit them to the advisory council. If my hon. Friend writes to me with full details of the type of power presses on which Mr. Fryer worked during the five years before he made his claim, I will pass them to the council. I should point out, however, that even if the council supported Mr. Fryer's view, that would not alter the decision in his case, which would still have to be based on the law as it stood at the time of his claim.

Mr. Salter: I must make it clear that I have explained to my constituent—as, I am sure, all hon. Members do in similar circumstances—that, however vigorously we pursue such cases, we cannot expect retrospective legislation, much as we would like it. It is extremely rare for a Parliament in any western democracy to countenance retrospective legislation.

What we want—what I want, certainly—is an assurance that there will be no repeat of the injustice that I believe Mr. Fryer has experienced. We must close any loopholes in the legislation and the regulations to ensure that such episodes do not occur again, and that other hon. Members are not here in five or 10 years presenting exactly the same arguments to my hon. Friend's successor.

Mr. Bayley: I thank my hon. Friend for explaining to his constituent why the rules of Parliament do not allow legislation to be made retrospectively. I accept that his constituent feels strongly that the type of tool with which he was working should be prescribed. As I said, if he gives me full details of the type of power press that was involved, I will pass them on to the advisory council.

When the council has fully examined the issues, it will produce a report setting out its conclusions and any recommendations for the Secretary of State to consider. I understand that it hopes to publish the report later this year or early next year, and I assure hon. Members that the Government will consider carefully any further advice that it may provide.

Employees who suffer hearing damage as a result of exposure to excessive noise at work may be able to obtain compensation from their employers under common law, on the ground of the employers' negligence. The fact that someone does not qualify for industrial injuries disablement benefit does not prevent that person from pursuing a claim for compensation against his or her employer.

Mr. Salter: It would be difficult for my constituent to pursue Waymaster Ltd under common law, because it has gone out of business. What would my hon. Friend advise?

Mr. Bayley: I am afraid that I cannot advise on an individual case without knowing all the circumstances. I can only advise on the law.

The Government believe that noise-induced hearing loss caused by work is a serious and significant occupational health problem. As my hon. Friend said, exposure levels for many workers remain considerable: the Health and Safety Executive estimates that more than 1.25 million people in nearly 90,000 workplaces continue to be exposed to noise levels that could damage their hearing. There is no excuse for anyone's hearing to be impaired owing to loud noise at work. There is long-standing legislation requiring employers and manufacturers to address the problem, and to make noisy machinery quieter. The Noise at Work Regulations 1989 are the mainstay of the regime. They require employers to reduce risks from noise to the lowest reasonably practicable level, and to take specific actions in the case of certain noise levels to protect employees' hearing.

The Health and Safety Executive has produced a range of guidance to help employers and others to comply with their statutory duties. It has also developed a new long-term strategy on noise at work. It will promote more effective control of exposure to noise on the part of employers by encouraging the introduction of quieter machinery and processes. It will also promote the effective use of purchasing policies, the application of noise control measures and, when noise levels cannot be reduced, the correct use of ear protection. Employees have responsibilities to protect themselves by complying with notices and wearing ear protection.

The Government consider that wide-ranging provision is currently made for sufferers from deafness in the industrial injuries scheme when the disease has an occupational cause. There must be rules governing the payment of benefit, and inevitably there will be individual cases that are not covered by those rules. I am confident that there is a reliable and independent way for changes to be recommended to the Secretary of State, through the advisory council, when new scientific evidence about occupational deafness comes to light. As I have said, the council is currently conducting a review. I cannot predict its recommendations, but when its report is published I shall ensure that my hon. Friend receives a copy. I also assure him that, when the Government receive the report, we shall consider its recommendations carefully.

Mr. Deputy Speaker (Mr. John McWilliam): I know that a green light is flashing on the Annunciator, but as a Division could not be taking place anywhere other than here, and as a Division cannot take place here anyway, I suggest that hon. Members ignore it.

Drink Driving

12.57 pm

Mrs. Angela Browning (Tiverton and Honiton): I am raising this subject because of the case of Charis Yeoman, who was a constituent of mine.

Charis was a 20-year-old student nurse. She was killed in 1997. While driving her car on a dual carriageway, she was hit by a driver who in the previous six hours had consumed six pints of beer and 10 measures of spirits, and then driven down the Tiverton link road to prove that he could do it in record time. For therapeutic medical purposes, a blood sample was taken from the driver after he had been taken unconscious to casualty, but it could not be used as evidence in court because the criminal concerned had not given permission, and would not give permission, for it to be so used.

In Charis's case, the police were fortunate in being able to track down the pub where the drinking had taken place. It was a busy bank holiday, and the publican did not volunteer to the police the fact that the individual concerned had drunk to such excess on his premises. Luckily, because it was a busy day, there were enough witnesses, including one who was able to specify to police the excessive amount that the man had drunk.

The point I am making is that, in bringing the prosecution, the police could not rely on the evidence provided by a blood test. That could also have happened when there were no key witnesses to bring a prosecution at all.

Charis Yeoman's case is not unique. We know that there are other such cases elsewhere in the country. In a letter written to me in 1998, Assistant Commissioner Paul Manning of the Association of Chief Police Officers referred me to the 1989 White Paper "The Road User and the Law". Although attitudes to drink driving have changed dramatically in recent years, the same problems still exist. The purpose of this debate is to seek Home Office Ministers' support for changing the law so that natural justice can prevail in such cases. Justice is not well served as the law now stands.

In 1998, I had a meeting with the Minister then responsible for these matters, the right hon. Member for Cardiff, South and Penarth (Mr. Michael). When the right hon. Gentleman changed Departments, his successor as Minister of State at the Home Office, the right hon. Member for Brent, South (Mr. Boateng), wrote to me, stating:

> The Government is sympathetic to the principle that an offender should not evade conviction for the very serious offence of drink driving, and we would be willing to consider possible improvements to present legislation.

Much time has elapsed since I had those meetings with Ministers. That is because I had to do more research into the matter and, more pertinently, I discovered that the Kent constabulary was preparing a detailed paper on this and other issues to do with testing and breathalysing people. However, I wish to focus today on the law covering blood tests in drink-driving cases.

I have held meetings and corresponded with a range of people and bodies, including the Association of Chief Police Officers, the British Medical Association, the General Medical Council, police surgeons and biochemists. I have spoken also to other hon. Members who have had constituency cases resembling the one that I have described.

Most importantly, the Kent constabulary report by Sergeant Tony Ramskill has now been published. I know that the Home Office has been able to study it, as have other interested parties. My presentation today is about more than that report, but it is an important piece of research which could help to clarify how we can improve the legislation.

The report mentions the Charis Yeoman case, and it discusses the difficult and vexed issue of whether blood samples should be taken when the driver is unconscious and unable to give permission. That matter has implications for the medical profession and for police surgeons. Sergeant Ramskill's study goes into some detail, and makes specific recommendations about the role of police surgeons, who in future may be given permission by a hospital's accident and emergency doctors to take from patients blood samples that could then be used as evidence in court.

That is a vexed issue. It has been addressed in other countries, and trials have already been held here. The Lothian and Borders force and the Fife constabulary currently use hospital staff to take blood samples. That system has also been trialled recently at a hospital in Cheshire.

Under the Road Traffic Act 1988, such samples have to be taken in a hospital. Two key issues therefore arise that need to be dealt with. First, the BMA has told me that it has concerns on behalf of its members, especially on behalf of admitting casualty doctors, about doctors' responsibility to their patients. That is a difficult problem, but it could be resolved by changing the way that the law is framed, so that admitting casualty doctors are not placed in a judgmental position. I must make it clear to the Minister that the proposal is not that doctors should be required to pick and choose whom they think the police might pursue for criminal prosecution.

I had a meeting some time ago with the BMA's ethical committee, which has responded to the Ramskill report, and continues to express concern. The BMA's response to me in a letter encapsulates the legitimate concern that must be addressed:

> the role of a doctor is to treat people with a clinical need, whether they be a drink driver or the victim of a drink driver. The basis on which society permits doctors to help individuals who cannot consent themselves is that to do so is in their best therapeutic interests. Unless there is evidence to the contrary, consent can be assumed. Although there may be grounds for society to decide that it wishes to expand the scope of implied consent to include consent to taking and/or testing of samples for forensic purposes, the BMA considers that it would be inappropriate for doctors to press for such a change. A change in the law would have an inevitable impact upon the therapeutic relationship, and one which could undermine confidence in the doctors' role as patient advocate. Were such a change to be made, it would be important that the impetus came from society, not the medical profession.

The BMA clearly recognises that a problem exists. The association—rightly—represent the concerns of its members, but it acknowledges that the House represents and articulates the views of society in general. Society does not believe it right that the law allows someone who wilfully drinks to excess and takes another person's life to evade prosecution and an appropriate sentence. The challenge for hon. Members is to find solutions to the problems that I have described that allow doctors to carry out their duties without undermining the patient-doctor relationship.

The Kent police study found that 94 per cent. of medical staff would be prepared to take blood samples if that would not make them subject to legal challenge by patients. The remaining 6 per cent., of course, would not be willing to do so. Now that the report is available, Home Office Ministers should seek solutions to the problems that have created the difficulty in the law.

The available choices need to examined and pursued. First, should the law be changed so that drivers in road traffic accidents are tested automatically, subject to medical consent and as long as such tests do not jeopardise medical treatment? That option should be considered carefully. Blood samples are always taken from unconscious drivers taken into casualty departments. The sample size could be increased, so that it could be divided and stored properly. In that way, drivers could give their consent, or otherwise, to their blood samples being tested later, when they were in full possession of their faculties. That extension of the current procedure would not require any new invasive technique, as needles are used anyway to secure the routine therapeutic sample.

The Ramskill report also suggests that police surgeons should be allowed to remove samples, with the consent of the casualty doctor or the doctor in charge of the unconscious driver. Once the driver was well enough, he or she would have the right to agree, or otherwise, to the analysis of the sample being made known to the prosecuting authority.

As I have mentioned, matters of law arise when samples are taken, and we must consider carefully the position of the doctor. It would be one way forward if we could ensure that the law was changed so that the legal position of the doctor was not undermined, and he or she would not be subject to legal challenge under the civil or criminal law on the grounds that the procedure they had carried out was invasive and constituted an assault. Once the legal problems that doctors fear were overcome, we could start to address the ethical issues that must also be considered.

The experience of other countries such as Belgium, Cyprus, Denmark, Australia and many others, where blood samples are taken, indicates that changes are needed now in this country. I make no specific recommendation to the Minister, other than to say that recent research must now open up that area of the law to change, so that justice can be done, and can be seen to be done.

On the issue of ethics, the GMC has outlined its agreement, subject to reservations, such as the need for trust between doctor and patient to be assured. I believe that that issue can be overcome without the doctor's position being undermined. In the matter of ethics, the wider issue of the safety and health of members of the public who may be maimed or killed if drink drivers are not successfully prosecuted should also be considered. I return to the point that the BMA made in its letter to me about society pressing for this change. If Members of Parliament are to represent the views of society—I speak generally, not only about my constituency case—we must recognise that society is concerned about the safety of the public in general, which can be served only by successful prosecutions and appropriate sentences.

I have considered carefully the rights of victim and killer. While I would not wish to undermine the important doctor-patient relationship, I question where the balance lies in ethical terms. Does it tip in favour of the person who has perpetrated a criminal offence, but has been lucky enough to escape with his or her life and is taken to hospital, conscious or unconscious, through the accident and emergency entrance? Or does the balance tip in favour of the rights of the victim, who—as society must recognise—still has rights even though he or she has died?

Unlike the perpetrator of the crime, the victim is taken through a different hospital entrance and immediately becomes the property of the coroner. If we are considering issues of ethics and morality, the rights of the victim in those circumstances have at least equal weight with the person who has perpetrated that crime. In such cases, the evidence that is critical to a prosecution and an appropriate sentence should not be denied to the victims and their families.

In recent years, we have seen a distinct change in public thinking about the whole issue of drink driving, and we sometimes have to make judgments that are not easy, but do at least put the victim first. Therefore, I ask the Minister to consider whether now is the time to make progress in this area. I know that he has received much extra information, and I have far more information than I have been able to share with him in the course of 15 minutes.

Much technical information was provided to me by the clinical biochemistry department of the Royal Berkshire hospital about the way in which blood samples should be kept and stored so that they can be used as evidence in court. That point will need to be addressed after consideration of the principle of changing the law. I do not doubt that we will need consultation on the issue, but the difficulties are not insurmountable.

I hope that when the Minister replies to the debate he will agree to a meeting with me before the recess, so that we can explore in more detail how the matter might be taken forward. In that way, for Charis Yeoman and others like her, people who drink and drive and wilfully claim the lives of others will know that they will be prosecuted under the law without being able to deny the judicial system the very evidence that proves their guilt.

1.16 pm

The Minister of State, Home Office (Mr. Charles Clarke): I genuinely congratulate the hon. Member for Tiverton and Honiton (Mrs. Browning) on securing the debate. To be frank, I was not personally aware of the details of the cases and histories involved in this important and vexed issue, until the hon. Lady secured the debate and I briefed myself for it. I am grateful to her and can immediately agree to her final point, because I am happy to meet her before the recess to discuss how we may make progress. It is a very important issue and it is right that she campaigns on it.

The hon. Lady was generous enough to say in her introductory remarks that the issue has concerned several hon. Members. For example, my hon. Friends the Members for Ellesmere Port and Neston (Mr. Miller) and for Luton, South (Ms Moran) have campaigned on it.

It is appropriate, as I begin, to comment on the case of Charis Yeoman, which the hon. Lady mentioned. It is right that we acknowledge the terrible tragedy that

[Mr. Charles Clarke]

berell the family when Charis was killed in the road crash, and I wish to express condolences to the family on behalf of everyone concerned. Perhaps I may offer them the consolation that if we are able to change the law in the future, something constructive may come out of that terrible tragedy.

As the hon. Lady knows, the issue has been the source of debate for many years, and it is the difficulty and sensitivity of all the points involved—many of which she mentioned—that have made it such an intractable subject. I am pleased to have this opportunity to debate the matter because it is an area of law and medical ethics that we need to consider regularly to see whether any changes have occurred to justify taking a different overall view from that taken in the past. The hon. Lady cited several reasons why we should do so.

Of all of the road safety issues involving death and serious injuries on our roads, none has received greater support from the public than those concerning drink driving. We want to ensure that we continue to make progress and reduce the casualties still further. In consequence, any deficiencies in the current arrangements must be considered most carefully. That is especially true if practice, procedures and the existing law may lead to offenders escaping trial and a due sentence, because—for the reasons the hon. Lady mentioned—the necessary evidence cannot be collected in time. She may be interested to learn that we shall publish a consultation document on the whole question of penalties for road traffic law to take the debate still further forward.

When a patient is admitted to hospital as a result of a crash, the first concern must be for that patient's welfare, whatever the circumstances that led to the admission. That is right and we cannot resile from it in any way. In consequence, the road traffic legislation recognises that the normal procedures associated with breath testing cannot be applied to that patient unless the doctor treating him or her is satisfied that the necessary procedures would not be prejudicial to the proper care and treatment of the patient. That also raises the key ethical issue of whether the doctor involved in treating the patient would be acting contrary to medical ethics if he became part of the process of gathering evidence to prosecute his patient.

The duty of care to the patient, and indeed to patients in general, could conceivably be undermined if it was thought that doctors were somehow operating on behalf of the authorities rather than primarily caring for the patient. That is the issue that has informed much of the response from both the British Medical Association ethics committee and the General Medical Council.

As the hon. Lady said, there is also the issue of obtaining the patient's consent. Doctors can take blood samples without the patient's consent, because their primary duty is a therapeutic one that is designed to help the patient. The whole breath-testing procedure rests crucially on obtaining consent. I understand that, in law, any taking of blood without consent would constitute an assault and would have to be treated accordingly. The hon. Lady referred to that fact in her comments on intrusive forms of medical treatment.

The law already provides that those who refuse to provide a sample commit an offence for which the penalty is not dissimilar from that for an ordinary drink-driving offence. However, often patients are not in a fit state to give their consent, even when the doctor is prepared to allow a sample to be taken.

Mrs. Browning: My understanding is that when a person is conscious after an accident but declines to give a sample, the penalties are pretty derisory. This point may be tangential to the specific subject of the debate, but I do not think that the current one-year maximum penalty is sufficient for those who refuse to give a blood sample. I was therefore pleased to hear the Minister say that the Government will consult on the way in which courts treat drink driving in sentencing.

Mr. Clarke: That is a perfectly fair point, and I am sure that the hon. Lady will make it in response to the consultation paper that we shall issue. That paper is based on a view that has been expressed in various ways on both sides of the House—that our penalties have not been updated sufficiently to take account of what she correctly described as the change in public attitude towards driving offences, particularly drink-driving offences, and their tragic consequences. Her point is well made, and I am sure that she will make it directly in response to the consultation.

The classic case in the sphere that we are discussing is that of the unconscious patient from whom blood has been taken for medical diagnostic purposes, but from whom a sample for drink-driving purposes cannot be taken. Indeed, that is exactly the example that the hon. Lady gave. It has been suggested that the use of any remaining part of a diagnostic sample might be used for forensic analysis, and that consent could be obtained from the patient at a later date. There is indeed a precedent for that in a previous case. Under current arrangements, however, that would be a very speculative process that would be open to substantial challenge in court proceedings. Nevertheless, that is exactly the argument that the hon. Lady is using.

Alcohol-impregnated swabs are usually used in the taking of diagnostic samples. It is already well established that that might be used to invalidate the blood sample. Usually, no preservative or anti-coagulant is mixed with diagnostic samples. Therefore the sample starts to deteriorate in various ways, which could make further analysis difficult or easily open to challenge.

Mrs. Browning: Will the Minister give way?

Mr. Clarke: I shall in a moment.

There would be difficulty in establishing the chain of evidence—that is, incontrovertible evidence that the blood was taken from the patient to the point at which it was sampled and finally analysed, and that no errors in its handling or labelling had occurred in between. By the time that the diagnostic sample could be released, it could well have been degraded by bacteria.

I wanted to list those points. They all involve technical issues, but they show that the standard medical procedure used for diagnostic purposes raises problems in the context of drink-driving legislation. However, I

acknowledge what the hon. Lady said about the technical evidence that she has acquired. I give way to her.

Mrs. Browning: Obviously, I would be happy to make available to the Minister the information that I have been given by the clinical biochemistry department. I believe that sample degradation could be overcome by the use of fluoride, which stops that process. I also agree that, for the purpose that we are discussing, changes would have to be made to the way in which samples are taken and stored. However, I think that the problems that the Minister described are technical ones which could be overcome.

Mr. Clarke: I acknowledge that the hon. Lady is right. It certainly seems right that overcoming such problems would require a change in medical procedures in cases involving suspected drink driving. The issue, however, is whether such changes in procedure, which perhaps could be achieved along the lines that she is suggesting, would be ethically acceptable to doctors in the framework that we are talking about. That is precisely the issue that we are debating.

As the hon. Lady said, the Home Office runs a scheme to fund individual police officers to undertake research projects that it is thought might throw light on operational policing issues. As part of that, the Home Office agreed to fund the recent report by the police officer in Kent constabulary to which she referred. He has produced recommendations on the matter following a study of the position in Australia. Of course the views that he has expressed are not those of the Home Office; as the report itself makes clear, they are the views of the author alone. Nevertheless, he has tried to address a very difficult subject and, within his remit, has significantly added to the sum of knowledge on the issue and moved it forward precisely as the hon. Lady has described.

I am also aware that the British Medical Association and the General Medical Council have seen the report and commented on it. I have copies of letters from them explaining their position. I shall place copies of those in the Library for hon. Members to refer to, and send a copy of them to the hon. Lady. I also have a very interesting annexe produced by my officials on the procedures and problems associated with testing hospitalised drivers for alcohol, which consists of a flow-chart showing the difficulties of the process. I shall also send a copy of that to the hon. Lady, for her information in taking the debate forward.

Although the General Medical Council has said that in principle it would be acceptable to take blood from a person who is not competent to give consent, its letter goes on to explain all the practical difficulties involved. Those difficulties match the concerns expressed by the chairman of the BMA's medical ethics committee.

My officials have talked to both the BMA and the GMC, and we believe that there is not a fundamental difference of view between the two organisations on the issue. We also believe that the different ways in which they have expressed their views are the result of their different functions, not of a basic difference of opinion. However, none of that undermines what the hon. Lady has rightly said—that we have to face the issue head on. In the context of the competing rights involved in the case that we are discussing—those of victim, doctor and driver—we have to find a resolution that is acceptable to the community as a whole, to ensure that people do not get away with illegal activity simply because of an evidential problem that could not be resolved differently.

I have thought it appropriate to make it clear that the ethical problems with which we have been struggling have not changed substantially since publication of the report by the officer in Kent county constabulary. None the less, I also want to tell the hon. Lady that we are happy to look again at all the issues involved in the light of the latest position, and of the points that she has made.

Following this debate, I shall talk to my colleagues in the Department of Health to determine whether there would be value in having a joint Home Office and Department of Health consultation on the subject, to discuss some of the issues. As a result of the way in which the hon. Lady has raised the issues, I think that it might be helpful to take forward the debate in a slightly more structured way. As I said, I shall talk to my colleagues in the Department of Health to see whether some process of that type might be appropriate.

As I also said, I shall be happy to meet the hon. Lady before the recess, as she requested, to discuss how we might take the whole debate forward. It is very much a cross-party issue, on which many hon. Members on both sides of the House are concerned to ensure that we make progress.

The Government have always made it clear that we should like to resolve any difficulties in drink driving enforcement. I know from the way in which she has dealt with this debate that the hon. Lady recognises that there are difficult and complicated problems involving medical ethics and procedure, and technical issues that need to be resolved. I am inclined to think that the type of consultative process that I described might be the best way forward. Therefore, as I said, before she and I meet before the recess, I shall talk to my colleagues at the Department of Health to determine whether a joint process to take the debate a bit further forward is possible.

I should perhaps take this opportunity to reassure doctors, and the GMC and the BMA, that we take their ethical questions extremely seriously. It is important for us to understand the exact basis of the position and to propose procedural or technical solutions that would accommodate those concerns and find a way through. However, as the hon. Lady said, at the same time we have to be clear that society and the community want us to ensure that there is genuine justice—so that the perpetrators of what are, after all, crimes can be properly brought to justice, in a manner that I hope will also inhibit future breaches of the law, and thus future tragedies.

I am very grateful to the hon. Lady for initiating this debate. I have responded to it as constructively as I can, to try to move us forward.

Mrs. Browning: I am grateful for the way in which the Minister has responded to the debate.

Mr. Clarke: I appreciate that comment. This is a cross-party issue, and I know that both sides of the House would like to see progress made on it.

Sheltered Housing

1.29 pm

Mr. David Drew (Stroud): I am grateful to be able to present a debate on sheltered housing. It is an important issue, and I hope that, via my hon. Friend the Minister, we shall be able to take some elements of it forward.

As I am sure the Minister knows, 22 to 28 May was sheltered housing week. Like other Members of Parliament, I participated in some of the visits and activities that took place during that week. I intend to discuss what I see as the importance of sheltered housing, drawing on the experience of my local authority in Stroud to help me so do. I want to look at the issues related to sheltered housing, particularly the development of very sheltered housing. I will use evidence from my own constituency, but will also look at what is possible in the country as a whole. I hope to be able to draw some conclusions from that, and to ask my hon. Friend some questions, which I hope that he will be able to answer.

I am indebted to a number of people who have helped me put together the text for this debate—Wendy Wilson from the House of Commons Library, Steve Neale from Stroud district council, Christine Allen from the National Housing Federation, Eileen Short from the daylight robbery campaign and, last but not least, all those involved with the emerging role of sheltered housing campaign. All those people value sheltered housing and demonstrate why it is necessary to have a debate at this time.

There is no statutory definition of sheltered housing. However, most sheltered housing schemes share certain common features, including the provision of accommodation designed with the needs of elderly occupants in mind—although not exclusively so—and the provision of on-site wardens and emergency call systems.

Standards for sheltered housing were laid down in the 1969 Ministry of Housing and Local Government circular 82/69, which introduced the concepts of category 1 and category 2. In category 1 schemes, communal facilities and a resident warden are optional. Dwellings can be bungalows as well as flats. Lifts are not usually provided. The circular intended that category 1 provision should be for the relatively independent elderly. Category 2 schemes comprise flats under one roof, and there must be communal facilities, resident wardens and lifts. Such dwellings were intended in the circular for more dependent elderly people.

Circular 82/69 has not been mandatory since 1980, but its influence lives on. The labels—category 1 and category 2 schemes—attract difference housing allowances and adhere to different cost frameworks. Category 1 and 2 sheltered housing is more expensive than ordinary housing because of its features and facilities—specially designed housing, a resident warden service, a communications system and communal facilities over and above those found in ordinary housing.

Sheltered housing dates back to just after the second world war. It took some time to take off—in fact, only 28,000 people lived in such units as recently as 1960. However, as my hon. Friend knows, during the 1960s and 1970s, there was a considerable increase in the sheltered housing provision. I am grateful to Anchor and Hanover housing associations, which identified for me the importance of their role, as well as that of the local authority.

There are three key issues to identify at the outset. First, how appropriate is sheltered housing today, given some of the alternatives that are available, such as staying put, and care and repair? I declare an interest in that I am a director of Stroud care and repair, so I appreciate the importance of people being allowed to stay in their own home. However, I do not see that as conflicting with my support for sheltered housing.

Today, there are about 500,000 sheltered housing units. Some 300,000 of those are in the public sector and 200,000 are in the private sector, with registered social landlords. They are mainly, but not exclusively, for people over 65. Some of the units are not easy to let, leading to repercussions which I will dwell on later.

At a time when we have a gradually ageing population, it seems strange, after the peak in the growth of sheltered housing that occurred in the 1960s and 1970s, there has been a decline ever since. For example, only 402 units were developed in 1997, the last year for which I have figures, compared with 1989, when some 7,000 units were developed. Something is happening to the demand for, and the supply of, sheltered housing. That is a little worrying and we must get to grips with it.

Much of the debate is about what is suitable for older people, what they want and what they expect. There are other issues, however, such as finance—what people pay in rent and what help they have to pay it. In addition, schemes in the private sector have been linked to leasehold problems. I have dealt with one of them myself.

I should like to use my district council area for the constituency that I represent as a good exemplar of what is best about sheltered housing. Stroud has 29 sheltered housing schemes, of which two are very sheltered. It has been a forward-looking authority, providing accommodation for people in their later years. There is a good take-up of units, but there is not the same desire to move into them that there was in the 1970s and early 1980s.

There are many valued aspects of the various units in Stroud. All older people who need it are able to link up with a central control system, so that, even if there is no warden on call, they have a back-up. There are good communal facilities in each unit, and some of them are comparatively new. There are many other ways in which people can have the benefit of living communally.

What is the future for sheltered housing, which has an image problem? As I said, there has been a rapid decline in the number of units provided year on year, affecting the private and, more particularly, the public sector. There is a funding issue, which is linked to people feeling that what they pay for is good value for money. We always come back to the housing benefit debate, which I shall say more about later. There are also issues about service charges and the cost of warden help.

However, sheltered housing has some good aspects. All the evidence suggests that there is a high satisfaction rate among people living in sheltered accommodation. There is an attempt to reinvigorate—almost to

reinvent—sheltered housing, led by the emerging role of the sheltered housing campaign, which I welcome. Other things are happening on the back of sheltered housing, the most important of which is the move towards very sheltered housing for the more fragile older person.

What is the Government's response to this? I wish to highlight two documents, one of which is the Green Paper on housing. I am a little disappointed that it does not make more of sheltered housing. The main point, to which I have alluded, is how to grapple with the difficult issue of housing benefit. I welcome the attempts to sort that out; it has an especially deleterious effect as one of the reasons that people do not want to go into sheltered accommodation.

I welcome the move towards transitional housing benefit that began in April, as well as the continuing consultations. There is evidence that people are beginning to take note of those matters; that may change some of the adverse perceptions of the high cost of living in sheltered accommodation. I lay my cards on the table by stating my support for the daylight robbery campaign—inasmuch as people feel some anger that, because we have not yet sorted out housing benefit, there is some subsidisation of those who pay full rent either by those who do not, or through the housing revenue account. Until we deal with that difficult issue, the anger will remain. It has certainly been expressed to me—we need to do something about the problem.

The second document relates to the "Supporting People" programme, from which a series of papers was produced. The programme takes an holistic approach to dealing with the problems of older people. The original document identified the need to try overcome some of the complications caused by unco-ordinated and overlapping funding streams and to make more transparent who has responsibility for the support of vulnerable people. It examined structures and pointed to the need to make them easier to understand. It proposed the evolution of a more comprehensible strategy that would be more likely to be carried through. It also noted that the housing benefit problem should be sorted out.

As the document states, that will mean that we are

> putting people first . . . addressing the needs of vulnerable groups—

and producing

> high quality services

and

> a logical and transparent approach—

to the planning of such housing.

A disappointing aspect of my research into this matter is that one of the strongest concerns expressed during the consultations was about where sheltered housing fits in. That point needs to be addressed and I hope that my hon. Friend the Minister will do so. There are many reasons for that concern, but the main one is that, in these times of change, sheltered accommodation does not fit neatly into any of the relevant categories. It is not genuinely supported housing—unless it falls under the very sheltered category. People want some explanation of that point.

During the debates on the Care Standards Bill, I expressed the concerns, raised by some of the organisations that run sheltered units, that the registration of such units might lead to a considerable loss in the benefits available to some residents. If that situation could be clarified and overcome, that would be welcome.

We are beginning to examine different ways of using our sheltered accommodation. The most obvious is the move towards very sheltered—or what my authority describes as extra sheltered—accommodation for older, frailer people or those who have special difficulties. Stroud was a pioneer in that form of housing. It started a scheme in July 1993, working closely with Gloucestershire social services and the health authority. The stated objective of the scheme is to provide

> enhanced personal and social care of residents . . . Provision of emergency care, if required, 24 hours a day, 7 days a week . . . To provide a cost effective alternative to residential/institutional care. To provide additional domiciliary care co-ordinated by the Wardens promoting an ability for residents to live more independently in the community.

Last, but not least, it offers the possibility to enter into contracts with different care providers.

The beauty of such schemes is the opportunity for mixing—of ages, of people with different problems and of funding streams. Although it might be good to clarify and co-ordinate such schemes to make them more coherent, they have much to recommend them. They show that there is a strategic future for sheltered housing in such specialised forms.

How can we move towards those different uses for sheltered accommodation? I hope that the Minister will consider the need to get the accommodation right and the parallels between the ideas expressed in "Supporting People" and the royal commission on long-term care for the elderly. We are an ageing population; we need to provide different facilities for older people. The main demand is for people to stay in their own home for as long as possible. We need to develop and use resources in the best possible way.

I hope that we can develop centres of excellence that will serve the wider community, so that specialist facilities for vulnerable people can be produced in an innovative way, using—dare I say it?—joined-up thinking and action. However, some key issues must be addressed. We need to revisit the purpose of sheltered accommodation and how it is allocated.

We must consider the role of the warden. The increasing professionalisation of the warden service is good. Two of my friends—Diane Wyatt and Carol Snell—are the key wardens in the very sheltered schemes in the Stroud district; they demonstrate the high capabilities that result from training and support.

We need to examine how care is provided, how people gain access to it and who pays for it. We need to overcome the difficulties associated with some of the more difficult-to-let accommodation. That applies equally to the private and to the public sector.

Sheltered accommodation has a place and it has a future, although it is reasonable and right that its role should change. I hope that my hon. Friend the Minister will address four points.

First, what is the position of the transitional housing benefit scheme—especially in relation to sheltered accommodation? Secondly, can the Minister clarify the registration process proposed in the Care Standards Bill? Thirdly, what are the Government's views on the

[Mr. David Drew]

evolution of very sheltered accommodation? Finally, how do they envisage the relationship between the public and private sectors? Can they be pulled together through the best value initiative?

I have given my hon. Friend plenty to do, so I shall conclude my remarks and listen to his response.

1.47 pm

The Parliamentary Under-Secretary of State for the Environment, Transport and the Regions (Mr. Chris Mullin): My hon. Friend the Member for Stroud (Mr. Drew) has raised a significant issue. As he says, more than 500,000 older people live in sheltered housing—more than in residential and nursing homes put together. My hon. Friend asked several questions and I shall do my best to address them. If I do not do justice to them, no doubt we can pursue the matter through correspondence.

The Government are in no doubt as to the potential benefits of sheltered accommodation in enabling older people to remain independent for as long as possible in their own homes. Residents speak enthusiastically of the benefits of such accommodation: having their own front door; having the options of company and of privacy; of feeling a real sense of security and peace of mind; and of the importance of being able to remain part of a community. Sheltered accommodation is clearly a positive housing choice for many older people.

My hon. Friend touched on several matters. The "Supporting People" programme aims to ensure that the highest quality services are provided to vulnerable older people. It will mean that a wide variety of options will be available to them—ranging from retirement housing, to traditional sheltered housing and to "floating" support services—designed to enable them to stay in their own homes. The programme will raise the priority of support services and encourage local authorities to take a more strategic approach to provision, integrating it with social and health services.

As my hon. Friend said, concern has been expressed about the impact of the new funding arrangements for sheltered housing under the "Supporting People" programme. First, regarding the impact of the transitional housing benefit scheme, which was introduced in April this year, concerns have been expressed about the need for private sector tenants, including owner-occupier leaseholders, to have a valid community care assessment in order to get help under the scheme.

We needed a statutory gateway to ensure both that the claimant requires support and that the landlord can provide the support needed. The community care assessment provides that gateway. Relatively few private sector tenants receive help with support charges through housing benefit. We appreciate that there are concerns, and we have worked closely with the Department of Health to issue comprehensive guidance to both social services and housing benefit sections to make processes as smooth and as simple as possible.

Looking at the long-term arrangements under "Supporting People", the Government recognise that, when many existing sheltered housing tenants moved into their accommodation, they regarded it as a home for life. They did not expect to be rendered insecure in their tenancies or to be facing different terms and conditions as a result of changes to the funding of their accommodation. I assure existing tenants that when "Supporting People" is introduced, in April 2003, they will not have to move out of their homes or see a change in services provided, simply as a result of the change in funding arrangements that will be introduced in three years' time.

As my hon. Friend mentioned, service providers have expressed concerns that the changes will be excessively bureaucratic. The Government are determined that the administrative arrangements that are put in place for "Supporting People" will be straightforward, cost-effective and transparent. My hon. Friend asked me for detail. There is still a great deal of work to be carried out before "Supporting People" is implemented in April 2003; indeed, we have some time in which to do that work. The Government will work closely with local authorities, service providers and service users to develop a programme that can deliver the kind of high-quality support services that vulnerable people, including older people, need and want.

My hon. Friend mentioned the daylight robbery campaign and campaigners' fears about Government proposals to introduce resource accounting into the housing revenue account from April 2001. I have received many representations on that issue and I must say that there is some misunderstanding around, which we have done our best to clear up, but without complete success. Assumed surpluses on local authorities' housing revenue accounts underlie daylight robbery campaigners' concerns.

As my hon. Friend knows, we are introducing a major repairs allowance, which will have an immediate and substantial impact on those assumed surpluses and will address many of the campaigners' concerns. Full details of the major repairs allowance will be included in the annual determination, which will be sent to local authorities in December.

I mentioned the growing popularity of sheltered housing. With more and more older people actively choosing that type of accommodation, concern has been raised that there is no statutory inspection regime. I am not sure whether my hon. Friend mentioned that, but it is probably worth mentioning anyway.

Local authorities are subject to best value performance reviews of their housing stock, which would include sheltered housing. The housing inspectorate also carries out audit and inspection of local authority housing services. Registered social landlords who provide sheltered accommodation are regulated by the Housing Corporation, which sets performance standards.

The Care Standards Bill, which is passing through Parliament, will introduce the regulation and inspection of all types of home care provision, including that provided in sheltered accommodation.

Mr. Drew: All the evidence that I have shows that these changes are greatly welcomed. The worry is purely about the benefit implication.

Mr. Mullin: I am grateful. I cannot immediately provide my hon. Friend with the details, but we are

working on them and I have given a general assurance, which I hope that he will relay, that we do not intend to threaten in any way the existing arrangements for tenants. We still have some time to go in which to agree the precise details.

Concern has been expressed about the definitions used in the Care Standards Bill of "care home" and "personal care", and there are fears that those will require sheltered housing to register, the consequence being that older people might lose their entitlement to benefits. That is the issue that my hon. Friend is interested in. The vast majority of sheltered housing schemes involve care being provided to people in their own home. In those circumstances, whether they are an owner-occupier or a tenant, that home cannot and will not be registrable as a care home.

The Bill's definition of "personal care" is intended to clarify, rather than change, the definition in the Registered Homes Act 1984. The existing definition in the 1984 Act is care that

includes assistance with bodily functions.

The intention of the new definition is to ensure that advice and encouragement given in connection with such care would be included within the definition of personal care. Other forms of advice and encouragement not connected with assisting a person with their bodily functions will not be included, and the Department of Health intends to table an amendment to the Bill in due course to make that clear.

As I mentioned, the role of sheltered housing is changing. Demographic changes over the next 20 years will have a substantial impact on housing policy. The number of people over 60 is likely to rise from 6.5 million in 1996 to nearly 9 million by 2021. The number of frail older people is growing even faster.

Older people's aspirations are also rising. Individuals increasingly expect services to respond to their specific needs and preferences. Quite rightly, they are no longer prepared to put up with "one size fits all" services. Flexibility, choice, independence, information and involvement are the key issues raised by older people in relation to the accommodation and services that they receive.

Very sheltered housing, which my hon. Friend mentioned, has been developed as a way of bringing social care and housing together. It is used as a base for support and care provision which can enable older people to remain in sheltered housing as they become frailer instead of having to move into residential care. That type of accommodation, which is being developed in Stroud and throughout the country, is helping to widen the spectrum of housing options for older people.

In response to that changing picture, the Government aim to ensure a better and wider choice of options, with access to quality services which enable older people to lead active, independent and secure lives. To that end, the Departments of the Environment, Transport and the Regions and of Health are working together to develop a housing strategy for older people, which aims to ensure that they are able to secure and sustain their independence in a home appropriate to their circumstances. It also aims to support older people to enable them to make active and informed choices about their accommodation by providing access to, and advice on, appropriate services and housing options, including sheltered housing and extra care or very sheltered housing.

The strategy will also recognise the important links between housing, health and social services for older people and the need for those services to be integrated locally. Effective housing, allied to the right care, support and wider services, can be the springboard that enables older people to live life to the full. The Government hope to publish the housing strategy for older people later this year.

The future of housing for older people, including sheltered housing, holds many challenges and opportunities. Taken together, the Government's own work and that being carried out in the sector itself will ensure that older people have more choice about where they live and the type of services that they receive. Sheltered accommodation certainly has an important role to play in the development of quality services for older people that are flexible, responsive and user-focused. I am sure that, in the years ahead, we shall see many improvements in this sector.

I am grateful to my hon. Friend for raising the issue. If he wishes to follow up any further concerns by correspondence, I shall be glad to reply.

Question put and agreed to.

Adjourned accordingly at one minute to Two o'clock.

Westminster Hall

Thursday 15 June 2000

[MR. MICHAEL J. MARTIN *in the Chair*]

Voluntary Sector

Motion made, and Question proposed, That the sitting be now adjourned.—[*Mr. Betts.*]

2.30 pm

The Minister of State, Home Office (Mr. Paul Boateng): I very much welcome this debate on volunteering. Looking around me, I am left with the comforting thought that interest in volunteering outside the Chamber is considerably greater than it appears to be in it.

Volunteering and the voluntary sector play a crucial part in our society. They are the fabric and building blocks of our communities, both urban and rural. As such, the Government believe that it is vital to recognise the extent to which volunteers act almost as community glue. Volunteers are a sign of a healthy society.

We must give the voluntary sector the recognition and support that it so richly deserves. In 1997, nearly half of adults had taken part in volunteering in the previous year and 29 per cent. of adults volunteer in some form or other regularly each month. Their contribution to society has been valued at about £40 billion. As such, they are major players.

Central Government spend some £104 million a year supporting volunteering. Local and health authorities add an extra £150 million and the national lottery adds £145 million. That is £400 million in total, which is a significant investment in the sector. We must ensure that we get a clear picture of what that investment generates and what we are spending it on. The Government have a responsibility to promote and encourage voluntary and community activity and we are assisted in that task by the active community initiative, which has been established to ensure that we give the voluntary sector the attention and support that it deserves.

I should like to spend a few minutes outlining the key themes of the initiative, which aims to promote and encourage more voluntary and community involvement. We want to raise awareness and inspire more people to get involved. We want to increase opportunities for volunteering, make it easier for people to get involved and support the development of active community up and down the country. This should not be seen as the Government getting people to do something for nothing, which would not be an appropriate basis for Government involvement in the voluntary sector and in volunteering. It is about supporting and encouraging folk to contribute to their communities, to have a voice in the services that they receive—and often help to deliver—and to feel an integral part of the society in which they live. It is all about empowering and engaging people and combating social exclusion.

One of the Government's first tasks in advancing this agenda is to establish how best to motivate people to volunteer. Most Members of Parliament have volunteered at some time and many still do in one form or another. We began our involvement in the communities that we serve as volunteers and many of us know that volunteering, as well as reflecting the needs and problems of other people, can be enormously fulfilling in itself. It can enrich volunteers' lives.

For the past few years, I have attended the Whitbread volunteer action awards, which is always an inspiring occasion and a pleasure to attend. It is a source of inspiration because meeting the organisations and individuals who are being honoured gives one a sense of what they have gained, as well as what they have given, through their voluntary activity.

Members of Parliament are often invited to a whole heap of dos and occasions, some of which are a greater pleasure than others—I make that bold confession, with which I am sure colleagues will identify. The Whitbread awards are a genuinely unalloyed pleasure because of the sense of can-do, excitement and commitment generated by people who give so much to others. It is a genuinely uplifting experience. As a society, we need not only to build on such occasions, but to give them the profile and recognition that they deserve—and the Government are determined to help with that.

We are taking several initiatives, one of which I should like to share with the Chamber this afternoon. I refer to TimeBank, which we launched on 29 February in partnership with the BBC. It may not be into Premiership football, but it is certainly into volunteering, in a big way. The aim is to involve more people by encouraging them to donate time as part of a national campaign.

The new initiative recognises the changing pattern of volunteering. The pressures, complexity and demands of modern life—including family life, as well as work—affect individuals, who may be able to give two hours one week, none the next and eight the week after. The voluntary sector must be able to respond flexibly to demands and TimeBank enables—through the concept of banking up hours—the donor and recipient better to organise their contributions.

Mr. David Drew (Stroud): I am sorry to have missed the opening of my right hon. Friend's speech. It is good to hear him speak about the voluntary sector again, as he did in my constituency some time ago.

Judith Taylor, a local representative of the Women's Royal Volunteer Service in Gloucestershire, has told me that people can find it difficult to attend pre-retirement courses. It is not just a question of the time available from week to week; it depends on how much time people have at different stages of their lives. Judith Taylor often used to be invited to pre-retirement courses to talk about the benefits of volunteering, but that no longer happens. Would my right hon. Friend like to comment on that?

Mr. Boateng: I certainly would. I know how healthy and active the voluntary sector is in Stroud, having visited the town and seen for myself the contribution that people are making to the creation of safe communities. That is an important aspect of the contribution that the voluntary sector can make to crime prevention and reduction strategies.

Changes have undoubtedly taken place in the generational pattern of volunteering and I want to deal with creating opportunities. We need to deliver

[Mr. Boateng]

high-quality volunteering opportunities and schemes in which people want to get involved. One of the four target groups that we have identified for action is older people. Alongside young people, employees and those from minority ethnic groups, they represent a particular challenge in ensuring that they can access volunteering opportunities. We must also address certain trends that have developed in volunteering, as they affect those target groups.

The Government have approached the issue of older volunteers in precisely the same way as my hon. Friend the Member for Stroud (Mr. Drew). First and foremost, we have listened to the views of the target group and those working with it. A number of hon. Members will be aware that we have been holding listening events up and down the country over the past few months to hear what older people have to say and we have received several messages about older people and volunteering. The debt of gratitude that we owe older people was brought home to us forcefully at the final large event, which was held at the Queen Elizabeth II conference centre. Many older people have devoted a lifetime to volunteering and a big thank you is owed to them.

The number of older people volunteering is now dropping off. We need to ask why and find out what opportunities exist for them to enter volunteering. Older people have a wealth of expertise, energy and experience to offer their communities. It is important that we value those skills and find ways of ensuring that they find a channel into our communities.

My right hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael)—through his time at the Home Office and subsequently in Wales—has always taken an interest in the older volunteers initiative, which his work inspired. We launched that initiative to improve the quality and quantity of volunteering opportunities for older people. We have committed some £1.5 million to that task over three years to ensure the success of the project. To date, some 26 projects have been funded up and down the country, precisely to address the issues that my hon. Friend the Member for Stroud outlined.

I should like to say a few words about younger people, because it is at both ends of the spectrum that needs are currently unmet. It was to recognise and to tap into the energy and commitment of younger people that we launched the millennium volunteers. That is a flagship initiative, aimed at engaging 16 to 24-year-olds in voluntary activities. Some 160 millennium volunteer projects have been set up across the country. Some 4,000 young people have joined and many more join daily; 600 have earned millennium volunteer certificates and 300 have earned millennium volunteer awards. Those awards recognise the personal development of young people and the benefits that they have brought to local communities and gained themselves from the experience of volunteering.

Mr. Phil Hope (Corby): I want to emphasise the importance of engaging young people in their communities. Too often they are seen as the problem and not the solution. If we engage with them actively in their communities on issues of crime, vandalism or raising educational standards, we can achieve miraculous results, as I see in my constituency. Does my right hon. Friend agree that we want to see much more education for citizenship and community involvement in schools, as well as through local community groups, to get young people at the heart of tackling the deprivation that some of our neighbourhoods experience?

Mr. Boateng: I certainly agree with my hon. Friend. He has a wealth of experience on these issues, both personally and professionally in his work for the all-party group. We know that volunteering and the sense of civic responsibility that it brings gives a practical demonstration of the values and ideals that we want to inculcate in schools. That led my right hon. Friend the Secretary of State for Education and Employment to put a new emphasis in the core curriculum on civics, as it was known in my day. [*Interruption.*] It was not that long ago and should not be cause for ribald laughter. It is known today as education for citizenship and we owe an enormous debt of gratitude to Lord Weatherill for his work on forming the citizenship commission, which has informed the development of thinking in this area.

Finally, I should like to say a few words about the role and responsibilities of employers in this area. The millennium volunteers project has developed on the basis that it is important for CVs, future development and careers. Employees not only have the potential, sometimes unlocked, to make a contribution as volunteers, but, in doing so, they develop skills and expertise that make them better employees and an added resource for their employers. A number of employers are beginning to recognise that and to blaze the trail for others.

It was right for the Prime Minister to make one of the key elements of his speech at the active community convention earlier this year a challenge to employers to give their employees the equivalent of one day's paid time off in the next 18 months to work in the community. Several companies have already announced their commitment to the scheme and we hope to encourage others to join them. It is a way for employers and businesses to show civil responsibility and of adding value to the skills base of the work force.

It is important for the Government to give a lead in the matter, which is why the head of the home civil service, Sir Richard Wilson, has written to all Government Departments asking them to give their staff a day each year for that purpose. We have been working with business to support Cares Incorporated as well as the City Cares project, which is under way in 10 cities in the United Kingdom. It will bring 100,000 people into voluntary work, with business setting the example and encouraging and supporting others.

Mr. Simon Thomas (Ceredigion): I heard with interest the Minister's remarks on support for employees who volunteer. I welcome the Government's initiative and leadership in the scheme, but does the Minister agree that taking part will be difficult for those who are unemployed and receiving the jobseeker's allowance who want to widen their skills portfolio? Some of my

constituents still complain that the voluntary work that they undertake is questioned by officialdom. Will the Minister investigate that aspect of the matter?

Mr. Boateng: We are working closely with the Department for Education and Employment and the Department of Social Security on that issue, to which I shall refer later.

We have identified older people, younger people and employees as target groups for the activities we propose. A fourth group is also important: our fellow citizens in the black and minority ethnic communities, who have a long tradition of community self-help which they have not always identified as volunteering. They have not necessarily been seen by the mainstream voluntary sector as a group that would attract interest and involvement. That is a missed opportunity, because there are many black and minority ethnic citizens who are anxious and able to get involved and who currently are an untapped resource.

We are working to alert the mainstream voluntary sector that there is an untapped resource out there and to work with black and minority ethnic voluntary sector organisations, which, for too long, have been the poor relations in the system. We want to build up their capacity and link them into the voluntary sector infrastructure to maximise their opportunities to contribute to the development of society and the whole community.

To help that process, there are initiatives within the active community units, one of which is geared specifically to twinning black and minority ethnic voluntary sector organisations with their larger mainstream counterparts. That has a double benefit. It benefits the larger, mainstream counterparts because it helps them to attract more black and ethnic minority volunteers and helps them to establish themselves better in those communities. Secondly, and significantly, it helps to build the infrastructure and the capacity of the black and minority ethnic voluntary sector. We have taken that forward with a specific funding stream and a series of regional seminars to ensure that black and ethnic minority organisations are better able to become involved in partnerships, consultation and decision-making.

The hon. Member for Ceredigion (Mr. Thomas) referred to people who may not be in work but who want to develop voluntary activities that might cause them to fall foul of the welfare and benefits arrangements and asked how better we can reach out to them. There is a common myth that people on benefits cannot volunteer. Unfortunately, that myth is sometimes believed by people in benefits offices, employment offices and so on.

Unemployed people can undertake voluntary work and it can be a means of acquiring skills that help to lead to paid employment. We are well aware that there are further issues arising from the complexity of benefits rules. In particular, we know that the requirement that jobseekers must be available for work within 48 hours can discourage people from making a commitment to voluntary work—hence the importance of flexibility. We are considering what can be done to ease that problem and our considerations form part of a work programme that has been taken forward by a small group within the active community unit, which has been set up to look at barriers to volunteering. The group was established in response to one of the recommendations in Lord Warner's report, "Giving time, getting involved". My right hon. and hon. Friends in the Department of Social Security are committed to ensuring that benefits offices and employment offices are aware of the significant role that volunteering can play in getting people back into work.

I am pleased to announce today that, following legal advice, the Department of Social Security will provide new local guidance, advising that no account be taken of time credits earned in time exchange schemes when calculating income-related benefits. That is a major step forward and comes in response to long-standing concern in the voluntary sector. My hon. Friend the Under-Secretary of State for Social Security made that clear in a parliamentary answer to my hon. Friend the Member for Plymouth, Sutton (Mrs Gilroy).

I believe that the measure will assist enormously in taking forward a range of initiatives, particularly TimeBank. It would not have been helpful if interest had been generated in TimeBank as a result of prime-time television coverage, only for those expectations to be dashed by the complexity surrounding its inter-relationship with the benefits rules.

To ensure that we encourage groups that have not previously been able to access volunteering opportunities to do so, we have provided nearly £1 million to set up a national database of volunteering opportunities. That is important because we know that new technology gives us hitherto undreamt-of opportunities to reach out to people, some of whom, for a variety of reasons, may be housebound. They may have access to a computer, but not have any way of getting out and about easily. Opportunities to volunteer could be made more widely known through the internet, and there are opportunities to volunteer on the basis of access to a computer. We want to build on the opportunities held out by the new and exciting developments in technology.

These are exciting times for the voluntary sector. We can ensure that the sector plays a full role in community self-help and development. The Home Office is leading a cross-departmental group on the resourcing of community capacity-building to bring greater coherence to the system under which community groups are funded and to give greater support to the community groups and leaders who rely—often almost exclusively—on volunteers. That is all part of a wider picture of support for the development of active communities.

The independence of the voluntary sector is important. It operates at a distance from Government, has the capacity to innovate and challenge established ways of doing things and is close to the people. All of those things should be cherished and preserved, but we must not allow that distance from local or national government to be an excuse for the Government to renege on their responsibility to create a context in which there can be true partnerships between the voluntary and statutory sectors. The partnerships must be based on an understanding of the importance of that independence and the vital integrity that goes with it.

[Mr. Boateng]

The work that has been done by the voluntary sector and the Government in the compact is important, for it lies at the heart of the understanding that must exist between the sector and the Government about what each party must bring to the table. That is the best hope for the future of the framework within which the partnership with the voluntary sector can develop. It is a great and exciting partnership, and we ought to be profoundly thankful for it.

3.3 pm

Mr. David Lidington (Aylesbury): I am glad to follow the Minister, as I share his admiration for the organisations and individuals who contribute to the voluntary sector in this country and his assessment of the importance of a thriving and independent voluntary sector to the health of the United Kingdom.

The Minister rightly said that most Members of Parliament have engaged in voluntary work of one sort or another. One of the pleasant surprises that I had after being elected to the House eight years ago was to discover the sheer scale and variety of volunteering in my constituency. That is probably reproduced in each of the 659 constituencies represented in the House of Commons.

Probably all of us in the Chamber today could give a long list of the different organisations and committed individuals that we have encountered during our time as Members. I can cite everything from hearing dogs for the deaf to the Buckinghamshire Association for Mental Health to the Aylesbury elderly Asian lunch club, all of which contribute in different ways to social well-being.

The Minister rightly gave priority in his speech to the work of volunteers in giving practical service to others. I would not wish to detract from what he said on that, but voluntary organisations contribute to this country's well-being in another but related way—they provide opportunities to celebrate what brings us together as communities. At this time of year, many of us find ourselves attending various fetes and other such events, which raise funds for good causes and are usually a celebration of neighbourhood identity. That is something of value that the voluntary organisations bring to this country, which no Government agency, however well intentioned, can reproduce in the same way.

Volunteering and the organisations are one of the greater strengths of the British tradition. They are what Edmund Burke meant by his term "the little platoon" or what sociologists probably call mediating organisations. The Chief Rabbi, in his recent Mais lectures, referred to organisations that were not part of a state but which were greater than the individual and within which we learn habits of trust, mutual respect and regard for the greater good, which help to sustain the sense of mutual dependence on which the security of a market economy and a liberal and free political system rests. The health of the voluntary sector, which commands cross-party support in this country, is important.

Although I shall ask some questions and make some criticisms in my speech, I shall intend them, even more than usual, in a constructive spirit. As the Minister said, large numbers of people volunteer in this country. One estimate that I have seen is that 3 million people regularly volunteer. However, as he said, the number is falling according to some surveys, although it remains high. That is borne out by anecdotal evidence. I can give instances of youth organisations that have folded because they have been unable to get week-in, week-out commitment from adult leaders to enable them to function.

That phenomenon is probably partly the result of changes in society and at the workplace. People are under greater pressure at work and there are more families where both partners work who want to keep their limited free time for themselves as a family. The surveys bear out the truth of the adage, "If you want something done, ask a busy person to do it". One survey showed that people are more likely to volunteer if they do a lot of overtime at work, if they have children under 15 living at home or if they are carers of relatives at home. The lesson is that we should not be defeatist. The general trend, on which both the Minister and I have remarked, is that we, as legislators, need to do everything in our power to remove disincentives from the people whom we wish to become involved in the voluntary sector.

While I was preparing for this debate, I looked through the Government's recent publications on the idea of a compact between the Government and the voluntary sector. I say without reservation to the Minister that I wholeheartedly welcome the idea of codifying relations between Government and voluntary organisations in a readily comprehensible fashion. We should also inculcate throughout Government, in every Department and agency, an understanding of what needs to be done to make the Government's activities understandable to the voluntary sector and to take account of the needs and working culture of voluntary sector organisations.

I warmly welcomed the Minister's concluding remarks, in which he championed the independence of voluntary organisations. Risks are run when the voluntary sector becomes increasingly involved in carrying out what were previously Government functions. That is not a party-political point—much of the effort stems from the reforms to personal social services that were introduced by the previous Government.

As the Minister said, we, as politicians and members of society, value voluntary organisations' independence and their ability to innovate, experiment and engage with the particular circumstances of an individual or local case. That approach is not available to Government officials, who have to abide by the Whitehall rule book. There is a risk that growing dependence on the Government may lead to an erosion in the voluntary sector of those qualities that we value most strongly, which could be a disincentive.

Lord Griffiths of Fforestfach summed up the way in which such a state of affairs might come about. He wrote:

> Typically, a charitable organisation starts, not infrequently with a religious affiliation, with a small number of highly committed individuals who are prepared to devote their time, skills and money to a cause. The organisation is then "discovered" by government and politicians are eager that they are seen to support it through public funding. Full time staff are hired to make the

programme more professional, then new members are added to the board who lend credibility because of their experience on other government bodies. Certain of the original objectives are downgraded because of their more controversial character and because of this decision significant amounts of public funding are obtained. Volunteers however begin to feel their support is now unnecessary and drop out.

Whichever party is in office, it is right for the Government to seek to draw on the particular qualities and strengths of the voluntary sector. It is of the utmost importance that we avoid making voluntary organisations little more than another arm of the Government machine.

The Minister should bear in mind the concerns that faith-based organisations have expressed about bidding for funds. They feel that, whether they are dealing with the Government or local authorities, they are forced to choose between being true to their religious integrity and complying with the policy of the local authority or Department. Will the Government do everything within their power to simplify the funding arrangements, bureaucracy and form-filling with which voluntary organisations have to deal? I have been told by a number of organisations representing the voluntary and charitable sector that there are too many forms which are too lengthy and take too long to fill in. There are complex performance indicators, which often vary a great deal depending on which Department is responsible for a particular initiative—even where initiatives have been designed with similar objectives in mind.

Too many new initiatives emanate from the Government, not all of which are sustained for more than a short period. Several voluntary organisations are concerned about the balance between core funding and project funding. They are making representations about what they see as a tendency for money to be doled out in small parcels for which they have to spend a lot of time and energy bidding, but which do not guarantee the continuation of the organisation's activities over the medium or longer term, because the Government project may exist for only a short time.

Mr. Boateng: I am listening with great care, attention and some sympathy for the voluntary organisations concerned to the points that the hon. Gentleman is making. However, does not he think that his points would be that much stronger if he had prefaced them with a fleeting moment in the confessional? After all, it was the Government whom he supported for many years who began the Government tendency of unwillingness to commit to core funding. My sympathy for the voluntary sector would be stronger if he confessed his party's responsibility in that respect.

Mr. Lidington: As I said with regard to social services, I am perfectly willing to start from the premise that while the previous Conservative Administrations transformed this country for the better during their 18 years in office, we did not get absolutely everything right. One of the relatively few consolations of going into opposition is that it gives one the freedom to think through what one did right, or wrong, in the past.

Will the Minister explain how the Government see the way ahead? It is difficult to strike the balance correctly, because the Government's priorities are inevitably not the same as those of the voluntary organisations. The present Administration have a habit—which is not confined to their dealings with the voluntary sector—of top-slicing budgets and handing money out in little packages. That involves bidding bodies in a disproportionate amount of effort. Complaints on that score come not only from the voluntary sector, but from the educational and national health service sectors.

I should like to raise with the Minister two other matters on which I have received representations from voluntary organisations. The first is the impact of the national minimum wage legislation; the second, he will not be surprised to learn, is the Criminal Records Bureau. I shall be happy to spend a while in the confessional on the latter subject, because I understand the difficulties that he faces. We need to answer important questions on both those counts.

I shall deal first with the impact of the national minimum wage. I understand that section 44 of the relevant Act created an exemption from the regulations for what were termed voluntary workers. This has involved a great deal of uncertainty for voluntary organisations over definitions. The National Centre for Volunteering has suggested that the Act should be amended to insert into its preamble a sentence such as "This Act does not apply to volunteers", as a way of giving greater certainty.

A problem that has already arisen is the extent to which perks, benefits in kind and discounts on services provided by the charity should be counted as wages. Does the payment of such items take the person concerned out of the category of a volunteer helper and into that of an employee to whom the national minimum wage legislation would apply? For example, people who work in charity shops, for organisations such as the National Trust or as volunteer guides in historic buildings sometimes are allowed a discount on the product or services sold by the organisation for whom they are volunteering. Does such a concession mean that that person counts as an employee? Such questions are being asked in the voluntary sector.

The same point applies in respect of voluntary workers who are working away from their home. This issue might affect young people spending time away from home—perhaps in a gap year—carrying out voluntary work on a particular project. In many cases, such people would be paid some sort of pocket money, rather than a wage; an allowance to permit them an occasional visit to the cinema or a pint in the pub during the weeks or months when they are engaged in their voluntary work.

If those payments were to be considered wages by the authorities, it would provide a disincentive to that type of volunteering because the organisation would have to either pay those people the national minimum wage or discontinue such pocket money payments, which could restrict the take-up of that type of voluntary work to those able to afford to subsidise their volunteering from other resources. That would not be desirable.

On the Criminal Records Bureau, I understand the Government's dilemma very well. Someone has to meet the cost of checks. If volunteers were to be granted an exemption, the Government would have either to find the money from elsewhere in their expenditure

[Mr. Lidington]

programmes or load the cost of that exemption on to the fees charged to non-volunteers for criminal record checks.

The voluntary organisations are expressing growing fears that this system of charging will prove a great disincentive and make life even more difficult for them. The organisations serving young people are especially concerned. The Scout Association says that it already vets and trains more than 65,000 volunteers a year at an annual cost to the association of about £100,000. It estimates that if it had to carry out an enhanced criminal records check on each volunteer at a cost of £10 a head, it would incur a further cost of £750,000 a year, in addition to its running costs.

The Minister will know that amateur sporting bodies are also expressing concern. It is often overlooked that sports organisations attract more volunteers than any other part of the voluntary sector. It is estimated that about 1.5 million people give of their time to amateur sport in the course of an average year. Those hon. Members who, like me, are parents will probably agree that young people gain a tremendous amount from the time that other adults are prepared to give to coaching soccer, rugby, cricket, swimming and other sports. Sports bodies, the Scout Association and the Guide Association are therefore concerned about the imposition of fees for criminal record checks.

The National Centre for Student Volunteers has said that it is concerned not merely about the possible disincentive of the fee, but about the sheer hassle of having to apply for a check to be carried out, especially where the voluntary work will be done in a university vacation. In such a case, would there be any guarantee that the necessary paperwork could be completed before the opportunity to do the work had passed? The Government and the Criminal Records Bureau must try to ensure that applications for criminal record checks will be processed quickly. Whether or not a fee is payable, volunteers for whom a check is necessary should get clearance quickly, so that they do not give up, walk away and find something else to do because they are fed up with waiting.

A number of questions arise for the Government. What is the Minister's most recent assessment of the cost to the voluntary sector of the planned system of fees? How many people does he think will be affected? As he knows, in the past, several voluntary organisations have challenged the Government's published estimates. The Government are supposed to produce an impact assessment before the Criminal Records Bureau starts operating and charging fees. Given that the bureau will commence operations in 2001, I hope that the Minister can assure us that a detailed assessment will be produced later this year. Will he issue guidance on how the system will operate, especially the way in which the concept of substantial unsupervised access to children and young people should be interpreted?

Conservative and Labour Ministers have always taken the view that voluntary organisations are not obliged to have their helpers vetted and such arguments were used when my party was in office. However, I wonder whether the Government have taken full account of the pressure that insurance companies are exerting on voluntary organisations. In my constituency—and, indeed, on a wider scale—voluntary organisations are saying that they will feel obliged to ask not that the straightforward criminal record check be carried out, but the enhanced check. Otherwise, they fear that insurers will not provide cover where an organisation is sued because it failed to carry out a check that would have shown that a helper had harmed a child. The Government should not stand back and say, "It's up to the voluntary sector to decide whether to carry out checks." Voluntary organisations are under much pressure from insurers to secure checks on all volunteers who work with children and young people.

What thought are the Government giving to the impact of the requirement for checks on after-school clubs and other initiatives that they are helping to fund and that are directed at young people? I presume that volunteers who work in such organisations will be asked to permit a criminal records check to be performed. Will the Government allow for the cost of police national computer checks in their funding?

Although I have some criticisms of and questions for the Government, I start from the position of sharing the support for the voluntary sector that the Minister and his colleagues have shown. The thriving and innovative voluntary sector is one of this country's greatest traditions. It has existed for many years and all of us must work hard to pass it on in good health to future generations. In doing that, we will contribute to the greater well-being of the country.

3.32 pm

Jackie Ballard (Taunton): Like others, I have been a volunteer—not just a political volunteer. However, I have discovered that one carries on being a political volunteer even after one is being paid to be a politician. I was also a recruiter and organiser of volunteers when I worked in adult basic education, so I know about the difficulties in finding suitable volunteers. The volunteers whom I had to recruit needed to give blocks of their time to help adults with literacy or numeracy problems, so I understand what the Minister said about the inflexibilities in the benefits system. Those inflexibilities affect volunteers who have to commit to being in a certain place at a fixed time for a set period if they are to do an individual any good.

In our background research, we have all read papers containing figures on the number of volunteers and the hours that they work. I read a different paper from the Minister and the hon. Member for Aylesbury (Mr. Lidington). It said that volunteers give more than 18 million working days a year, the equivalent of contributing £1.4 billion to the economy. That figure is different from the £40 billion that the Minister quoted. I do not know how those figures were calculated. It is probably impossible to calculate the economic worth of volunteers, although it might be a worthwhile exercise. Does the Minister have another figure?

Mr. Boateng: No, but I wonder whether that was the same statistician who calculated what the Liberal Democrats could provide with an extra penny on income tax.

Jackie Ballard: I am so disappointed. I thought that the Minister was in one of his generous moods and that

he would not go in for such petty political backbiting. He has disappointed me, as he so often does, but I will try to live up to the name that he gave me in Committee on the Criminal Justice and Court Services Bill and behave responsibly.

My experience of statisticians is that no two ever agree on statistics. We should not put too much store by statistics or statisticians. However, whatever the exact contribution made by volunteers might be, it deserves to be recognised in the country and at the heart of Government more widely than it often is, which is why I welcome today's debate.

In our jobs as Members of Parliament, we encounter many people every day who give up hours of their time to do voluntary work. I am amazed at how much time some people devote not just to the well-known charities, but to helplines or statutory organisations such as the NHS, which—to make a brief party-political point—often uses volunteers to eke out its meagre resources. Some people even volunteer to work for Members of Parliament.

I recently met a constituent who works full time, but devotes much of his spare time to running a youth club in Milverton. He saw that a need was not being met, rolled up his sleeves and got on with it. We owe such people a great debt of gratitude. Indeed, volunteers are the unsung heroes of our society, without whom many organisations would collapse and many people would fail to receive vital services. Our communities are much the richer for these people.

I shall mention several organisations in my own constituency to make a wider point. The first is St. John Ambulance, which I visited recently. I was made keenly aware of its difficulties in recruiting volunteers. There is a greater need for services as voluntary organisations grow, but fewer people have time to give, so it becomes increasingly difficult to recruit volunteers. Hon. Members will be attending fetes and carnivals in the next few weeks, many of which could not take place without the presence of St. John Ambulance—for insurance as well as safety reasons. It is vital to the success of other organisations in the community, so there is a knock-on effect. St. John Ambulance also provides training, internally and externally, which helps to save lives every year. As a result of lottery funding, it is running first aid courses in some of my constituency's villages to train first-line responders in the event of emergencies—a vital job to help support the emergency services.

Last Friday morning I was shown around Beech Grove school in my constituency by the head teacher and the chair of governors. It reminded me that school governors are another volunteer group—perhaps not one that immediately springs to mind—that performs a responsible and vital role. It is an increasingly time-consuming role, particularly for the chairman of governors. Some hon. Members have been chairs of school governors and some—perhaps the Minister—still are.

I recently attended a youth council conference in Somerset that brought home the importance of volunteer networks, without which youth participation in the form of youth councils could not take place. If we expect young people to become active and valuable members of society, we must provide opportunities for them to be consulted and give them an input into our democratic systems. There is a tendency to view voluntary work as about helping people in need, but it is also about involving people in diverse ways in their communities. Becoming involved in projects to ensure that decision makers listen to young people's views is another part of volunteering, as it is not always carried out by the statutory sector.

Last Saturday, the mayor of Taunton Deane organised a millennium parade through the town. A huge variety of voluntary organisations—more than 100—took part. The hon. Member for Aylesbury spoke about a range of organisations, and I noticed a range from the Samaritans to the majorettes—very different in their aims and objectives.

Many voluntary organisations value the framework and support that they receive from joining together under the umbrella of the Council of Voluntary Service. I note that neither of the two previous speakers mentioned CVS. I am especially aware of its work because I used to be a member of the executive of my local CVS branch. I know first-hand of its ability to bring together social, economic and environmental groups to contribute towards community planning. Local organisations and their communities need the CVS to build skills capacities and competences through partnerships.

I have regular meetings with voluntary organisations in my constituency and they all tell me that they do not want to lose sight of their core objectives and become over-bureaucratic to take on and deliver either the local government or national Government agenda. The CVS is in an ideal position to facilitate compacts, if it has adequate core funding. This comes down to the issue of core funding versus chasing project funding, for which I would not blame a specific Government. I have been a member of local government and this is not a party-political issue.

All Governments who see themselves as guardians of public funds are likely to put over-bureaucratic demands on voluntary organisations and to have bright ideas and seek bids for project funding. However, we must find a way to ensure that that does not overtake the core objectives of voluntary organisations so that they end up employing people to do their accounts and they lose sight of their original purpose. The whole process takes time and resources and that is why the CVS is an ideal player in it. There is a constant issue for voluntary organisations in managing the conflicts between their internal values or aims and the external policy environment, such as the divergent and changing expectations of partners and the new financial opportunities, especially bidding opportunities and the inevitable financial constraints.

Volunteering and the nature of voluntary organisations have changed a great deal in the past two decades. Their services are needed more now than ever before and perhaps in some ways the terms "volunteer" or "voluntary" are no longer suitable because without some of the services provided by the voluntary sector, the statutory services would find life incredibly difficult. As the hon. Member for Aylesbury said, many more people are now in paid work, so there are fewer volunteers to cope with the increasing needs of communities and statutory organisations.

[Jackie Ballard]

Some people feel that they have no skills to offer, but all that many people who are in need of help want is a little of someone else's time and attention—something that most people can offer. Many people volunteer their time to home visit schemes that are organised by local authorities and charities such as Age Concern. They provide a lifeline for people who may not necessarily suffer from any disability, but who benefit from having someone to talk to once in a while. Lewisham health centre, which is nowhere near my constituency, runs just such a scheme to help older people cope with loneliness by providing someone to speak to them on the phone or visit them in their homes.

The Minister spoke about the BBC's TimeBank scheme. I should like to mention another. I do not know whether the Minister has come across the Lewisham time bank but it is attached to the health centre. It enables volunteers to earn time credits for helping their neighbours or others in their communities. They can spend those time credits on services for themselves. A general practitioner, for example, can prescribe a few hours of visiting for someone who is lonely or depressed—I do not mean clinically depressed, but what most lay people would describe as depressed. Such schemes can give a value not just to the act of volunteering, but to the volunteer.

In his speech in March, which has already been mentioned, the Prime Minister said

> let us give generously in the twin currencies of time and money.

He was right to identify time as a unit of currency and it is one currency of which some people, such as the retired and the unemployed, have plenty. But many of them do not have much of the other currency—money. Why not allow them to exchange their time for goods and services?

The expansion of the scheme could be worrying for Governments. If local authorities were involved in time bank schemes, they could allow time credits to be exchanged for car park tickets or for access to leisure facilities. It may be a revolutionary idea, but when one starts to think about it, there is no end to where it could lead. One could set up an alternative society, swapping time and services with each other without using money. However, Treasury and Department of Social Security officials would get very worried about that. I am pleased that the Government are looking at the existing, or perceived, barriers to volunteering for people who are on benefits and I am delighted with the Minister's announcement about time credits, which is very positive.

There are many time-bank, time-credit or funny-money schemes in this country, but there are many more, and older-established ones, in the United States, where there is a long-established culture of volunteering. Like many hon. Members, I have an American intern working with me, and she tells me that university students in the United States compete for the chance to spend their holiday time volunteering, building houses, caring for children and so on.

There are service-learning programmes in which people give their services free of charge to help organisations in need. For example, accounting students give up their time to help in schools. Others volunteer to work in parenting schemes for at-risk children; in meals-on-wheels and family-assistance schemes in hospitals; in neighbourhood cleaning schemes; and in shelters for abused women. Volunteering is a worthwhile way to help others while learning new skills and being valued as an individual. As the Minister said, it is an impressive addition to any CV.

I will not repeat the argument advanced by the hon. Member for Aylesbury about voluntary organisations' anxiety that Government proposals will make them pay for checks on criminal records. However, I, too, have been lobbied by several organisations, including the guides and the scouts who rely largely on volunteers. I do not have to declare an interest as the honorary vice-president of Somerset Scouting Association as it is certainly not a pecuniary interest.

The checks are vital and it is important that voluntary organisations take as much care as statutory organisations and business about those who work with children and young people. I hope that the Government's review in July will show that they have much more money than they expected in their coffers and that they will thus grant voluntary organisations an exemption from the fee for criminal record checks.

We have much to learn from other countries that make use of people's volunteering skills. Many people are prepared to play a part in their community through voluntary schemes, although getting involved in local politics or the local council may be the last thing that they want to do. However, many of us became involved in local politics through the volunteering route. I was first involved in campaigning for a toy library, helping to set it up and running it when I had a very young child. Volunteering is often the route into politics, but many people do not want to get politically involved. They are happy to give up their time to volunteer for other things.

Volunteers should come from all sections of society—young and old, working and non-working. If working people are to give their time and skills to the community, they will need their employers' support. As the Minister said, the Prime Minister laid down a challenge to employers, many of whom do not recognise the value to their organisation and to society of having employees who are active as magistrates, local councillors, school governors or in voluntary organisations.

I am one of several Members of Parliament on a secondment scheme through the National Council for Voluntary Organisations. I chose to work with Crime Concern, which last night held a dinner for corporate sponsors, which I attended. I learned there of a large London brewery that released 50 members of staff during working hours to act as mentors to children at a local school who are at risk of offending. That is an excellent example to other employers, who I hope will take up the Prime Minister's challenge. However, one day in 18 months seems rather a small challenge to rise to and I hope that they will give more time.

I have long been interested in community measures such as time dollars and community banking. Mutuality has been missing from volunteering so far; community banking takes place with volunteer support to set up a mutual organisation, the idea being that communities band together to offer cheap finance. The bank is administered by a team of volunteers, so costs are kept to a minimum.

The other attractive aspect of mutuality is harnessing the time, skills and caring of people who themselves need help. Rather than so-called do-gooders or mentors moving in to help the underprivileged or marginalised members of society, it is better to involve such people not as passive recipients of help but as active participants with something to contribute. In debates elsewhere the Minister and I have discussed how people who get into a spiral of offending often have low self-esteem and need someone to tell them that they could be better people. The same argument applies to people living in a disadvantaged community who feel that they are just the recipients of help with nothing to offer in return. Mutual volunteering could help to overcome that problem.

We are fortunate to have so many people who are willing to give up their time to help out in charity shops, hospices, meals-on-wheels services, day care centres, support groups and many other activities of our society. Volunteers do not volunteer for nothing; they gain from the experience. Whenever I recruited volunteers I was always careful to say that voluntary actions were not always done just out the goodness of people's hearts; volunteers gained a feeling of self-esteem and they were contributing something worthwhile to the community.

As the Minister said, volunteering can—through fostering regular attendance at meetings and putting some routine back into people's lives—help to get people back into paid work. We must be careful not to make volunteering too professional and not to impose so many types of accreditation around it that it puts it out of the reach of ordinary people.

Mr. Boateng *indicated assent.*

Jackie Ballard: I am pleased to see the Minister nodding. Not every country in the world has the volunteers and volunteer networks that we have. We are fortunate to have a long tradition of volunteering. We must be careful not to destroy that tradition by good intentions.

3.54 pm

Mr. Alun Michael (Cardiff, South and Penarth): Volunteering is the essential act of citizenship. Active engagement in the communities in which we live—not rights or the passports that we carry—is what makes us citizens, and I make no apology for reinforcing that point. My right hon. Friend the Minister made the same point when he referred to volunteering being of the essence and the fabric of society. Due to his wide experience of the voluntary sector and community interests, I am delighted that that aspect of Government policy is in his hands and I welcome his announcements here today.

The United Kingdom has a vibrant and successful voluntary sector. There has been enormous progress in promoting a spirit of partnership, but volunteering still has an old-fashioned ring to it. It is seen as dowdy here, in comparison with the United States of America, where voluntary work is increasingly seen as a core activity and is viewed by business managers as well as individuals as an essential element in a CV. We are talking only about image and language in that respect, because our level of activity and the range of our voluntary and community sectors are enormous—probably greater than in any other country. Even on that large base, much progress is being made by the voluntary sector—but much remains to be done. In my contribution, I want to recognise the value and work of the sector, stress the importance of partnership and look to priorities, particularly in innovation.

The previous Opposition day debate of 23 July 1996 was almost unique because there had been no debate on the voluntary sector or volunteering for many years. It was an opportunity for all those who took part to celebrate the work of the sector. I am pleased that this debate is taking place on the Government's initiative and I hope that it will become a regular feature of the House's calendar. Clearly, there is a mass of issues with which we ought to engage. They are not, perhaps, the controversial and partisan issues, but issues that should be teased out in intelligent debate between people who have experience of the voluntary sector and a concern for it.

It is the responsibility of Government to nurture the sector, although we must be sensitive to its need for independence. All parties have accepted those points. I am pleased that so much of what the Labour party called for when in opposition, in terms of the development of that partnership, in publications such as "Building the Future Together", has been delivered. I congratulate the Minister and his colleagues on their recent work. The development of the compact at every level throughout the United Kingdom is an enormous step forward. I pay tribute to my right hon. Friend the Minister for his participation and to people in Scotland, Wales and Northern Ireland, where separate processes have led to developments that are similar, but are very much owned by those countries.

Mr. Hope: I regret that my commitment to an engagement at the Trustee Conference 2000 means that I cannot stay to contribute to the debate. My right hon. Friend is hiding his light under a bushel. He is the author of the compact that is now establishing a brand new relationship between the Government and the voluntary sector at a national level and in regional and local government. Does my right hon. Friend agree that the work that he has done has set the standard—I am sure that he does—but that, although we have made progress, there is more to be done, particularly on rolling out the compact at local level?

Mr. Michael: Many people recognised the need for the developments and many people, including my hon. Friend, came to the House with experience of the voluntary sector. They brought their experience with them, so that the House is now seized of the need for the relationship.

The Labour party developed its approach in opposition, but did so in partnership with the voluntary sector—listening and debating. Parallel activity took place in the voluntary sector. The National Council for Voluntary Organisations took a major initiative that led to the Deakin report. That made a significant contribution in England and there were parallel working groups in Wales, Scotland and Northern Ireland, where the voluntary sector itself sought to develop a different

[Mr. Michael]

type of relationship. It has been a collective effort, and I pay tribute to my hon. Friend the Member for Corby (Mr. Hope) for his contribution, both in his professional background and since he was elected to the House, particularly in his work with the Back-Bench group on the voluntary sector.

There is a great range of important innovation. The Prince's Trust has undertaken a variety of activities designed to motivate young people, taking risks that it would be more difficult for the statutory sector to take. On the Government side, there has been the development of the millennium volunteers. I am glad that my right hon. Friend referred to the role of older volunteers. Often, one hears people in their 80s talking about helping "old people" who are about 10 years younger than they are. I had that experience with my father, when he was alive. Following the year of older people, there has been increasing recognition of the important part that they play. There is potential for greater future involvement, as the number of older people and younger retired people increases. We need strategically to expand that innovation.

I welcome the cash commitment to expand the work of older volunteers to which my right hon. Friend the Minister referred. That approach needs to be developed in a strategic manner that does not simply involve one-off projects or funding for a short period. Much good work has been supported by lottery funds, but most of those efforts tend to be short term. A service that is provided for two or three years may disappear unless there is sustained funding, which can sometimes be provided by Departments, local government or voluntary contributions. However, the situation can be difficult— the example of the old urban aid funds shows that services can disappear, although they were good and the community came to depend on them. It is crucial to provide sustained support for the best projects.

I want to discuss two important innovations that suggest a way forward: those are, the community action network and the Cares programme, which was initiated by Business in the Community. Perhaps I should add that I joined the advisory board of the community action network, although that is not a pecuniary or declarable interest.

The purpose of the community action network, which has grown quickly, is to encourage the outstanding community projects around the country to exchange information and knowledge. Some of those projects are well funded, some are local and others, such as Track 2000, which is in my constituency, are grass-roots organisations.

During my time at the Home Office, with CAN we invited various voluntary sector organisations to take part in a discussion. They discussed, via the web, what they should say at that first meeting. As a result, it was one of the most coherent and well-prepared meetings in which I have had the pleasure of taking part. That shows how new technology can be used by the voluntary sector.

Some 350 members of the community action network are now helping to spread innovation and to compare practices and experience—they discuss what works and what can be transplanted, so that success does not simply remain local, although many of the projects, of their nature, are local. Local successes can be transplanted and replicated in other places. We should strongly encourage such efforts and I know that the Home Office is supporting this work.

The community action network brings together the public, private and voluntary sectors. Several innovations have shown that the three sectors have the capacity to work together. Experience to date suggests that there is a capacity for dynamic innovation, although it can be difficult to manage a dynamic relationship between different sectors, which may include several Departments. The ways in which health authorities work make it hard to secure a proper and sustained engagement with the voluntary sector in community development.

I also want to discuss the Cares programme. I had the privilege of being invited by Sandy Leitch, who was leading a task force for Business in the Community, to join him and the National Centre for Volunteering on a visit to New York to examine the work of New York Cares. That shows how the lead in such initiatives can come from various directions—it can come from a community or voluntary organisation, the Government or the business sector. We should welcome and encourage such diversity. That initiative led not to the transplanting of the American experience to the United Kingdom, but to the development of our own model. I am pleased to see how that has developed through the action days that have been organised. Some 275 companies and 7,100 employees have taken part since September 1999. That remarkable upsurge in activity is in addition to the existing activities of voluntary organisations.

Ten Cares partnerships are now operational in cities around Britain, including the Cares programme in Cardiff. Coincidentally, my constituency was one of the pilot projects. I am very pleased that the National Assembly for Wales has given £400,000 for Wales-wide development in every town and city. The programme's innovative activity is being matched with that of the existing voluntary sector. That is a positive approach; people are saying not, "We're new: we can come in and do everything", but, "We can add to what is already there and work with existing organisations."

I referred earlier to the role of voluntary activity in the CV of someone who is seeking employment. The National Centre for Volunteering has highlighted the fact that the 1997 national survey of volunteering revealed that 18 per cent. of those surveyed said that their employer encouraged voluntary work, and 40 per cent. said that they would be either very interested or quite interested in participating in voluntary schemes organised by their employer. That underlines the importance of voluntary work being seen as something that is encouraged. It also demonstrates the potential of the Cares programme, given employers' involvement in it. The National Centre for Volunteering suggests that government should help to encourage flexible working hours to facilitate the community involvement of employees. It also advocates schemes that could assist business in encouraging volunteers—for example, tax breaks or a scheme akin to payroll giving, with voluntary activity rather than money being the benefit that is provided.

My right hon. Friend the Minister, when he spoke about encouraging employees, referred to the role of the Secretary of the Cabinet, Sir Richard Wilson. I pay tribute to him for the superb example that he has set in encouraging Government employees to become involved in volunteering activities. His initiative at the Home Office in 1997 had a significant impact. There is nothing like leading by example from the top and I pay tribute to the lead that he has taken.

The National Centre for Volunteering has raised the issue of unemployed people and people who are active social entrepreneurs in their local community. That is to do not only with unemployed people voluntarily giving their time, although I am pleased that more is being done to remove the obstacles. However, people who take a lead in their local community and become social entrepreneurs, doing valuable and fulfilling, but unpaid, jobs in the community, sometimes have to leave those jobs in favour of paid work. That can leave a vacuum, in that much voluntary activity collapses and, indeed, help for unemployed people disappears. The national centre suggests the inclusion of a social entrepreneur option in the new deal. There are potential difficulties in implementing that, but the idea merits further exploration.

Social entrepreneurship, as a concept, is as hard to put a finger on as entrepreneurship in the business sector, involving as it does the old question of whether entrepreneurs are born, developed or trained. I have looked with interest at the work of the school for social entrepreneurs, which was started by Michael Young—Lord Young of Dartington—who seems to have lost none of his capacity for innovation. If that school proves a success and the people who go through the training course are able to take a major leap forward, it would say a lot for education and training in that field. That is something on which we could then build for the long-term future.

Training needs a greater emphasis in relation to volunteering, voluntary organisations and voluntary activity. There is always a tendency to make savings on training when money is tight, as it is most of the time. However, if volunteers are to fulfil their potential, they need the opportunity to develop their skills and knowledge, just as employees do. We should place a great deal of emphasis on that.

I join my right hon. Friend the Minister in welcoming the report of Lord Warner's committee, and I hope that a long-term strategic approach will be taken to the implementation of its recommendations. Will the Minister tell us the Government's intentions in that regard when he sums up? The contribution of the voluntary sector to the new deal should not be underestimated. From the beginning, the most difficult young people have needed to be motivated and given the first step on the path into work. That is of interest to all of us, not only because we believe that all young people should have opportunities, but because it is those young people who need particular help who are likely to do damage to themselves and to the wider community.

I refer to the rest of the Minister's portfolio—the way in which the devil makes work for idle hands. If young people are to respect society, they have to be part of society. Young people from the most deprived communities—and often those from ethnic minorities—frequently have not had as many opportunities as others. I welcome the work of the voluntary sector in the new deal in that regard and I hope that it will be strongly promoted in the future.

Tradition and consistency are on the other side of the coin to innovation, and I share the view expressed earlier that faith-based voluntary organisations need to be encouraged and nurtured. The church is often the only professionally led organisation still in existence in some of our most deprived communities and run-down areas. Increasingly, in modern times, the mosque as well as the church may be the key to engaging the community in its own future. Tradition and consistency in the voluntary sector, therefore, must be nurtured.

I have some involvement in the Youth Hostels Association, of which I am a vice-president, and the citizens advice bureaux service. A variety of organisations should not be allowed to slip down the list of priorities for support and encouragement simply because they have been around for a long time.

I shall return to the most important development of recent times: the development of partnerships. That is where I started in voluntary and community work and, during the past couple of years, I have been pleased to see major innovations in Wales. The Wales Council for Voluntary Action has now based itself in Baltic house, a stone's throw from the National Assembly for Wales. The engagement between the new Assembly and the voluntary sector is vibrant as a result of that initiative. The Assembly has also established a partnership council as one of the three strands of partnership—the others being with business and with local government—that are the key elements in its being. Others could learn from that.

The development of local compacts has grown out of the agreement of the Wales Council for Voluntary Action and the Welsh Local Government Association to set targets together. The delivery has been patchy, but some of it is extremely exciting. During my period as Secretary of State, I asked all public bodies in Wales to establish a compact with the relevant voluntary sector. One of the most exciting developments was in Neath-Port Talbot, where the local authority and the local council for voluntary action joined with the NHS trust and health authority to adopt a tripartite approach to the development of volunteering and voluntary activity. Again, that approach strives to break down the barriers.

The development of a compact involves not simply codifying good practice, but creating a new vibrancy in society and a planned release of new energy into the voluntary sector. Certainly, there is a danger that the voluntary sector will be flooded if national or local government expect too much of it, and the relationship must be managed with great care. However, that relationship must also be strategic. If the voluntary sector is to continue to be successful, consistency is crucial.

I mentioned crime reduction and I was pleased to hear the hon. Member for Taunton (Jackie Ballard) mention that she is a former board member of Crime Concern. I regard the work of that organisation and others such as the National Association for the Care and Resettlement of Offenders, and Victim Support as crucial to crime reduction in this country. It is not simply that they do additional good work: they do things that the public sector cannot. Partnership between the public and the

[Mr. Michael]

voluntary sectors—which, again, requires the involvement of business—is crucial, and such organisations are essential to delivering stability in society.

Finally, I too underline the importance of involving young people. As has been said, it is difficult to get young people to regard volunteering as exciting. In my experience as a youth worker, the only way to get them to volunteer was to tell them that they were volunteering only after the event, by which time it came as something of a surprise. One must get them involved and engaged, and words such as "action", "care" and "community" have a greater appeal than "volunteering". That presents a problem. One cannot talk about volunteering without using the word, but to attract people one almost has to avoid it.

In Wales, the National Assembly launched the "Young Voice—Llais Ifanc" initiative, the purpose of which was to use the internet and e-mail to encourage youngsters to talk to each other—rather than just the Government—about policy. If we allow concerns and suggested remedies to develop independently, young people will engage in voluntary activity and, indeed, the political activity that is essential to the survival and development of our democracy. Political activity is, after all, a voluntary activity—none of us has been forced into it—and it is rather sad that we live in a society in which such activity is, in the main, denigrated. Just as volunteering needs a fresh and positive image, so does political activity, and perhaps the two are not entirely unrelated.

On the responsibility of Government, it is interesting to note that other countries are looking at, getting excited about and learning from developments in this country. Last weekend, Lord Dubs and I spent some time with people from eastern Europe who were interested in learning how to involve non-governmental organisations in the development of a civil society. They brought a refreshing air of excitement. I hope that debates such as this will engender greater interest and excitement among hon. Members.

Let us explore the words to be used in relation to volunteering, but let us speak positively and regard it as the essential act of citizenship. Let us press the Government in everything that they do to emphasise the importance of these activities. Many Government Departments—the Home Office, the Department for Education and Employment and the Cabinet Office—are now taking initiatives. The social exclusion unit has made a major contribution in promoting ideas of social inclusion. We know of the Chancellor of the Exchequer's interest, which has been put into financial terms in recent decisions; we know of the Prime Minister's close interest in the voluntary sector. We must move towards coherence from Government: perhaps sometimes there are too many voices, which makes it difficult for the voluntary sector to be sure what messages are coming from the Government. That can lead to energy being diverted in a variety of directions.

There is a difficulty about us wanting, as we all do, children and those with whom volunteers work, such as adults with learning difficulties and the elderly, to be properly protected by the use of the criminal records system. It gives a mixed message from the Government when that will cause a burden for those organisations that use volunteers most. I recognise the difficulties and the dilemma that Ministers face in dealing with that. Ultimately, it becomes a central dilemma for the Government and one that the Chancellor of the Exchequer could perhaps look at again to ensure that they give a clear and simple message about the importance and value of volunteering.

In that context, all organisations in the public sector, including local authorities, must be encouraged to provide funding in a way that makes it easier for the sector to apply for and receive financial support within the new time scale. Now that the Government have moved to a three-year time scale for funding, there is no reason why that should not be passed on by public bodies and local government to the voluntary organisations.

Finally, new ideas are necessary if we are to get right the balance between core funding and project funding. I know that some thought has been given to strategic funding for the voluntary sector. That would allow continuity of thought and development without a return to the old system, where so much money went to administration that comparatively little was available for activity on the ground and the development of innovation and good projects.

Let us unite in persuading Ministers that encouragement of the essential act of citizenship has support from all sides of the House and from the community at large.

4.23 pm

Mr. Simon Thomas (Ceredigion): I begin by declaring a possible interest. I worked for five years for the national representative body for the voluntary sector in Wales, the Wales Council for Voluntary Action. I still have pension rights, so I clearly have a stake in the future of the voluntary sector.

I welcome the Minister's announcement that time exchange schemes will be taken into account in the benefit regulations. I ask him to go a little further along the lines urged by the hon. Member for Taunton (Jackie Ballard), particularly with regard to local exchange trading schemes, which are local exchange mechanisms. A local exchange trading scheme in my constituency is having problems with unemployed people who pledge one another not only time but services, as a sort of currency. Local officialdom is not receptive to what is happening there.

I also welcome the pronouncement by the hon. Member for Aylesbury (Mr. Lidington)—I am not sure whether it was an announcement—who spoke glowingly for the Conservative Front Bench about liberal society. I thought that liberal society had gone downhill in the Conservative party. However, at least in this consensual Chamber I welcome his remarks on a liberal society without elitism. I agree with his remarks in that context.

I want to focus on the contribution of the voluntary sector to Welsh civic society, as seen from my own perspective and experience as someone who has worked for a voluntary sector organisation for several years and who, like other hon. Members, became involved in the first place by being a volunteer.

I shall start by giving throwing some statistics into the pot. They differ from other statistics that we have heard, so perhaps we can take an average and work out where we are.

The annual income of the voluntary sector in Wales has been estimated at about £570 million, which is a significant amount and is equivalent to 2.2 per cent. of the gross domestic product of Wales. There are about 25,000 active voluntary organisations in Wales, of which 90 per cent. are small local organisations. It is important to remember that many voluntary organisations have their headquarters in London and elsewhere in the United Kingdom, which skews the perception of voluntary activities because they are often thought to be outside Wales. Wales has many small voluntary bodies.

The Minister said that 29 per cent. of the adult population in Wales are active volunteers, but my figures show that 80 per cent.—1.9 million people—are active volunteers and that each contributes nearly four hours of voluntary time every week. There is a big difference between 29 per cent. and 80 per cent., but statisticians use different methods to obtain figures. The value of that voluntary work to the Welsh economy is estimated to be £3.4 billion. The figures sometimes seem to go beyond reality and perhaps the new economics have gone too far. The contribution of voluntary organisations and volunteers is equivalent to about 15 per cent. of gross domestic product in Wales. Accusations are sometimes made of facts and figures being added together and totalling more than 100 per cent. of GDP when every sector has made a play for its part of the economy. However, the contribution of the voluntary sector in Wales is significant and it ranks alongside sectors such as agriculture, farming and tourism. It is in that league and it is important that its value is accepted.

For every £1 of statutory funding, the voluntary sector contributes £2.30p in matched funding, time and effort. We face the problem of finding resources for objective 1 structural funding in several areas in Wales and elsewhere in the United Kingdom and the contribution of the voluntary sector to meeting structural funding obligations can be significant. It has a full part to play, but that does not let the Government off the hook in finding sufficient matched funding in the comprehensive spending review. The voluntary sector should contribute added value to the process; it should not supply funds to substitute for Government expenditure.

Having put on the record some of the facts and figures from one part of the United Kingdom, I want to say how important the voluntary sector is to civic society. The compact between the Government and the voluntary sector in Wales, to which the right hon. Member for Cardiff, South and Penarth (Mr. Michael) referred, states:

> Voluntary action plays a central role in our modern pluralistic society and enhances the democratic process.

Within the past week or so we have seen how the voluntary sector can enhance the democratic process when it delivers its views to politicians.

I see from the voluntary sector in my constituency how flexible it can be and how it is able to respond to demand as it arises. Statutory organisations sometimes take years to conduct research and to put together funding bids, but the voluntary sector can be up and running in months, weeks or days and sometimes hours. Organisations in Aberystwyth that help the young homeless, Hype in my constituency, and the Ceredigion advocacy network, which helps those with mental health problems, have filled a gap and, at short notice, have provided a service that was not available in the statutory or private sector. The voluntary sector often brings such organisations closer to the people and encourages greater participation. In turn, that builds confidence and skills among participants. We have already heard a little about the contribution that volunteering makes to employers and those seeking jobs. I like to think that the voluntary sector is not only the civic society, but the learning society at work. Volunteering is the process by which most people gain new skills.

I support what the hon. Member for Taunton said about accreditation in the voluntary sector. We must monitor progress and the value of the public penny that goes into some voluntary organisations, but we must not overburden individuals with a requirement to gain national vocational qualifications or meet other criteria. We must maintain the maximum flexibility and allow people to gain skills and measure their own progress. When self-esteem is low, people measure their progress against that of their peers, not against external criteria that they must meet. It is important that Government policies give the voluntary sector sufficient freedom to continue in that way.

I want to illustrate the way in which the voluntary sector has worked in Wales by giving a short history of its contribution to the preservation and promotion of the Welsh language. I became involved in the voluntary sector and perhaps ended up in this House by that route. The first voluntary efforts to revive the Welsh language were made in the 18th century, when Madam Bevan set up circulating schools. They taught Welsh, which was forbidden by the state at that time. The Act of Union ruled out the use of Welsh in public life.

It took the voluntary sector, driven by the non-conformist faith communities, to realise what was happening. It set up a whole raft of initiatives, which are now familiar even to those outside Wales. The eisteddfod was restored to its current form in the 19th century. The Gorsedd, which started in London on Primrose Hill, was fuelled by a real voluntary visionary—Iolo Morgannwg. I think that he never had much of a job, but was a lifelong volunteer. He was also addicted to hard drugs, but I do not advocate volunteering in that way.

The eisteddfod and the Welsh language societies continued to flourish in the early part of the 20th century. The Urdd Gobaith Cymru—the Welsh league of youth—was set up and has proved an extremely effective way of teaching the Welsh language to children. It led to the first Welsh language school, which was voluntary. It was not allowed, or at least not encouraged, in the Government-funded system. That first Welsh language school was in Aberystwyth in my constituency. The 1960s saw an increase in the number of organisations such as the Welsh nursery schools movement—Mudiad Ysgolion Meithrin—which led to a revival of the language.

[Mr. Simon Thomas]

Curiously, the Welsh language movement also saw itself as being outside the mainstream voluntary sector. As a result, many voluntary organisations in Wales now have difficulty attracting Welsh-speaking volunteers. That is both an anecdotal and a recorded problem. For example, the citizens advice bureaux in some parts of Wales want and need to provide a bilingual service, but have difficulty attracting Welsh-speaking volunteers. The Welsh language community has taken part in volunteering around chapels and churches, which has not been fully brought into the mainstream. However, that is developing, with the Assembly's encouragement, and I am sure that that will continue.

My crude interpretation of voluntary organisations is that they are often highly innovative and even radical at first. They challenge the system and attract opprobrium and ridicule. That leads the Government not to work with them, but against them. In time, the voluntary organisations start to deliver services; they become part of the fabric of provision and the services that they deliver are absorbed into what is done by the Government or private business. The hon. Member for Aylesbury set out the progress of a voluntary organisation in terms that were more elegant than my crude analysis, although he was quoting someone else.

Some voluntary organisations get fossilised; they pay too much attention to their representational role on committees and so on and progress is blocked. However, they often work in close partnership with local government organisations and businesses, which is encouraged by the Government. I welcome many of the Government's measures in that regard.

When voluntary organisations start to become old-fashioned or inward looking a new bud sometimes comes out of the old rootstock and flourishes vigorously. The statutory sector does not have the same ability, when the old growth has come to an end, to go underground and re-emerge elsewhere in a new form.

I pay tribute to the right hon. Member for Cardiff, South and Penarth for his hard work and enormous energy in forming the compact in Wales and the Partnership Council. Although the Wales Council for Voluntary Action represented a lot of demands from the voluntary sector, if there had not been a listening voice at the other end we would not have got as far as we have done. The partnership arrangement with the voluntary sector will be a monument in Wales to the right hon. Gentleman and a testament to his hard work.

The Partnership Council is part of the Welsh Assembly; it was enshrined in the Government of Wales Act 1998 that there should be a scheme between the voluntary sector in Wales and the National Assembly. That is unique in the United Kingdom. The Partnership Council puts the voluntary sector on an equal footing with local government and business, which businesses do not find so amenable, but we are working on that.

In Ceredigion, we are also working hard to prepare for objective 1—I mention in passing that we are waiting for matched funding for objective 1. The objective 1 forum has one third representation from the voluntary sector, one third from local government and one third from business. That has given the voluntary sector the profile that it deserves within the plans for objective 1; whether or not we accept all the figures quoted, it deserves it for its contribution to GDP. Some members of the farming community in Ceredigion told me that they are not sure whether the voluntary sector contributes anything to GDP, although the arguments advanced today repudiate that view. The voluntary sector has a great deal to do in helping the area move towards objective 1 status and encouraging the projects, especially training, that will result.

The voluntary sector has also made a huge contribution to the proposal for a children's commissioner in the Care Standards Bill, which recently had its Second Reading. The wide and in-depth participation of children and young people in discussing what should be the work of a children's commissioner strongly influenced Welsh Members when they considered the commissioner's role.

The Partnership Council, whose job is to implement the scheme, put out the voluntary sector scheme for consultation, which is still going on. That scheme contains several important elements, one of which is an agreement on the way in which the Government should consult the voluntary sector. Such agreements are not always followed, but people do their best; the compact on volunteering acknowledges its value and the manual on voluntary grants helps the voluntary sector to claim the relevant grants. It sets out the way in which that sector and the Government will work in partnership. It also has a brief view on community development, which I mention because it is the only part over which I have had any influence. The hon. Member for Aylesbury will see that these compacts include not only codification but a lot of other detail.

The council has a preponderance of voluntary sector members, including 21 sectional networks. I am pleased to say that for the first time that includes a structured sectoral representation from the black and ethnic minority in Wales. That is to be welcomed. The Partnership Council is a strong voice for the sector. It complements the activities of the other bodies such the Wales Council for Voluntary Action and the National Assembly.

I should like to say a few words about the role of the voluntary sector and volunteering in rural areas. It is important to plead the case for diversity and pluralisation in rural areas. There are an estimated 1,487 voluntary organisations in my constituency. That is rather precise for an estimate, but it takes the apportionment of other national bodies into account. What is more certain is that 700 local organisations are active in my constituency. With a population of about 70,000, that is roughly one organisation for every 100 people, which is a much higher ratio than one finds in urban areas.

In Cardiff, for example, there is one local organisation for every 250 people. In Rhondda Cynon Taff, another densely populated area, there is one organisation for every 240 people. That discrepancy underlines the different rural and urban needs. There is wide diversification and there are transport problems in getting and delivering services to local people. I have different organisations doing the same jobs in different towns and villages. In Aberystwyth, Lampeter and Cardigan, one organisation does the same job as another organisation, but they are separate. That might be seen by some as duplication.

The voluntary sector is often accused of being too highly duplicated, although that accusation is never levelled at supermarkets. It delivers different projects for different people. We must bear that in mind, particularly in rural areas. We must deliver voluntary support close to the people. That sometimes means that one ends up with the same or similar organisations doing similar jobs. It certainly places enormous strain on local government funding and fund raising. I hope that the rural issue will be taken into account in Government policy when they consider the voluntary sector. Community transport, volunteer bureaux and the local CVS are essential for rural areas.

The national lottery has made a significant contribution in Wales. On the whole, the picture is mixed. The National Lottery Charities Board has been very successful in Wales. It has responded to the needs of Wales. Tribute should be paid to the previous chair of that board, Tom Jones, who made a huge effort to be responsive to the voluntary sector and in particular innovated the small grants scheme in Wales, which was then rolled out across the UK. Many voluntary organisations throughout the UK now have access through the small grants scheme to support and train their volunteers. They will be grateful for what was done in Wales. It was a successful innovation.

We are now finding problems, however. They are not just the problems of short-term funding that have already been described, but the problems of the declining funding from the National Lottery Charities Board, caused in part by the new opportunities fund that the Government introduced. It is a highly valued fund but it has shaded the line between lottery money and statutory funding. It needs to be monitored carefully to ensure that we do not use lottery money to replace what should properly be statutory funding. That promise was made by the previous Government and I have not heard this Government say that they want to break that promise. We must monitor that.

The introduction of that fund means that there is less money for other funds. I know that that means that there is more money for the schemes that it supports and that some of them are good, but it has caused some problems with the National Lottery Charities Board, which has been extremely successful in delivering locally in Wales. It was annoying—I will not put it more strongly than that—for many people in Wales and for volunteers in Wales when the National Lottery Charities Board announced that it had less money to allocate in the next few years for projects in Wales at the same time as the millennium dome received more money.

Let us look towards the future. There is no doubt that times are changing in the voluntary sector. I used to be a community development manager, and I saw such a job advertised in the paper yesterday—not that I am looking for another job. I scanned the description to find out what the job entailed, only to find that it was a job on the web, managing on-line communities. It had nothing to do with what I suppose we would call real communities—it involved virtual communities. Globalisation and aspects of the internet will significantly change the way in which the voluntary sector works. The voluntary sector is also innovating in that respect, but I have no time to elaborate on that now.

We must avoid introducing any compulsion in the voluntary sector. I support hon. Members' comments about the need to preserve the sector's independence, to protect independent management committees and to ensure that the majority of members of those committees are volunteers. We should not allow professionals to run voluntary bodies while volunteers are simply told what to do. We must ensure that volunteers participate in running the bodies for which they work.

I will finish with a thought from the recent visit to Canada of the Select Committee on Environmental Audit. My attention was drawn to a headline that called for the introduction of "compulsory volunteerism". I am sure that we would not recognise that in this country. I accept that many good ideas come from north America, but I think that the voluntary sector will reject any ideas of communitarianism or forcing people to volunteer, which are floating around on the outskirts.

Preserving the independence of the voluntary sector so that it can respond flexibly to society's needs is a key task that the Government must bear in mind in formulating all their policies. If the Government can preserve the sector's ability to be independent and to criticise Governments, as well as work with them, without being penalised, they will support the voluntary sector well.

4.47 pm

Mr. David Amess (Southend, West): I welcome the debate and I apologise for my sporadic attendance. It is not easy to operate in Committee and in Westminster Hall at the same time and I hope that hon. Members will be understanding. However, I may have to spoil the party. Presumably, the debate was initiated to celebrate national volunteering week, but I wonder whether it was sheer coincidence that the Labour leader was invited to address the Women's Institute with a speech that also concerned volunteering.

I do not see the rosy volunteering situation that the Minister described. Parliament is now organised in such a way that hon. Members are invited to receptions morning, noon and night. The attendance of a photographer is arranged, our photographs are sent to our local papers and we are given badges of the particular organisation to wear. Such arrangements are attractive to Members of Parliament. I am wearing the green "Full Stop" badge of the National Society for the Prevention of Cruelty to Children and I have about three more in my pocket.

I applaud all such initiatives. It is good for Members to be associated with voluntary organisations, but what are we doing to help them? One or two hon. Members mentioned the largesse that they enjoy, but they are certainly not enjoying it in my constituency. I volunteer with the Women's Royal Voluntary Service and Barnardos and I wish to use the debate as an opportunity to celebrate voluntary organisations in my constituency. They are finding it tough to survive.

Some hon. Members made an important point about the difficulty of attracting young people into voluntary work. I received an excellent briefing—I had not asked for it in advance—from the Central Council of Physical Recreation, which talks about "taxes" on volunteering in sport. It cites criminal record checks under the Police

[Mr. David Amess]

Act 1997 as a great burden. The briefing singles out other burdens such as the Transport Bill, the uniform business rate, the Disability Discrimination Act 1995, the national minimum wage, the climate change levy and so forth. That unsolicited briefing, which focuses on young people, highlights the difficulties created by the Government's taxation policies. When Southend was under the control of the dreadful Liberal-Labour coalition, many of our voluntary organisations had their grants cut. Thank goodness, after the first Thursday in May, all the cuts were restored and voluntary organisations are being encouraged again.

We can all make speeches about how marvellous volunteers are and how much we are associated with them, but it is what we do that counts. Society under the present Government is facing such difficulties that, if it were not for voluntary organisations, it would be in a state of collapse. Many people out there simply do not understand what voluntary organisations are about. I shall never forget meeting someone at a football match who spoke about the St. John Ambulance service as if it were a paid organisation. Thank goodness, St. John Ambulance people were there and they helped with several incidents at the match, saving the taxpayer a great deal of money.

I am wearing the badge of the National Society for the Prevention of Cruelty to Children. Locally, it raised more than £50,000. It provided services for risk management of dangerous adults, helped abused children, worked with children and young people who demonstrated sexually abusive behaviour, helped families to understand why abuse happens and how it affects children, offered counselling and therapy for children recovering from abuse, and provided much needed help to prepare and support children and young people giving evidence in criminal proceedings. The NSPCC is doing all of that—it must save us huge amounts of money—but we take it for granted.

What encouragement are we giving the NSPCC? I am wearing its green badge, but I doubt whether that will go far. I am happy to work with the Government if they have any ideas about how to help that organisation. In my area, it manages a helpline for 88 abused children a week. Last year, it answered 2,134 calls. My local NSPCC branch, under Mrs. Betty Finch, should certainly be congratulated.

I am attached to the WRVS and spent Monday at Southend hospital. We all know about the meals-on-wheels service, but I wonder if we all appreciate that volunteers man retail outlets in the hospital entrance. I talked to the ladies about why they had become involved and I was deeply moved.

Many voluntary services are run by people who are involved with the particular problem that the organisation aims to help. We all understand that the Arthritic Association, for example, tends to use people who suffer from arthritis. However, the WRVS is a wonderful organisation of highly intelligent women. It made me so angry when, after a recent speech, people made disparaging remarks about the women in the WI, saying that they were good only for knitting and making jam—it is a pity that others cannot knit or make jam. To dismiss these ladies with such remarks just because they do not want to listen to politics is extremely distasteful.

The WRVS has more than 115,000 members and needs more volunteers. On Monday, it told me that most members are in their 60s, 70s and 80s and asked where the youngsters were coming from. If the Minister has any ideas on how we might boost numbers in the WRVS, I should be delighted to work with him on that. It offers a wide range of care packages—more than 1,100 social clubs for the elderly, 323 trolley services in residential homes, 94 contact centres where children can meet absent parents in a safe environment, toy libraries, prison visit centres and books-on-wheels services. In Southend, the WRVS distributed more than 4 million meals on wheels last year, raised £50,000 for Southend General hospital and helped out when the aircraft was hijacked at Stansted.

As for the Women's Institute, we should be in no doubt about the fact that it did not invite the leader of the Labour party to address its members. He arranged it and it went down like a lead balloon.

Mr. Michael: The hon. Gentleman acknowledged that he has attended intermittently this afternoon. Does he realise how much like a lead balloon is his contribution? Up to now, the debate has consisted of people speaking from experience—not just placements, but long-term involvement with the voluntary sector and its crucial role in our lives. I suggest that he wind up his lead balloon.

Mr. Amess: I am sorry, but this Parliament is democratically elected and I am not going to be patronised by the right hon. Gentleman.

Mr. Michael: Yes, you are.

Mr. Amess: No, I am not going to accept the right hon. Gentleman's admonishment. I was sent here to represent my constituents and to share my views with others. The fact that the right hon. Gentleman does not like my message says more about him and the Labour party than it does about me and my contribution to the debate. We know how today's Labour party is run: it cannot stand an alternative point of view.

I feel so strongly because I find that many voluntary organisations are struggling and I want to know what the Government will do to help them. The Salvation Army in Southend is magnificent; it has two wonderful centres and an eventide home providing care for 34 elderly people. It raises a huge amount of money locally, for which I pay tribute.

Barnardos is a substantial organisation. It works with more than 47,000 children and young people each year and has 250,000 volunteers. We all know about its work with less fortunate children. In my constituency, about 350 fund-raising volunteers give up their time—it ranges from four hours a year to several days a week. They help with house-to-house charity collections, distribute and sell lottery tickets, and collect and bank envelopes. There are two Barnardos shops, which rely heavily on their 32 volunteers, who lend their assistance with everything from window-dressing to administrative work.

During my time as a Member of Parliament, I have been associated with three hospices: St. Luke's, Little Haven and Fair Haven. St. Luke's hospice is one of the

most inspiring voluntary organisations that I have had the privilege to see. An extraordinary lady called Trudy Cox shared her dream with us. I walked away from our initial meeting thinking that I had heard it all before, but she sacrificed everything and her dream is still there today in the form of St. Luke's hospice. The Little Haven hospice in Southend, West serves children from a wide area of Essex, and the Fair Haven hospice is round the corner from where I live. It also looks after a huge number of people.

Sadly, because the hospice movement has funding difficulties, we are having to redouble our efforts. Indeed, my wife suggested that we set about raising extra funds for those two hospices and that is what we shall do during the summer.

The South East Essex Advocacy for Older People in my constituency is an independent citizen and crisis advocacy service for all those aged over 60 who live in south-east Essex. It has some 23 trained volunteers, who work on a one-to-one basis with individual elderly people with problems. Again, it had enormous problems of lack of funding and support from the previous council and I hope that we will be able to tackle those problems soon.

We also have Southend Mencap. Last week or the week before, there was a mental health lobby of the House, when our constituents shared their problems with us. Besides its paid staff, Southend Mencap has more than 125 local volunteers, who help at sports clubs for the learning disabled, drive minibuses, man shops, befriend disabled people, act as advocates, fund raise and carry out other services.

I have the honour to be the president of the Southend branch of the Royal Society for the Prevention of Cruelty to Animals, which is another excellent organisation. It helps people who love and care for animals and who witness all sorts of cruelty. There are more than 200 branches in this country, which are run by 16,000 active volunteers and 330,000 regular supporters. Without them, I dread to think of the suffering that animals would face.

Then there is the diabetes organisation, Diabetes UK. Yesterday, we were invited to a reception in the House and I make no criticism of that. The fact that Harry Secombe made the effort to be at that reception with hon. Members despite his health problems, shows how strongly he feels about that organisation. In my constituency, more than 40 members of the diabetes club help to serve and educate people who are diabetic or potentially diabetic.

The list is endless. We also have the Friends of Southend Hospital and Neighbourhood Watch—all sorts of voluntary organisations. I am the joint chairman of the all-party group on the Scout Association. Scouts and guides make a huge contribution to our national life and very concerned about the Criminal Records Bureau charges. They have told me that the Minister who is responding to the debate has suggested that,

> providing free checks would be an unsustainable burden on the public purse.

The Scout Association's view is that,

> If the costs are seen as unsustainable by Government, then it is hard to see how they could be sustainable by a charitable voluntary organisation.

I stress that those are not my words but those of the Scout Association. If the Minister finds them offensive, he must argue with his hon. Friend the Member for Ealing, North (Mr. Pound), the joint chairman of the all-party group, who shares my views, the hon. Member for Corby (Mr. Hope), who was here earlier and the previous Speaker of the House of Commons, Lord Weatherill, who also feels strongly about the charges on voluntary organisations such as the scouts.

I am pleased that we have had this debate, because too often we—by that, I mean, "we"—pay lip service to the work of our voluntary organisations, which are under increasing strain to sustain their activities. I simply ask the Government to reflect on their approach to such organisations, because in my constituency I have seen no tangible benefit from Government funds. If the Minister can correct me, I shall be delighted to be corrected, but I hope that he and his colleagues will do all that they can to encourage as many people as possible to join voluntary organisations in my constituency and others.

5.04 pm

Mr. Boateng: We have had an excellent debate, with one exception. It must be said that the hon. Member for Southend, West (Mr. Amess) warned us that he intended to spoil the party, and he did. However, he did most damage to his own party. His comments were in no way representative of the tone employed by the hon. Member for Aylesbury (Mr. Lidington), who led for the Conservative party. Perhaps they were performing a Mr. Nice and Mr. Nasty routine—if so, they were true to character.

I was deeply disappointed by the speech of the hon. Member for Southend, West, which could have contained so much more. It consisted of a list of excellent organisations in his constituency, interspersed with bile and balefulness. His points could have been made without adopting that tone and he would have done better not to have bothered with the difficulties, as he described them, of traversing between the Committee Corridor and Westminster Hall. When he recognised that the game was up in his previous constituency, he had no difficulty traversing the short space between Basildon and Southend, West, for reasons that he has made balefully obvious. However, let us put the hon. Gentleman's speech to one side and concentrate on the subject and the other, excellent speeches made this afternoon.

The debate reflected not only the diversity of the sector, but the complexity of some of the challenges that it must meet. One of the most complex is core funding—as opposed to project funding—which was raised by the hon. Members for Aylesbury and for Taunton (Jackie Ballard) and with which my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael) has had to wrestle. We must not lose sight of the importance of project funding, which enables partnerships to develop between central Government, local government and the voluntary sector. Those partnerships build on the capacity for innovation and risk taking that is central to the voluntary sector's contribution to the development of many policy areas, to which all right hon. and hon. Members referred this afternoon. We must not lose sight of the importance of that, and the importance to it of project funding.

[Mr. Boateng]

Section 64 funding of the Department of Health, with which I am familiar, is central to the effectiveness of that funding stream. It encourages new organisations and new ideas to enter the arena of public policy and practice development by funding research into, and evaluation of, innovative projects. We cannot afford to lose that, but at the same time it is undoubtedly true that the process that began and accelerated under the previous Administration—of central and local government backing away from core funding—has imposed considerable strains on the sector. That is because, while one can approach a variety of sources such as trusts and businesses as well as the Government for project funding, one cannot whip up the same degree of enthusiasm from business and other charitable sources in relation to core funding. That is the experience of the voluntary sector and it has created a problem that necessitates the Government revisiting the issue of core funding.

My right hon. Friend the Member for Cardiff, South and Penarth has been described as the "author" of the compact. I prefer to describe him as its grandfather. In his initial work in this area, he wisely required central Government and the voluntary sector to meet once a year to review the operation of the compact. He was absolutely right to do so. That gives everyone the opportunity to take stock as to where they are going, find out what the problems are, ascertain which ones have been overcome, and find out what messages the developing relationship in the compact has delivered.

That annual meeting took place a few weeks ago and I am happy to share with the Chamber that we agreed there that the time had come to revisit the issue of core funding, precisely for the reasons that right hon. and hon. Members touched on today. We shall have to get the balance right; we have not got it right at the moment. It is not easy, because resources are always limited, but we cannot allow the infrastructure of the voluntary sector to be degraded by an absence of core funding. If we do, we shall be defeating the very purposes that we are seeking to encourage and develop by project funding.

I welcome the developing consensus across the Chamber on this issue. We must build on that and develop it in the coming year. I share my right hon. Friend's hope that we shall have regular debates on the voluntary sector. This Chamber provides a good venue for that. I hope to be able to report some progress in this troubled but significant area a year hence, after the next revisiting of the compact.

We touched on several other issues that have been of concern to the sector. I intend to take up some of them with hon. Members in correspondence. However, it is right that I deal with the issue raised in connection with the Criminal Records Bureau now. It has given me, as well as others in government and the voluntary sector, considerable cause for reflection as to how best to get it right. We believe that we have done so, but I am able to reaffirm that before making any regulations prescribing such matters as fees to be charged by the bureau, we shall carry out the regulatory impact assessment mentioned earlier. It will be carried out in consultation with the relevant bodies, including representatives from voluntary organisations and the scouts and guides, and it will provide a thorough and up-to-date assessment of the risks, costs and benefits of our proposals. Many figures are flying around, but some of those that have been contributed to the debate by the voluntary sector are questionable. That assessment will give us a better idea of the costs of the various certificates.

The cost of the enhanced criminal record certificate is likely to be around £10 and the other certificates are likely to cost around £5 or £6. However, attaining the certificates will not be mandatory—organisations will decide on the need to check volunteers and grant-funding bodies will decide whether to reimburse that cost—and not every volunteer who works in a particular sector will need a certificate, or one of the level of the enhanced criminal record certificate. For example, someone who takes a troop of scouts or guides away for a residential camp is in a different position to a volunteer who works at a Wednesday night meeting in a church hall. Parents rightly have different expectations in that regard. I shall not try to second guess the decisions that the scout movement will come to about the levels of certificate that it will require of its volunteers, but we should not proceed on the basis that the enhanced criminal record certificate will always be required.

Mr. Lidington: I welcome the Minister's statement reaffirming that a full impact assessment will be carried out before regulations are laid. As part of that assessment, will he undertake to examine the definition of substantial unsupervised access? The way in which that notion is interpreted by voluntary organisations and their insurance companies will have a significant bearing on his point about the distinction between a person who accompanies a scout or guide group on a camp and someone who turns up at a meeting on a Wednesday night at which other adults are present. The same principle bites on the operation of Sunday schools.

Mr. Boateng: That is one of the issues that we shall need to thrash out with the voluntary sector and child protection organisations. We should not forget that the voluntary sector will benefit from the existence of the CRB, which has long called for precisely the measures that we are taking. It recognises the risks that are posed by those who have preyed on children and young people—my right hon. Friend the Member for Cardiff, South and Penarth and I had to deal with many such tragic cases in the Home Office. Such people use voluntary sector organisations as a cover for their activity. Their guile, evil and capacity for deceit beggars belief. Organisations that they have used as a cover and children and young people, who will be better protected, will benefit from the fact that we are making life more difficult for those people and making it easier to expose their activities.

No one should underestimate the extent to which we are responding to a widely perceived need. I am the first to recognise that, in doing so, we must work in a way that takes the voluntary sector with us and does not actively deter volunteers. The biggest deterrent to volunteers is not the fact that they might have to pay up to £10 for a certificate, but the fact that we now live in a society where this evil has taken such a root that people are afraid to volunteer for some forms of work with children and young people because they are afraid of what people may say about them. That is the depth to

which our society has degenerated and we have to draw it back from that abyss. If that means adopting the CRB proposal, I think that that is a price well worth paying, as will the overwhelming majority of our fellow citizens, people who work in, and love, the voluntary movement and everyone in this Chamber.

This has been a good debate. I shall write to right hon. and hon. Members who have made specific points. Anyone who attended the debate, or reads our proceedings, will glean from it the richness and diversity of the sector and of the experience that can be gained from working within it as a volunteer, the extent to which it contributes—not only in terms of monetary value—towards our society and, above all, the way in which it binds together, in a way that promotes cohesion and sustainability, groups of individuals into the communities that make up society as a whole.

Volunteers make society stronger and healthier, which is why we celebrate their work here today. We also rededicate ourselves, and our institutions of Parliament and Government, to continuing to work alongside them towards the common objective of a strong, safe, sustainable and sustaining society.

Question put and agreed to.

Adjourned accordingly at twenty-three minutes past Five o'clock.

Written Answers to Questions

Monday 5 June 2000

HOUSE OF COMMONS

Internal Mailbags

Mr. Baker: To ask the Chairman of the Administration Committee what the total cost was of the recent replacement of the House of Commons's internal mailbags; and for what reasons the former mailbags were replaced. [124179]

Mrs. Roe: This is a matter for the Serjeant at Arms, I have asked him to reply to the hon. Member.

PRESIDENT OF THE COUNCIL

Special Advisers

Mr. Tyrie: To ask the President of the Council on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124121]

Mrs. Beckett: During the period 31 March 1999 to the end of March 2000, Special Advisers in this Department travelled overseas on one occasion.

NORTHERN IRELAND

Human Rights

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will set out the response of the Government to concerns over human rights protection in the UK identified by the UN Special Rapporteur on the Independence of the Judiciary in his report to the April 2000 session of the UN Human Rights Commission; and if he will place the relevant documentation in the Library. [121868]

Mr. Mandelson: The UN Special Rapporteur's oral statement to the 56th session of the UN Commission on Human Rights focused on Northern Ireland and therefore my hon. Friend's question has been passed to this Department.

A copy of the UN Special Rapporteur's oral statement is now available on the Internet at www.unhchr.ch.

The UK Government's response will be placed in the House of Commons Library once it has been completed.

Military Complaints Procedures

Ms Coffey: To ask the Secretary of State for Northern Ireland when he plans to lay before Parliament Mr. Jim McDonald's annual report as Independent Assessor of Military Complaints Procedures in Northern Ireland. [124534]

Mr. Ingram: Mr. McDonald's report is being published today and copies are being placed in the Library.

I note that Mr. McDonald has said that the military authorities have continued to respond constructively to his independently developed assessment of their role in the complaints system, and that the renewed priority given to training in the specific areas of complaint handling and complaint avoidance produced good results in 1999.

The Report of the Independent Assessor continues to provide valuable reassurances to both Government and the public that the army's complaints procedures stand scrutiny. The Government attach importance to this role and its statutory basis is to be continued through the Terrorism Bill, currently before the House of Lords.

Northern Ireland (Emergency Provisions) Act 1996

Ms Coffey: To ask the Secretary of State for Northern Ireland when he will publish the report by Mr. J. J. Rowe QC on the operation during 1999 of the Northern Ireland (Emergency Provisions) Act 1996. [124533]

Mr. Ingram: Mr. Rowe's Report is being published today and copies are being placed in the Library.

Mr. Rowe recommends the continuance of the EPA powers.

A continuance Order has been laid to continue in force the EPA until 24 August, the date on which the Act will expire.

Before 24 August, the EPA will be replaced by the Terrorism Bill, currently before the House of Lords.

Under the Terrorism Bill, temporary emergency provisions for Northern Ireland will be set in the context of permanent UK-wide counter-terrorism powers.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Northern Ireland on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124116]

Mr. Mandelson: During the period 31 March 1999 to the end of March 2000, Special Advisers in this Department travelled overseas on one occasion.

There has been no Special Adviser in post since my appointment on 11 October 1999.

DEFENCE

Regular Army

18. **Mr. Borrow:** To ask the Secretary of State for Defence what the net inflow was into the Regular Army in the last financial year. [122657]

Mr. Spellar: In the financial year just ended, there was a net inflow of 175 in the trained strength of the Regular Army. This is the first time since 1986 that there has been such an inflow, which represents a significant and welcome improvement.

Zimbabwe

19. **Mr. Robathan:** To ask the Secretary of State for Defence if he will make a statement on British military involvement in Zimbabwe. [122658]

Mr. Spellar: Nine British Army and two RAF UK military personnel currently serve in Zimbabwe as part of the British Military Advisory and Training Team (BMATT) Southern Africa. The BMATT's main role is to provide regional peacekeeping training in countries throughout the Southern Africa region. We are keeping the situation under review.

In addition, two Army personnel, the UK Defence Adviser and his assistant, provide advice to the British High Commissioner in Harare on defence issues.

Joint Force 2000

20. **Dr. Iddon:** To ask the Secretary of State for Defence what progress has been made in establishing the Joint Force 2000. [122659]

Mr. Hoon: I am pleased to confirm that Joint Force Harrier was formed, under the command of Rear Admiral Iain Henderson, on 1 April this year. My hon. Friend the Minister for the Armed Forces had the pleasure of attending the launch ceremonies at RAF Strike Command and RAF Wittering on 31 March.

Joint Force Harrier combines the Royal Navy's Sea Harrier and RAF Harrier squadrons in a single force which is able to operate from land bases or carriers, as the recent operation off Sierra Leone has demonstrated. In 2003 both fleets will be co-located at RAF Cottesmore and RAF Wittering to fully realise the significant operational benefits that the creation of Joint Force Harrier will bring.

Iraq

22. **Mr. Ernie Ross:** To ask the Secretary of State for Defence how many sorties RAF personnel made in patrolling no-fly zones in northern and southern Iraq in the last year. [122661]

Mr. Spellar: Between April 1999 and March 2000 RAF aircraft flew a total of 2,683 sorties in the no-fly zones; 450 in the Northern no-fly zone and 2,233 in the Southern no-fly zone.

Mr. Blunt: To ask the Secretary of State for Defence, pursuant to his answer of 10 April 2000, *Official Report*, column 19W, on Iraq, what role tanks play in the Iraqi Integrated Air Defence System. [120804]

Mr. Hoon: Iraqi Main Battle Tanks play no part in the Iraqi Integrated Air Defence System.

Radioactive Materials

23. **Sir Teddy Taylor:** To ask the Secretary of State for Defence if he will make a statement on his Department's policy on the destruction of radioactive materials held by his Department. [122662]

Dr. Moonie: The primary legislation controlling the holding and disposal of radioactive materials is the Radioactive Substances Act 1993 and its associated Exemption Orders. Although the Act does not apply to Ministry of Defence activities, my Department's policy is to apply standards and arrangements which, so far as is reasonably practicable, are at least as good as those required by the Act. This policy is promulgated in the Departmental Environmental Manual, Joint Services Publication 418, a copy of which is in the Library of the House.

Vacant Homes (Hendon)

24. **Mr. Dismore:** To ask the Secretary of State for Defence how many of his Department's former homes in Hendon are vacant; and if he will make a statement. [122663]

Dr. Moonie: We have sold former married quarters in Hendon to the Notting Hill Housing Trust and in Mill Hill to Annington Homes as part of the sale of all married quarters in England and Wales in 1996. We do not know how many of these are empty once they are no longer our responsibility.

Nuclear Proliferation

25. **Mr. Chaytor:** To ask the Secretary of State for Defence what discussions he has had with Foreign Office Ministers about the proposals by the New Agenda Coalition to the current nuclear proliferation treaty review conference. [122664]

Mr. Hoon: I have kept closely in touch with the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Neath (Mr. Hain), during the course of the Review Conference.

AWE Aldermaston

26. **Mr. Rendel:** To ask the Secretary of State for Defence what discussions he has had with the Environment Agency following the decision to refer for judicial review the activities carried out at AWE Aldermaston. [122665]

Mr. Spellar: Ministers have had no discussions with the Environment Agency on this matter since the EA granted a licence to AWE plc to operate at Aldermaston. However, officials of the Ministry of Defence and of the Environment Agency hold regular discussions as part of the normal course of business and these have included the judicial review of the Environment Agency's recent discharge authorisations for the Aldermaston site.

Sir Teddy Taylor: To ask the Secretary of State for Defence what assessment he has made of procedures adopted by the private operators of the Aldermaston site to give his Department temporary ownership of radioactive substances; and if he will make a statement. [122573]

Mr. Spellar: I presume that the question refers to erroneous reports that the Ministry of Defence sought to avoid public scrutiny of measures to dispose of some slightly radioactive material at its DERA Shoeburyness site. In fact, the transfer of material was carried out only after the Environment Agency (EA), following a period for consultation with local authorities, had granted approval on the basis that the environmental impact of disposal in this fashion is minimal. The material in question is conventional high explosive removed from obsolete nuclear weapons, dismantled by the Atomic Weapons Establishment, and only contains small traces of

radioactive tritium. The EA provides independent monitoring at the Shoeburyness facility to ensure that there is no risk to staff or the public from these activities.

Kosovo (NATO Ordnance)

27. **Mr. Dalyell:** To ask the Secretary of State for Defence what estimate he has made of how much NATO ordnance was *(a)* directed against imposter targets and *(b)* dumped unexploded in the Adriatic as a result of bad weather during the war in Kosovo. [122666]

Mr. Spellar: NATO's assessment of the air campaign was made public by the then Supreme Allied Commander Europe, General Wesley Clark, in September last year. It is the most comprehensive assessment undertaken and is explained in detail on NATO's website www.nato.int/kosovo/press/p990916a.htm. The Ministry of Defence has not undertaken a separate assessment of how much NATO ordnance was directed against decoy or imposter targets.

It would not be appropriate to comment on behalf of other nations, but no UK aircraft dropped ordnance in the Adriatic during the campaign.

Training

28. **Mr. Brady:** To ask the Secretary of State for Defence if he will make a statement on the number of opportunities for training with live ammunition in each of the last five years. [122667]

Mr. Spellar: Service personnel are trained, individually and collectively, in all aspects of their roles, and live firing of weapons is one element of a balanced training programme which is subject to the constraints of time, money and infrastructure. The opportunities available to military personnel to train with live ammunition vary according to the specialisation of the individual concerned, and also according to the operational role of the formed unit to which that individual belongs. Because most live firing is carried out at unit level, the information requested is not held centrally and could be provided only at disproportionate cost.

Territorial Army (Balkans)

29. **Mr. MacShane:** To ask the Secretary of State for Defence if he will make a statement on the role of Territorial Army soldiers serving in the Balkans. [122668]

Mr. Spellar: A total of 3,975 Territorial Army soldiers have been mobilised for duty in the Balkans since December 1995. Their role has been to provide individual reinforcements with a variety of skills to Regular Units on operational tours, and fill a number of staff appointments in the various Headquarters in the Balkans.

Sierra Leone

30. **Mr. Jim Murphy:** To ask the Secretary of State for Defence if he will make a statement about the use of United Kingdom forces in Sierra Leone. [122669]

Mr. Hoon: United Kingdom Forces deployed to Sierra Leone in early May have done an excellent job. They deployed to get UK nationals out and, in securing the airport at Lungi, they were able to help UNAMSIL while reinforcements flew in. The operation has been a success: hundreds of UK nationals were evacuated; thousands of UN reinforcements have flown in. The arrival of capable, well-equipped reinforcements has helped create a much more stable and secure environment than when UK forces arrived. We expect to be able to have withdrawn the bulk of our troops from Sierra Leone by mid-June. We will, however, continue to provide UK military observers to UNAMSIL and training and advice to the Government of Sierra Leone, as part of our wider programme of assistance.

35. **Dr. George Turner:** To ask the Secretary of State for Defence when he expects British Forces to leave Sierra Leone. [122674]

Mr. Hoon: We expect the bulk of British forces deployed to Sierra Leone, including 42 Commando, to leave by mid-June. We will, however, continue to provide UK military advice and training in accordance with our wider programme of assistance to the Government of Sierra Leone. We will also continue to work with UNAMSIL.

Mr. Simon Thomas: To ask the Secretary of State for Defence, pursuant to his oral statement of 23 May 2000, *Official Report*, columns 863–65, concerning Sierra Leone, what United Kingdom weapons and ammunition will be issued to any military organisation other than the Sierra Leone army; and how the distribution of such arms will be controlled and monitored. [124055]

Mr. Hoon: Light weapons and ammunition will be distributed to Government of Sierra Leone Armed Forces only. Their distribution will be overseen by UK military personnel in Sierra Leone. We have received firm assurances from President Kabbah that they will only be used by regular Sierra Leone soldiers in accordance with international humanitarian law and human rights standards.

Dr. David Clark: To ask the Secretary of State for Defence if he will make a statement on the deployment of British forces in the area of Sierra Leone. [123714]

Mr. Hoon: I refer my right hon. Friend to the statement I gave to the House on 23 May 2000, *Official Report*, columns 863–74.

RAF (Fast Jet Pilots)

31. **Mr. Brazier:** To ask the Secretary of State for Defence how many Fast Jet pilots there are in the RAF according to *(a)* establishment level and *(b)* actual manning level; and what the percentage shortfall is. [122670]

Mr. Spellar: The position on 1 April 2000, the latest date that figures are available, was as follows:

Number of Fast Jet pilots in RAF

	Requirement[1]	*Trained strength*	*Deficit*	*Percentage shortfall*
All ranks	882	846	36	4.1
Junior Officer Pilot[2]	550	452	98	17.8

[1] Includes non-flying posts for which aircrew experience and knowledge are required. The majority of these non-flying posts require senior officers.

[2] Flight Lieutenant (and Squadron Leader specialist aircrew) and below included in all ranks total. This is the RAF's most critical manning category.

Royal Navy Frigates

33. **Mr. Stephen O'Brien:** To ask the Secretary of State for Defence how many Royal Navy frigates are operationally available. [122672]

Mr. Spellar: 27 Royal Naval Frigates are currently operationally available. The remainder are in extended maintenance or refit.

Peacekeeping

34. **Mr. Bill O'Brien:** To ask the Secretary of State for Defence what changes there have been in the peacekeeping role of United Kingdom forces in the last three years; and if he will make a statement. [122673]

Mr. Spellar: The peacekeeping role of UK forces was set out in the Strategic Defence Review. There has been no change to that role in the last three years. As my hon. Friend will be aware, UK forces have been engaged in a number of peacekeeping and other peace support operations in the Balkans and elsewhere in that period.

The prevention, containment and resolution of conflict is a vital element in the maintenance of international stability and security to which this Government are committed. UK forces will therefore continue to make an appropriate contribution, in concert with others, to both peacekeeping and other peace support operations.

Smart Procurement

36. **Mr. Jim Cunningham:** To ask the Secretary of State for Defence what savings have been identified as a result of the Smart Procurement Initiative. [122675]

Mr. Olner: To ask the Secretary of State for Defence what savings have been identified as a result of the Smart Procurement Initiative. [122656]

Dr. Moonie: As part of the Strategic Defence Review we set ourselves a target of saving £2 billion on equipment procurement expenditure over the 10 years to 2007–08 through the introduction of Smart Procurement. We are on track to achieve that target, in that the sum of cost reductions identified and made in successive planning rounds is approaching the £2 billion mark and, as my right hon. Friend the Secretary of State's announcement last month on the Strategic Air Lift and future missile for the Eurofighter aptly demonstrates, we are delivering the programme set out in the Strategic Defence Review.

BVRAAM

37. **Mr. Crausby:** To ask the Secretary of State for Defence if he will make a statement on the beyond visual range air-to-air missile. [122676]

Mr. Hoon: I announced on 16 May the Government's intention to procure the METEOR missile, offered by a consortium led by Matra BAe Dynamics, as the beyond visual range air-to-air missile for the Eurofighter aircraft. Our decision will give the RAF the most advanced air to air missile in the world, and will ensure that Eurofighter can combat all projected air to air threats well into its service life.

Surplus Assets (Disposal)

38. **Mr. Kidney:** To ask the Secretary of State for Defence if he will make a statement on progress in achieving the target for disposal of surplus assets contained in the Strategic Defence Review. [122677]

Dr. Moonie: The Strategic Defence review set a £700 million target for gross receipts from the sale of surplus property assets over the period 1998–99 to 2001–02. In 1998–99 £158 million was achieved, with a further £286.5 million being realised in 1999–2000

The Defence Logistics Organisation (DLO) was set a target to reduce the book value of spares holdings by 20 per cent., and is on target to meet this by April 2001.

Kosovo

Mr. Nigel Griffiths: To ask the Secretary of State for Defence if he will make a statement on the security situation in Kosovo. [122648]

Mr. Spellar: I refer my hon. Friend to the oral answer I gave earlier today to my hon. Friend the Member for Workington (Mr. Campbell-Savours), *Official Report*, columns 16–17.

Dr. Godman: To ask the Secretary of State for Defence when he last met his colleagues from other NATO member states to discuss the deployment of military forces in Kosovo. [122660]

Mr. Spellar: The situation in Kosovo has been a major subject for discussion among NATO Defence Ministers since the crisis began. The Secretary of State and other Ministers meet colleagues from NATO and other countries regularly on both a bilateral and multilateral basis. The topics for discussion range widely.

The next formal meeting of NATO Defence Ministers is on 8 and 9 June, at which he will discuss a wide range of issues including Kosovo.

Mr. Menzies Campbell: To ask the Secretary of State for Defence what percentage of available stocks of *(a)* precision guided munitions and (c) non-precision guided munitions were used during operation Allied Force. [124316]

Mr. Spellar: The numbers of munitions used during Operation Allied Force were published by the Ministry of Defence last year, in my right hon. Friend, the then Secretary of State, Lord Robertson's account of the Kosovo crisis. Details of the percentage of our stockpile this expenditure represented would assist a potential adversary to assess our operational capability. I am therefore withholding this information in accordance with exemption 1 (Defence, Security and International Relations) of the Code of Practice on Access to Government Information.

Medal Awards (Suez)

Mr. Bob Russell: To ask the Secretary of State for Defence what representations he has received calling for the award of a medal for those who served in the Suez Canal zone in the early 1950s. [122671]

Dr. Moonie: Since this Government took office, the Ministry of Defence has received three written Parliamentary Questions calling for the award of a medal for service in the Suez Canal Zone in the early 1950s. We have also received 229 Parliamentary Inquiries from 175 hon. Members, and my officials have dealt with 164 letters from 71 members of the public. Five Early Day Motions have been tabled. In March 1998, my predecessor held a meeting with a delegation of veterans at which he was handed a petition containing some 20,000 names, and in March this year, I held a meeting with two hon. Members with an interest in this subject.

Multipart Tender

Mr. Hoyle: To ask the Secretary of State for Defence if he will make a statement on the tender submitted by Multipart, Chorley, for the stock and supply of spare parts for the armed forces. [122678]

Dr. Moonie: Multipart, through an appropriate competitive tendering process, have been appointed the 'service provider' to Vickers Defence Systems (VDS) for the provision, procurement, storage and distribution of Challenger 2 specific consumable spares (Project CRISP). A decision on whether Project CRISP will proceed is expected in late June.

Demining Assistance (Libya)

Mr. Frank Cook: To ask the Secretary of State for Defence what recent assistance has been provided to the Government of Libya for humanitarian demining; and if he will make a statement. [124560]

Mr. Spellar: None.

Warships

Mr. Gill: To ask the Secretary of State for Defence how many warships have been *(a)* ordered, *(b)* laid down, *(c)* launched and *(d)* commissioned since 1 May 1997. [122821]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Christopher Gill, dated 5 June 2000:

I am replying to your question to the Secretary of State for Defence about the construction of warships since 1 May 1997. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

Since 1 May 1997 no warships have been ordered. In the same period, (that is from 1 May 1997) 10 warships have been laid down, 8 launched and 7 commissioned. A list of these vessels by category is attached. More detailed information on the relevant vessels can be obtained from "Jane's Fighting Ships", a copy of which is held in the House of Commons Library.

List of vessels by category

Class of vessel	*Vessel name*	*Laid down*	*Launched*	*Commissioned*
Type 23 Frigate	HMS Sutherland			Yes
	HMS Kent		Yes	
	HMS Portland	Yes	Yes	
	HMS St. Albans	Yes	Yes	
Loading Platform Docking (Replacement)	HMS Albion	Yes		
	HMS Bulwark	Yes		
Single Role Minehunter (SRMH)	HMS Penzance			Yes
	HMS Pembroke		Yes	Yes
	HMS Grimsby	Yes	Yes	Yes
	HMS Bangor	Yes	Yes	
	HMS Ramsey	Yes	Yes	
	HMS Blyth	Yes		
	HMS Shoreham	Yes		
SSN	HMS Astute	Yes		
SSBN	HMS Vengeance		Yes	Yes
Offshore Survey Vessel (OSV)	HMS Scott			Yes
Landing Platform Helicopter (LPH)	HMS Ocean			Yes
Total		10	8	7

Staff Secondments

Mr. Don Foster: To ask the Secretary of State for Defence how many staff from his Department were seconded to private sector companies in *(a)* May 1997 to April 1998, *(b)* May 1998 to April 1999 and *(c)* May 1999 to April 2000; and if he will list in each case the companies to which staff were sent, the names and ranks of the staff involved and the duration of the secondment. [123428]

Dr. Moonie *[holding answer 24 May 2000]:* Information, by financial year, on personnel on secondment to the private sector from my Department is as follows.

1 April 1997 to 31 March 1998

Company	*Grade*	*Duration*
Avery Berkel	SCS	1 year
AWE plc	Gd 6	2 years
Babtie Group	Gd 7	1 year 3 months
BAE	Gd 2	2 years 6 months
	Gd 7	2 years 3 months
	SPTO	1 year 11 months
British Airways	SEO (IT)	2 years 6 months
British Marine Technology Ltd.	GD 6	3 years

1 April 1997 to 31 March 1998

Company	*Grade*	*Duration*
Bull Information Systems Ltd.	CO3	3 years
	CO2	3 years
	CO2	2 years 8 months
	CO3	1 year
	CO3	1 year
GEC Marine	Gd 4	1 year
GKN Sankey	HEO	5 months
Horizon IJVC Ltd.	Gd 7	2 years
Magnox/BNFL	Gd 7	3 years
Neville Russell	EO	2 months
R. Twining & Co.	HEO	6 months
Raytheon	SCS	3 years
Rolls Royce & Assoc.	Gd 6	2 years
Rover Powertrain	HPTO(D)	1 year 6 months
SERCO IFTC Ltd.	FSO	2 years
Shell UK	SEO	3 months
	HEO	3 months
Thomson Marconi Sonar Ltd.	SPTO	2 years 6 months
	Gd 5	11 months
	HEO(IT)	5 years
Transco	HEO	6 months
	SEO	4 months
Zeneca Pharmaceuticals	HEO(MA)	4 months

In addition we had 209 miscellaneous interchange activities—mainly trainee engineer/scientist and students who undertake various planned short-term attachments to different companies as part of their training.

1 April 1998 to 31 March 1999

Company	*Grade*	*Duration*
Anglian Water	HEO	5 months
AWE plc	Gd 6	2 years
Babtie Group	Gd 7	1 year 3 months
BAe	Gd 2	2 years 6 months
	Gd 7	2 years 5 months
	EO	2 years
Barr & Stroud	Gd 7	2 years
British Airways	HEO	6 months
	HEO(MA)	1 years
	SEO(IT)	2 years 6 months
British Marine Technology Ltd.	Gd 6	3 years
	HPTO	1 year
British Telecom	HEO	3 months
Bull Information Systems Ltd.	CO3	3 years
	CO2	3 years
	CO2	2 years 8 months
	CO3	1 year
	CO3	1 year
	HEO(IT)	5 years
Defence Industries Council	HEO	1 year
Devonport Management Ltd.	HPTO	1 year 5 months
Ernst & Young	GD 7	6 months
GEC Marconi	Gd 6	2 years
	SPTO	2 years

1 April 1998 to 31 March 1999

Company	*Grade*	*Duration*
GEC Marine	Gd 4	1 year
Horizon IJVC Ltd.	Gd 7	2 years
Lockhead Martin	SPTO	2 years
Magnox/BNFL	Gd 7	3 years
Marconi Electronic Systems	SCS	1 year 3 months
New Zealand National Institute of Water	C1	2 years
Pall Europe Led	SEO	7 months
R. Twining & Co.	HEO	6 months
	SEO	3 months
Robert Fleming	Gd 7	2 years
Rolls Royce	C1	1 year
Rolls Royce & Assoc.	Gd 6	2 years
	Gd 6	1 year 8 months
Rover Powertrain	HPTO(D)	1 year 6 months
SERCO IFTC Ltd.	FSO	2 years
Thomson Marconi Sonar Ltd.	SPTO	2 years 6 months
	Gd 5	11 months
Transco	HEO(MA)	6 months
	SEO	4 months
Vauxhall Motors Ltd.	Gd 6	1 year 9 months
Zeneca Agro-Chemicals	HEO	6 months
Zeneca Pharmaceuticals	HEO(MA)	4 months

In addition we had 213 miscellaneous interchange activities—mainly trainee engineer/scientist and students who undertake various planned short-term attachments to different companies as part of their training.

1 April 1999 to 31 March 2000

Company	*Grade*	*Duration*
Anglian Water	HEO	5 months
AWE plc	Gd 6	2 years
BAe	Gd 7	2 years 5 months
	EO	2 years
	EO	1 year 4 months
BAe Airbus	HPTO	1 year
BAe Royal Ordnance	HPTO	1 year
Barr & Stroud	Gd 7	2 years
British Airways	HEO	6 months
	HEO(IT)	2 years 6 months
British Marine Technology Ltd.	Gd 6	3 years
	HPTO	1 years
Bull Information Systems Ltd.	CO3	3 years
	CO2	3 years
	CO2	2 years 8 months
	HEO(IT)	4 years
Defence Industries Council	HEO	1 year
Devonport Management Ltd.	HPTO	1 year 5 months
European Centre for Medium Range Weather Forecasting	C1	1 year
GEC (now BAe Systems)	Gd 6	2 years
GEC Marconi	Gd 6	2 years
	SPTO	2 years
Horizon IJVC Ltd.	Gd 7	2 years
Lockhead Martin	SPTO	2 years
Magnox/BNFL	Gd 7	3 years
Marconi Avionics	Group Capt.	1 year

1 April 1999 to 31 March 2000

Company	*Grade*	*Duration*
Marconi Electronic Systems	SCS	1 year 3 months
New Zealand National Institute of Water	C1	2 years
Northrop Grummen	SCS	1 year 6 months
Pall Europe Led	SEO	7 months
Raytheon	SCS	2 years
Renishaw plc	SPTO	1 year
Robert Fleming	Gd 7	2 years
Rolls Royce	C1	12 months
Rolls Royce & Assoc.	Gd 6	2 years
	Gd 6	1 year 8 months
Thomson-CSF	SCS	2 years
Thomson Marconi Sonar Ltd.	SPTO	2 years 6 months
Vauxhall Motors Ltd.	Gd 6	1 year 9 months

[1] All figures exclude DERA

[2] Met Office

Figures for trainee engineers/scientists and students are not yet available for 1999–2000.

Special Investigations Branch

Mr. McNamara: To ask the Secretary of State for Defence how many investigations have been conducted by the Special Investigations Branch of the Royal Military Police in the past two years; how many and what percentage of investigations have led to disciplinary charges being laid against *(a)* serving and *(b)* discharged soldiers; what was the breakdown of those cases by outcome; what was the average time taken to conduct an investigation from complaint to report; who is tasked with responding to a report of the Special Investigations Branch; and what options are available for further action to be taken. [123886]

Mr. Spellar: The information requested is as detailed:

(a) In the calendar years 1998 and 1999, the Special Investigations Branch began investigating a total of 3,002 cases world-wide of which 264 are ongoing.

(b) A total of 1,175 persons have been reported for offences to date. Of these:

(i) 1,150 were serving soldiers (records are not held centrally on how many were discharged at the time of the investigation); and

(ii) 25 were civilians subject to military law.

(c) Of the total number of cases investigated:

(i) 876 were resolved;

(ii) in 543 cases, no crime was established;

(iii) 216 remain unsolved;

(iv) 264 are ongoing; and

(v) 1,103 were inquiries in assistance to Home Department Forces.

(d) The average time taken to conduct an investigation from complaint to Report is 62 days.

(e) It is a matter for the Commanding Officer of the reported person to act upon the findings of the SIB investigation, having taken advice from the appropriate Legal adviser.

(f) A Commanding Officer may dismiss charges, deal with them summarily, refer the matter to higher authority, or remand the accused for trial by Court Martial. A Regimental Board Of Inquiry may also be ordered.

Property Disposals

Mr. Welsh: To ask the Secretary of State for Defence what guidance he gives to the Defence Housing Executive and Defence Estates concerning the disposal of surplus housing stock. [123873]

Dr. Moonie: The Defence Housing Executive is required to dispose of as much surplus housing stock as is compatible with meeting its principle function of providing housing for entitled and eligible Service personnel and their families at their place of work.

The bulk of Service families accommodation (SFA) in England and Wales was sold to Annington Homes Ltd. (AHL) in 1996. The Ministry of Defence leases back those properties it needs to house Service families. Properties which become surplus to military requirements are handed back to AHL for disposal.

Surplus housing which does not form part of the underlease with AHL, including all that in Scotland, is dealt with by Defence Estates (DE) in accordance with Chapter 32 of Government Accounting.

Mr. Welsh: To ask the Secretary of State for Defence how many MOD properties in Scotland are used for civilian and irregular occupancies; and how many such properties he expects to be disposed of in the next three years. [123914]

Dr. Moonie: Of the total number of 5,728 Service Families Accommodation (SFA) held by the Ministry of Defence in Scotland, 51 are occupied by Irregular Occupants and 136 are let to MOD and other non-entitled civilians. There is no intention to dispose of these properties at present although plans continue to evolve in the light of developing demand and it is possible that such properties may be included in those identified for disposal during the next three years.

A further 173 properties are let to housing associations. Negotiations are continuing for the disposal of 118 let properties at Helensburgh and it is hoped these will be completed within three months. The remaining 55 let properties at Forres have been handed over to Defence Estates for disposal.

MODDEC

Mr. Evans: To ask the Secretary of State for Defence when he intends to place the MODDEC contract via the Buying Agency. [123587]

Mr. Spellar *[holding answer 25 May 2000]:* I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

HMS Kent

Mr. Hancock: To ask the Secretary of State for Defence if he will estimate HMS Kent's annual cost for *(a)* fuel, *(b)* wages, *(c)* maintenance, *(d)* general supplies and *(e)* other outlays; and if he will make a statement. [123960]

Mr. Spellar: The Type 23 Frigate HMS Kent, becomes fully operational at the end of the year; her annual operating costs will depend on her future tasking and the

maintenance she requires. The indicative annual cost for a Type 23 Frigate, including manpower, fuel, stores and routine maintenance is in the region of £17 million.

Forms

Mrs. Lait: To ask the Secretary of State for Defence what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123951]

Dr. Moonie: To the best of my knowledge, the Ministry of Defence has no requirement to issue any forms for completion by charities and other voluntary organisations in relation to their charitable functions. However, the Department purchases services from a number of charities, and some forms may need to be completed, for example for invoicing purposes.

Northern Ireland

Mr. McNamara: To ask the Secretary of State for Defence what the most recent mission statement is of the Army in Northern Ireland. [124101]

Mr. Hoon: The Army's mission in Northern Ireland is

to support the Royal Ulster Constabulary in the defeat of terrorism in order to assist Her Majesty's Government's objective of restoring normality.

AWE Llanishen

Ms Julie Morgan: To ask the Secretary of State for Defence, pursuant to his answer of 18 May 2000, *Official Report*, column 204W, on AWE Llanishen, if, when the site is free from contamination, it will be suitable for *(a)* housing and *(b)* light industry development; and on what basis he expects the site to be free from contamination by autumn next year. [123781]

Mr. Spellar *[holding answer 25 May 2000]:* Further advice indicates that, while the decommissioning and demolition of buildings is expected to be completed by October 2001, further remedial action will be required on the land. A decision has yet to be made on the future development of the site and it is this which will determine the level of remediation which will be required. The site is expected to be available for redevelopment by the middle of 2002.

Laptops

Mr. Keith Simpson: To ask the Secretary of State for Defence how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123733]

Dr. Moonie *[holding answer 25 May 2000]:* Eight laptop computers belonging to the Ministry of Defence (including the armed forces) are recorded as having been lost since May 1997, and 59 as having been stolen.

Parliamentary Questions

Mr. Gill: To ask the Secretary of State for Defence when he will reply to the question tabled by the hon. Member for Ludlow on 16 May concerning warships (Ref. 122821). [124484]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Christopher Gill, dated 5 June 2000:

I am replying to your question to the Secretary of State for Defence which asked when he would answer your question (Ref. 122821) about warship construction. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

I have written to you today in answer to your earlier question.—*Official Report*, columns 9–10W.

Northern Ireland Troops

Mr. Key: To ask the Secretary of State for Defence how many troops there were at each garrison in Northern Ireland in *(a)* 1999, *(b)* 2000 and *(c)* 2001. [123964]

Mr. Spellar: The information required is set out in the table. In addition, we have also included Royal Navy and Royal Air Force personnel based in Northern Ireland.

	30 April 1999	*Strength as at 30 April 2000*
Belfast Garrison[2]	6,591	5,812
Northern Garrison	3,390	3,406
Southern Garrison	3,537	3,437
Royal Air Force	1,150	1,144
Royal Navy	182	179
Total	14,850	13,978

[1] Excludes those forces fully committed to Northern Ireland but rear based in GB.
[2] A number of Force Troop units reside within the Belfast Garrison geographical area but are often called upon to support units within the other garrison areas.

The number of Armed Forces deployed in Northern Ireland in 2001 will depend on the security situation. While we hope the recent momentum in the peace process will be sustained, it is not possible to predict the numbers of Armed Forces that will be stationed in Northern Ireland next year.

Pay-as-you-dine Contracts

Mr. Key: To ask the Secretary of State for Defence if he will make a statement on progress towards the implementation of the pay-as-you-dine contractorisation of junior mess halls. [123965]

Mr. Spellar: The Pay-As-You-Dine Project Team is currently producing an outline business case for consideration by the Project Board at the end of July 2000. If approval to proceed is given, an announcement will be placed in the *Official Journal* of the European Communities informing industry of the Department's intention to commence the PAYD procurement process. Dependent upon industry's response, I anticipate that a full Business Case will be submitted to the Equipment Approvals Committee in mid-2001, leading to Invitations to Negotiate for the provision of the PAYD cashless payment system and catering services. While there remain significant procurement strategy issues to be addressed, contracts should be awarded in mid-2003 with the aim of commencing a pilot phase towards the end of that year. The pilot phase will effectively represent the start of full roll-out, which should be completed by December 2004.

Our intention is that a pay-as-you-dine system will be introduced into all Service messes where food charges currently apply, irrespective of rank.

Volunteer Reserve Forces

Mr. Key: To ask the Secretary of State for Defence what will be the United Kingdom Volunteer Reserve Forces' (including the Territorial Army), *(a)* establishment and *(b)* strength in (i) 2005, (ii) 2010 and (iii) 2015. [123966]

Mr. Spellar: The Reserve Forces' establishments are authorised by Parliament in the Ministry of Defence Votes A, and are based on a detailed assessment of the current and future strategic environment the Services are likely to face. The establishments resulting from the Strategic Defence Review are:

	Number
Royal Naval Reserve	3,850
Royal Marines Reserve	1,008
Territorial Army	41,204
Volunteer Reserve Air Forces	2,920

It is not possible to predict the detail of the future framework owing to the changing nature of the international security environment. The restructured Territorial Army was in place by 1 April this year, and it is expected to be able to maintain force levels at establishment. The Royal Naval Reserve and Royal Marines Reserve expect to reach their establishments within the next two or three years. The Reserve Air Forces expect to reach their establishment over the next two to three years and beyond.

Nuclear Reactor Storage

Mr. Rendel: To ask the Secretary of State for Defence what steps he has taken to find land storage sites for nuclear reactors from redundant submarines. [124390]

Dr. Moonie: No steps have yet been taken to find land storage sites for the nuclear reactors from decommissioned submarines. I refer the hon. Member to the answer I gave to my hon. Friend the Member for Dunfermline, West (Ms Squire) on 11 May 2000, *Official Report*, columns 447–48W, which stated that we expect specific sites to emerge during the next phase of our study into the storage of decommissioned nuclear submarines. This phase has just started and is expected to take about three years.

Animal Experiments

Mr. Wyatt: To ask the Secretary of State for Defence what his policy is in respect of research carried out on animals at Porton Down; and what research is carried out there on behalf of other countries, with particular reference to defensive agent testing. [124192]

Mr. Spellar: The Ministry of Defence undertakes limited scientific work involving the use of animals for defence research purposes. This work is carried out on behalf of the Department by the Defence Evaluation and Research Agency (DERA) mainly at the Chemical and Biological Defence Sector at Porton Down, but also to a lesser extent at the Centre for Human Sciences at Alverstoke. The research programme involving animals is concerned wholly with providing the UK's Armed Forces with safe and effective protection against hazards they may encounter while carrying out their duties. The Ministry of Defence does not use animals in the development or evaluation of weapons and we continue to seek alternatives to the use of animals in experimentation wherever possible.

Research using animals within DERA is conducted strictly in accordance with the requirements of the Animals (Scientific Procedures) Act 1986 under which the Home Office licences and oversees all such activity. In addition, an independent Animal Welfare Advisory Committee was appointed in 1996 in response to public and Parliamentary concern over the use of animals in research. Its purpose is to keep animal care and welfare arrangements under review within DERA. A report by this Committee is published annually and a copy placed in the Library of the House.

The only research involving animals currently being undertaken by the Chemical and Biological Defence Sector at Porton Down on behalf of other countries is a study of the efficacy of prospective vaccines against a potential biological warfare agent. The work is for the US Department of Defense and its successful outcome will also be of direct benefit to the UK and our Armed Forces.

Operation Danish Bacon

Mr. Baker: To ask the Secretary of State for Defence, pursuant to his answer of 19 May 2000, *Official Report*, columns 288–89W, concerning Operation Danish Bacon, how battlefield injuries are simulated in the exercise Operation Danish Bacon. [124243]

Dr. Moonie: The Surgical Training Exercises in Denmark use pigs as surgical models because they are considered to have the closest physiological response to humans and are similar in size and weight. The pigs are deeply anaesthetised and then wounded by Danish Armed Forces' marksmen using weapons of three different calibres. Each animal is then given medical treatment as if it were a human casualty wounded in battle. Throughout, the pigs remain deeply anaesthetised and are humanely killed at the end of the exercise without regaining consciousness. Veterinary staff are in attendance at all times during the exercise and may withdraw an animal at any point for any reason.

Forest Moor Base

Mr. Baker: To ask the Secretary of State for Defence if he will make a statement on the purpose of the Forest Moor Royal Naval Communications Base; and how many *(a)* UK and *(b)* US personnel work there. [124209]

Mr. Spellar: HMS Forest Moor, near Harrogate, North Yorkshire, is part of the Defence Communication Services Agency. Staffed by both UK military and civilian personnel, HMS Forest Moor is the headquarters of the radio services grouping within the Agency which provides Very Low, Low and High Frequency radio communication services for the British Military and NATO. It has an establishment of 84 UK personnel; no US staff are employed at HMS Forest Moor.

British Nuclear Test Veterans

Mr. Martin Bell: To ask the Secretary of State for Defence what plans he has to give British nuclear test veterans access to their records. [123963]

Dr. Moonie: I assume the hon. Member is referring to official Service records, including medical records. It has always been the case that ex-Service personnel may request the details contained in such records though it has been usual for medical information to be passed to an individual's GP or legal representative. In the case of nuclear test veterans, they are also entitled to request any information held relating to their exposure to radiation during their participation in the UK's nuclear test programme in the 1950s and 1960s.

Missiles and Ammunition

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the book value of the stock-retained totals of missiles and ammunition in each year from 1989–90 to 1999–2000; in each year, what was the *(a)* percentage change from the previous year, *(b)* total stock value expended in operations, training and exercises in that year and *(c)* proportion devoted to war reserves; and if he will make a statement. [124223]

Mr. Spellar: This information is not held centrally and could be provided only at disproportionate cost. Furthermore, a full response would be withheld in accordance with exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence Security and International Relations.

Defence Fraud Analysis Unit

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the budget of the Defence Fraud Analysis Unit for 1999–2000 and what it will be for 2000–01; how many staff are dedicated to the unit; who heads the unit and to whom they report; what relationship the Defence Fraud Analysis Unit has with the Specialist Procurement Services scrutinisation system; and if he will make a statement. [123968]

Dr. Moonie: The Defence Fraud Analysis Unit (DFAU) has nine staff, is headed by an Assistant Director and forms part of the Directorate of Internal Audit (DIA). In 1999–2000, when the Directorate was being formed the costs of the unit (including set up costs) totalled £312,000. Expenditure for the current year (2000–01) is likely to be some £375,000.

The DFAU has no direct relationship with the Specialist Procurement Services (SPS). However the DFAU can and does call on the services of the SPS and a range of specialist areas including the Ministry of Defence Police fraud squad, internal audit and other such bodies to assist its work.

The DFAU now acts as the focus for all Ministry of Defence (MOD) fraud matters including the promotion of risk awareness. It works closely with all MOD authorities in adopting a proactive response to fraud risk.

Mr. Menzies Campbell: To ask the Secretary of State for Defence if he will list the targets of the Defence Fraud Analysis Unit for 1999–2000 stating in each case *(a)* if the target was achieved, *(b)* the reason for any target not being met and *(c)* action taken by the Defence Fraud Analysis Unit to improve target achievement performance in 2000–01; and if he will make a statement. [123967]

Dr. Moonie: The Management of the Defence Fraud Analysis Unit (DFAU) was formed in February 1999 under the Director of Internal Audit (DIA). Targets for the year 1999–2000 included the development of a single fraud reporting point for the department, the creation of an information database, the commencement of a programme of risk awareness presentations, the revision of existing and new guidance on fraud deterrence and detection, the co-ordination of activity with the Ministry of Defence Police Fraud Squad and other related bodies, and the evaluation of suspected cases of fraud or irregularity raised by line management or concerned individuals. All targets were achieved.

DFAU objectives for 2000–01 reflect the continuing development of the unit and new initiatives aimed at improving performance and service. These include regular contributions to MOD and Police publications and a programme of 'no notice' visits to MOD formations and units as part of a pro-active response to fraud risk.

Steps being taken to improve performance in the coming year include investment in staff training and the latest data mining and fraud detection techniques.

Personnel Ratios

Mr. Hancock: To ask the Secretary of State for Defence what the ratio of officers to enlisted personnel is in the *(a)* Royal Navy, *(b)* Royal Air Force, *(c)* Army and *(d)* Royal Marine. [124477]

Mr. Spellar: The ratio of Officers to Other Ranks on the trained strengths of the UK Regular Armed Forces, as at 1 April 2000, were:

(a) Royal Navy—1:4.46

(b) Royal Air Force—1:4.23

(c) Army—1:6.56

(d) Royal Marine—1:8.93.

Lynx Helicopter

Mr. Hancock: To ask the Secretary of State for Defence what estimate he has made of the cost to his Department of the technical fault in Lynx helicopters; who will meet the cost and over what timescale; and if he will make a statement. [124673]

Mr. Spellar: The problem with Lynx Main Rotor Heads is currently being managed through better utilisation of our existing stocks of unaffected heads, including faster repair and overhaul times. The cost of this will be contained within existing funds. Urgent discussions are taking place with GKN Westland about buying replacement rotor heads as quickly as possible. It is not yet possible to estimate the cost for these orders, which will be met from the Defence Budget.

RAF Unguided Bomb Enhancement Programme

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the original planned date of completion of the RAF unguided bomb enhancement programme; what is the current estimated in-service timetable for completion; what effect in-year budget

changes have had on the in-service timetable; when he expects to place contracts against the programme; and if he will make a statement. [124224]

Dr. Moonie: Staff Target (Air) 1248 seeks to introduce an all weather bombing capability for the RAF. The In Service Date originally assumed in the funded forward programme was 2006. This date has not changed. A contract is expected to be placed in mid-2002.

Regular Forces

Mr. Key: To ask the Secretary of State for Defence what will be the UK Regular Forces' (i) trained strength and (ii) trained requirement in *(a)* 2005, *(b)* 2010 and *(c)* 2015. [123979]

Mr. Spellar: The long-term aim is to bring the overall trained strength into balance with the trained requirement. By 1 April 2005, both the Naval Service and the Army expect to have achieved this, with their trained requirements anticipated to be about 38,500 and 105,232 respectively. The RAF's forecast trained strength at 1 April 2005 is expected to be about 50,400, against the forecast trained requirement of 50,900.

Although the Strategic Defence Review (SDR) looked into the future as far as 2015, it is not possible to predict, beyond 2005, the detail of the future framework, owing to the changing nature of the international security environment.

Defence Procurement

Mr. Llwyd: To ask the Secretary of State for Defence what percentage of overall spending on defence procurement is allocated to companies in *(a)* England and *(b)* Wales; and if he will make a statement. [122653]

Dr. Moonie: Spending on defence procurement is based on value for money, project by project, and is not allocated to companies on a regional basis. I refer the hon. Member to the publication "UK Defence Statistics, 1999" which details (at Table 1.9) the annual defence expenditure on equipment in England, Wales, Scotland and Northern Ireland. A copy is held in the Library.

MOD Police (Policy and Procedures Manual)

Mr. Kidney: To ask the Secretary of State for Defence when Ministry of Defence police officers will receive the new single source document containing their terms and conditions of service. [124353]

Mr. Spellar: The Ministry of Defence Police (MDP) Policy and Procedures Manual will incorporate MDP terms and conditions of service. Initial chapters of the Policy and Procedures Manual including some on terms and conditions of service were distributed in electronic format on 10 May 2000. Further chapters will be distributed as soon as consultation with the Defence Police Federation has been completed.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Defence on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124128]

Mr. Hoon: During the period 1 April 1999 to the end of March 2000, special advisers in this Department travelled overseas on two occasions.

Aircraft Carriers

Dr. Julian Lewis: To ask the Secretary of State for Defence when all three of the Royal Navy's aircraft carriers will be operationally available. [121707]

Mr. Spellar: The three Royal Navy aircraft carriers, HMS Invincible, Illustrious and Ark Royal, undertake a rolling programme of operations and maintenance, to ensure that two ships are normally available for operational tasking. On current plans, all three would not be operationally available at the same time.

Andrew Timothy Lea

Mr. McNamara: To ask the Secretary of State for Defence if he will make a statement on the service record of Andrew Timothy Lea. [123557]

Mr. Spellar: In accordance with exemption 8a and exemption 12 of the code of Practice to Government Information, such details are not disclosed without the consent of the individual to whom the information relates.

RAF Feltwell

Mr. Baker: To ask the Secretary of State for Defence, pursuant to his answer of 12 May 2000, *Official Report*, column 513W, if he will state the reasons why RAF Feltwell is designated an RAF base. [123778]

Mr. Spellar: The designation of any Ministry of Defence site depends on which Service is responsible for its administration. For RAF Feltwell this is the Royal Air Force.

Departmental Building Costs

Mr. Pollard: To ask the Secretary of State for Defence, pursuant to his answer of 17 May 2000, *Official Report*, columns 162–63W, on the projected costs of reconstructing his Department's building in Whitehall, which five buildings are to be disposed of; and what will be the savings per annum resulting from these disposals. [123586]

Dr. Moonie: The redevelopment will allow MOD headquarters activities to be concentrated in Main Building and the adjoining Old War Office, enabling the MOD to dispose of Northumberland House and Metropole Building in Northumberland Avenue, 3–5 Great Scotland Yard, St. Giles Court in Holborn and St. Christopher House in Southwark. Disposal of these properties is estimated to provide savings of £18 million a year in running costs.

Mr. Pollard: To ask the Secretary of State for Defence, pursuant to his answer of 17 May 2000, *Official Report*, columns 162–63W, on the projected costs of reconstructing his Department's building in Whitehall, how many staff are to be relocated as a result of the disposal of the five buildings; and to which locations. [123585]

Dr. Moonie: The disposal of these five buildings is part of an overall reduction in Head Office staff in central London from 6,000 to 4,300 which fulfils one of the aims of the Strategic Defence Review. Some staff have already been relocated to a number of locations in the UK

including Defence Logistics Organisation staff to Bath and Defence Vetting Agency staff to York. Work is continuing on the future destination of the remaining staff.

Ro-ro Ferries

Mr. Field: To ask the Secretary of State for Defence for what percentage of time the Government expects to use each of the ro-ro ships shortly to be ordered by his Department. [122987]

Mr. Spellar: *[holding answer 19 May 2000]:* The Ministry of Defence requires a Strategic Sealift service which is based on the availability of six ships on graduated notice of call-up for Joint Rapid Reaction Forces (JRRF) operations. The Ministry of Defence cannot predict when this requirement may arise. In addition, during those periods when there are no JRRF operations, the Ministry of Defence will need to employ on average about four vessels to carry out routine tasks such as supporting exercises or transporting freight.

HEALTH

Influenza

Mrs. Virginia Bottomley: To ask the Secretary of State for Health what is the average cost to the NHS of *(a)* a hospital admission caused by influenza, *(b)* a doctor taking a day off work as a result of influenza, *(c)* an influenza vaccination and *(d)* a course of antiviral treatment and protection for influenza. [121963]

Yvette Cooper: Costs per finished consultant episode (FCE) for possible treatments for patients with influenza are given as follows. The cost information is based on the 1998–99 financial year and is based on costs for non-elective inpatients. Influenza features in a number of healthcare resource groupings (HRGs).

Upper respiratory tract disorders (HRG P03)—national average cost per FCE £403

(relates to ICD10—J101 Influenza with other resp. manifest influenza virus identified)

(Number of non elective FCEs in 1998–99—70,324—based on fast track data)

Other viral illness (HRG S14)—national average cost per FCE £611

(relates to ICD10—J108 Influenza with other manifest influenza virus identified)

(Number of non elective FCEs in 1998–99—11,802—based on fast track data)

Lobar, atypical or viral pneumonia (HRG D13)

(Patient greater than 69 or wcc[1])—national average cost per FCE £1,269

(relates to ICD10—J110 Influenza with pneumonia, virus not identified)

(Number of non elective FCEs in 1998–99—29,952—based on fast track data)

Lobar, atypical or viral pneumonia (HRG D14)

(Patient less than 70 or w/o cc[2])—national average cost per FCE £806

(relates to ICD10—J110 Influenza with pneumonia, virus not identified)

(Number of non elective FCEs in 1998–99—18,222—based on fast track data)

[1] With complications and co-morbidities

[2] Without complications and co-morbidities.

The cost of a doctor taking a day off work is not known. The list prices for influenza vaccines and antiviral drugs are given in the British National Formulary, copies of which are in the Library.

Breast Cancer

Ms Perham: To ask the Secretary of State for Health if he will list the organisations that have appealed against the final appraisal determination on the use of taxanes for the treatment of breast cancer in the NHS, indicating the patient groups among them. [122468]

Yvette Cooper: Appeals against the National Institute for Clinical Excellence's draft guidance on the use of taxanes for the treatment of breast cancer were received from Bristol-Myers Squibb Pharmaceuticals Ltd. and from the patient group CancerBACUP

Ms Perham: To ask the Secretary of State for Health (1) when he expects NICE to publish the guidance on the use of taxanes for the treatment of breast cancer in the NHS; [122469]

(2) what reasons underlie the length of time taken by NICE to publish guidance on the use of taxanes for the treatment of breast cancer in the NHS. [122467]

Yvette Cooper: National Institute for Clinical Excellence guidance on taxanes has been delayed because of a successful appeal. The Appraisal Committee will be reconvened as soon as possible to reconsider its guidance on taxanes in breast cancer in the light of the findings of the appeal panel. Interested parties will then have a further opportunity to consider the revised guidance. It is expected that NICE will issue guidance around the end of June.

Ms Perham: To ask the Secretary of State for Health if he will estimate the financial impact on health authorities and trusts of NICE guidance supporting the use of taxanes for the treatment of breast cancer; and what plans he has to ensure that sufficient funding is available in the NHS drugs budget to implement such guidance. [122472]

Yvette Cooper: We have not received the National Institute for Clinical Excellence's recommendations on the use of taxanes for breast cancer. The additional £600 million allocated to health authorities following the recent budget is intended, among other things, to enable health authorities to fund recommendations from NICE.

Osteoporosis

Mr. Wigley: To ask the Secretary of State for Health what proposals his Department will be making to the World Congress on Osteoporosis to be held in Chicago in June. [122752]

Yvette Cooper: Neither Department of Health Ministers nor officials have been invited to contribute to this Congress.

Hospital Waiting Times

Mr. Cox: To ask the Secretary of State for Health what is the average waiting time for a hip replacement operation at a NHS hospital in the Greater London area. [123045]

Mr. Denham: The requested information is not collected by local authority area so the information given is that for the health authority areas covered by the London Regional Office of the National Health Service Executive.

The mean waiting time for a hip operation in a London Hospital in the financial year 1998–99 was 236 days (approximately eight months). The median waiting time for the same period was 191 days (approximately six and a half months).

Race Equality

Mr. Woodward: To ask the Secretary of State for Health (1) what estimate his Department has made of the percentage of the London ethnic minority population who will have access to the initiatives introduced by the London NHS Race Equality Unit; [123084]

(2) how much funding has been allocated to the London NHS Race Equality Unit in the current financial year. [123086]

Mr. Denham: The National Health Service Executive London Regional Office has established a London NHS Race Equality Group, not Unit. It will not be funding projects or local initiatives, but through its advice to the regional chairman and director it will promote the adoption of good practice on race and health throughout London's NHS, and ensure that the issue of race equality in health and health services remains high on the agenda. The London NHS Race Equality Group's work will aim to ensure that the appropriate services are in place in every health authority, NHS trust and primary care group across London.

The NHS Executive London has also worked with the Association of London Government Race, Health and Social Exclusion Commission during 1999, and contributed to their report 'Sick of being excluded' (about to be published). This report made recommendations on:

Improving access

Better employment practice

Clear leadership

Direct involvement of black and minority ethnic people

Involvement of community organisations and partnership with communities.

The London NHS Race Equality Group is being established in response to the 1999 survey of NHS initiatives addressing black and minority ethnic health in London. The funding to support these initiatives is already included in local health authority allocations and the group's role will be to ensure that black and ethnic minority populations are getting a fair and appropriate share of these resources, in relation to their needs.

Cardiopulmonary Resuscitation

Mr. Burstow: To ask the Secretary of State for Health what assessment he has made of the adequacy of existing guidance on the use of not for resuscitation orders; and if he will make a statement. [122794]

Yvette Cooper *[holding answer 22 May 2000]:* Clear guidelines on Decisions Relating to Cardiopulmonary Resuscitation were first published in 1993 in a joint statement issued by the British Medical Association, the Resuscitation Council (United Kingdom), and the Royal College of Nursing. A revised version was published in June 1999. The joint statement gives general guidelines on the basic principles within which decisions regarding local policies on cardiopulmonary resuscitation may be formulated. It makes clear that all acute hospital trusts should establish local resuscitation policies, a point which was also emphasised by the Chief Medical Officer of the time to all consultants in England in 1991.

We are committed to ensuring the development of best practice in resuscitation decision-making throughout the National Health Service.

CJD

Mr. Drew: To ask the Secretary of State for Health what discussions his Department has had with the French health authorities over exchange of information on new variant CJD. [123106]

Yvette Cooper *[holding answer 22 May 2000]:* The Department has regular contacts with the French authorities at European Union meetings of the Health Council and its working Groups, and at meetings of EU Chief Medical officers, at which variant creutzfeldt jakob disease issues are, from time to time, discussed. The National CJD Surveillance Unit funded by the Department takes a leading role in co-ordinating the surveillance of CJD in EU member states, including through the EUROCJD group, of which France is an important member. A principal aim of this group is to ensure systematic surveillance is undertaken so that cases of CJD are identified, and then any variant CJD cases arising as a sub-set of these are picked up. In addition, the Spongiform Encephalopathy Advisory Committee which advises the Government on bovine spongiform encephalopathy and CJD issues has met twice with its French counterpart, the Dormont Committee, in February 1996 and September 1998.

Trainee Doctors

Mr. McWalter: To ask the Secretary of State for Health what assessment he has made of whether the number of doctors in training will be sufficient to meet NHS needs and Government waiting list targets, with particular reference to the years from 2001 to 2006. [123300]

Mr. Denham: We aim to ensure through the national workforce planning processes that there will be sufficient doctors in training to meet the future requirements of the National Health Service. Assessments about future staffing needs, including the implications of waiting list targets and other service initiatives, are reviewed annually and the numbers of doctors adjusted accordingly.

On 6 April I announced plans to train almost 400 extra hospital specialists. Added to more specialist doctors already in training, the increase of 393 training places means there should be an additional 13,000 fully trained hospital specialists in the NHS by 2006–07. The additional places will take forward our plans to increase capacity in the NHS, so patients have easier access to faster, fairer and more convenient services.

Teenage Pregnancies

Ms Kelly: To ask the Secretary of State for Health if he will list *(a)* the level of expenditure in each year since 1997 allocated to projects designed to reduce the

number of teenage pregnancies and *(b)* the actual and forecast impact of this expenditure on reducing teenage pregnancies. [123158]

Yvette Cooper *[holding answer 23 May 2000]:* From 1997 to 1999, funding to reduce teenage pregnancy formed part of the overall allocation to improve the sexual health of young people.

In June 1999, my right hon. Friend the Prime Minister announced a £60 million package over three years, with the goal of halving the rate of conceptions among under-18s by 2010, and getting more teenagers into education, training and employment.

NHS Walk-in Centres

Mr. Pike: To ask the Secretary of State for Health how many NHS walk-in centres have been established; how many are in the North West Region; and if he will make a statement. [123526]

Mr. Denham: A total of 36 National Health Service walk-in centres have been approved nationally; 15 of these were open by the end of May 2000 and the rest by the end of the year. The North West has produced six successful bids, one of which is already open in Liverpool. Walk-in centres are part of a wider plan to modernise and improve access to, and the convenience of, NHS services. They are intended to help people make better use of the health service, help professionals make better use of their skills and respond to modern lifestyles.

Insulin Pens

Mr. Paul Marsden: To ask the Secretary of State for Health how many diabetics registered in *(a)* Shrewsbury and Atcham and *(b)* Shropshire have received prescribed pen needles; and if he will make a statement. [123794]

Mr. Denham: Insulin pen needles and certain reusable insulin pens were added to the Drug Tariff with effect from March 2000. Figures are not yet available as to how many pen needles have been prescribed since March 1.

Cochlear Implants

Mr. Bob Russell: To ask the Secretary of State for Health if he will give the number of cochlear implants for children which have been undertaken in each health authority area for each of the last five years for which figures are available; and if he will make a statement. [123657]

Mr. Hutton: The tables show the number of procedures performed on under 16-year-olds who received cochlear implants, treated in National Health Service hospitals in England. This is shown by health authority of residence for the financial years 1996–97 to 1998–99 and district health authority of residence for 1994–95 to 1995–96.

Cochlear implant operations performed on under 16-year-olds in NHS hospitals England 1996–97 to 1998–99 by Health Authority of treatment

Health Authority	*1996–97*	*1997–98*	*1998–99*
QA9 Cambridge and Huntingdon	8	9	10
QAE East Kent	—	—	—
QAH Lambeth Southwark and Lewisham	—	6	11
QAT Camden and Islington	20	23	30
QC3 Manchester	18	11	18
QCE Oxfordshire	—	—	—
QCP Nottingham	37	37	39
QCR Sheffield	—	—	—
QD3 Southampton and South West Hampshire	11	8	13
QD6 South and West Devon	—	—	—
QD8 Avon	—	—	—
QD9 Birmingham	20	15	16
QDD Bradford	7	6	17
QDP Tees	5	8	—
Total	126	123	154

Cochlear implant operations performed on under 16-year-olds in NHS hospitals England 1994–95 to 1995–96 by District Health Authority of treatment

District Health Authority	*1994–95*	*1995–96*
A32 Tees	5	5
B31 Bradford	—	5
C08 Nottingham	13	33
D01 Cambridge	7	6
F37 Camden and Islington	—	24
G26 South East London	—	—
QD3 Southampton and South West Hampshire	7	8
L36 Plymouth and Torbay	—	—
M25 South Birmingham	11	18
P26 Manchester	12	15
Total	55	114

For reasons of confidentiality, figures below 5 have been suppressed.

Notes:
OPCS4 codes D24.1-D24.2 have been used.
Totals do not include suppressed figures.
Data in this table are unadjusted for shortfalls in collection (i.e. they are ungrossed).
Source:
Hospitals Episodes Statistics.

Mr. Bob Russell: To ask the Secretary of State for Health how many children are waiting for cochlear implants in each health authority area; how many have been waiting for more than a year; and if he will make a statement. [123658]

Mr. Hutton: This information on the number of children waiting for a cochlear implant is not available. Information on the waiting times for cochlear implants for children, based on Hospital Episode Statistics, is shown in the table.

Cochlear implant operations performed on under 16-year-olds by length of time waited and Health Authority of treatment NHS hospitals England 1998–99

	Number of procedures performed					
Health authority	*Within 3 months*	*From 3 to 6 months*	*From 6 months to 1 year*	*From 1 year to 2 years*	*Not known*	*Total*
QA9 Cambridge and Huntingdon	10	—	—	—	—	10
QAH Lambeth Southwark and Lewisham	11	—	—	—	—	11
QAT Camden and Islington	9	6	—	—	15	30
QC3 Manchester	18	—	—	—	—	18
QCE Oxfordshire	—	—	—	—	—	—
QCP Nottingham	39	—	—	—	—	39
QCR Sheffield	—	—	—	—	—	—
QD3 Southampton and South West Hampshire	6	—	—	—	7	13
QD6 South and West Devon	—	—	—	—	—	—
QD3 Avon	—	—	—	—	—	—
QD9 Birmingham	16	—	—	—	—	16
QDD Bradford	12	5	—	—	—	17
QDP Tees	—	—	—	—	—	—
Total	121	11	0	0	22	154

[1] For reasons of confidentiality, figures below 5 have been suppressed.

Notes:

OPCS4 codes D24.1-D24.2 have been used.

Totals do not include suppressed figures.

Data in this table are unadjusted for shortfalls in collection (i.e. they are ungrossed).

Waiting time statistics from HES are not the same as the published waiting list statistics. HES provides counts and waiting times for all patients admitted to hospital within a given period whereas the published waiting list statistics count those waiting for treatment at a given point in time and how long they have been on the waiting list. Also, HES calculates the waiting time as the difference between the admission and decision to admit dates. Unlike published waiting list statistics, this is not adjusted for self-deferrals or period of medical/social suspension.

Source:

Hospitals Episodes Statistics.

Waiting Lists

Mr. Webb: To ask the Secretary of State for Health if he will make it his policy to collect statistics on the reason why individuals leave *(a)* inpatient waiting lists and *(b)* outpatient waiting lists, separately identifying those who opted for private sector provisions. [123720]

Mr. Denham: We have no plans to do so.

Beta-interferon

Mr. Hammond: To ask the Secretary of State for Health if he will place in the Library a copy of the Provisional Finding of the National Institute for Clinical Excellence in respect of beta-interferon at the same time it is made available to those parties who submitted evidence to the Institute. [123912]

Mr. Denham: The National Institute for Clinical Excellence's guidance on beta-interferon will be placed in the Library once it has been finalised by NICE. Consultation on the draft findings will, as with all NICE's appraisals, be on a confidential basis. I understand that NICE is planning to disseminate its guidance to the National Health Service during August 2000.

NHS Messaging Services

Mr. Edward Davey: To ask the Secretary of State for Health how much the NHS has spent on its messaging services on NHS net through BT Syntegra. [124089]

Ms Stuart: A total of £7.1 million has been spent on messaging services on National Health Service net through British Telecommunications Syntegra in the period 1995 to 2000.

Mr. Edward Davey: To ask the Secretary of State for Health if he will estimate the savings to the NHS over *(a)* one year, *(b)* five years and *(c)* 10 years through introducing a messaging service based upon a SMPT Internet Mail system. [124092]

Ms Stuart: None; an SMTP (Internet) mail messaging service is already available on NHSnet.

Mr. Edward Davey: To ask the Secretary of State for Health if he will estimate the cost to the NHS of the recent I Love You virus; and what measures he is taking to ensure that future breaches of NHS messaging services are minimised. [124093]

Ms Stuart: The measures taken by the National Health Service net contractors were at no charge to the NHS. Any costs at NHS trust and health authorities would be largely in the time of personnel as a part of their normal duties to manage local e-mail services and have not been identified separately.

NHSnet provides controls for network access between organisations, including transfer of e-mails between NHSnet and external systems that are passed through a secure gateway between NHSnet and the internet. Management of the gateway is the responsibility of the NHSnet service providers under the supervision of the NHS Information Authority. The NHS Information Authority maintains close liaison with the service providers and users of NHSnet services to ensure that information about virus attacks and appropriate countermeasures are disseminated rapidly.

The management teams remain vigilant and will deal with future threats in the same professional manner in which the "I LOVE YOU" incident was handled.

Forms

Mrs. Lait: To ask the Secretary of State for Health what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123946]

Mr. Hutton: The forms which the Department issues to charities and voluntary bodies are mainly for those who wish to apply for grants, mainly grants under Section 64 of the Health Services and Public Health Act 1968. For this scheme, the only form required from applicants is the appropriate application for the type of grant being sought. This has not changed since 1997.

The Department keeps under review the forms it issues to business, charities and the voluntary sector to ensure that they are necessary, easy to understand and as simple as possible to complete.

GP Practices (Patient Access)

Caroline Flint: To ask the Secretary of State for Health what percentage of the population lives *(a)* within one mile of and *(b)* over three miles from a GP practice in (i) rural and (ii) urban areas. [124530]

Mr. Denham: Information is not available in the form requested. From the information that is available I can say that:

in predominantly urban areas, 99 per cent. of patients live between one and 2.5 miles and 1 per cent. live more than 2.5 miles from a main surgery.

in predominantly rural areas, the figures are 91 per cent. and 9 per cent. respectively.

These figures tend to overstate both the numbers living more than 2.5 miles, and understate how many people live within one mile of a general practitioner's surgery because no account is taken of Branch Surgeries. Branch Surgeries are provided to help improve access for patients often in rural areas.

Waiting Lists (Dorset)

Mr. Fraser: To ask the Secretary of State for Health how many patients in Dorset died while awaiting *(a)* surgery, *(b)* cancer surgery and *(c)* cardiac surgery in the last 12 months. [124512]

Ms Stuart: The information requested is not collected centrally.

Mr. Fraser: To ask the Secretary of State for Health how many patients in Dorset there are waiting for kidney dialysis treatment. [124513]

Ms Stuart: There is no waiting list for kidney dialysis treatment in Dorset. Patients requiring this treatment are treated immediately.

Dorset Health Authority has invested an additional £250,000 a year, each year for the last three years in dialysis services.

Medical Schools

Dr. Gibson: To ask the Secretary of State for Health when he will announce the decision on the establishment of new medical schools. [124495]

Mr. Denham: Responsibility for the allocation of places to individual medical schools in England lies with the Higher Education Funding Council for England (HEFCE).

HEFCE have already announced the allocation of approximately 840 new medical school places in England and plan to announce a further allocation of places soon.

NHS Staff (Occupational Health and Counselling Services)

Mr. Harvey: To ask the Secretary of State for Health which NHS trusts provided, as at April, those occupational health and counselling services to their staff which were set out under the White Paper "Working Together—Securing a Quality Workforce for the NHS". [124364]

Mr. Denham: All National Health Service trusts now provide staff with access to occupational health services. 60 per cent. of trusts provide services in-house while 40 per cent. purchase them from neighbouring NHS employers. Information about the number of trusts providing counselling services is not collected centrally but may be held locally.

Mr. Harvey: To ask the Secretary of State for Health when he will publish guidelines on the provision of counselling services for staff in the NHS. [124363]

Mr. Denham: Guidance on the provision of counselling services for staff in the National Health Service should be available on the Department of Health website later this year.

Homophobia in Schools Video

Mr. Maclean: To ask the Secretary of State for Health if Avon Health Authority has made a video called Beyond a Phase: A Practical Guide to Challenging Homophobia in Schools available to schools in the area. [123573]

Ms Stuart: The video "Beyond a Phase" is available to any school that wishes to purchase it. It is for school governors and teachers, who are responsible for how sex education is taught, to decide whether or not to use material produced by health authorities in a school context. They do so within the framework of guidance (Personal, Social and Health Education) issued by the Department for Education and Employment.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Health on how many occasions since 30 June 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124115]

Ms Stuart: No departmental or non-departmental special advisers have travelled abroad in an official capacity since 30 June 1999.

Triple Heart By-pass Operation

Mr. Viggers: To ask the Secretary of State for Health when a constituent of the hon. Member for Gosport, whose name has been given to him, can expect to be given a firm date for the triple heart by-pass operation for which the waiting time in January 1999 was estimated to be nine months. [124230]

Mr. Denham: I am advised that the Southampton University Hospitals National Health Service Trust is in the process of contacting the constituent to whom the hon. Member refers, to offer a firm date for the triple heart by-pass operation.

AGRICULTURE, FISHERIES AND FOOD

Game Bird Imports

Mr. Luff: To ask the Minister of Agriculture, Fisheries and Food how many *(a)* pheasant eggs, *(b)* pheasant chicks, *(c)* adult pheasants, *(d)* partridge eggs, *(e)* partridge chicks and *(f)* adult partridges were imported into the UK in each year since 1979. [118966]

Ms Quin: Statistics for the import into the United Kingdom (UK) of pheasant eggs, pheasant chicks, adult pheasants, partridge eggs, partridge chicks, and adult partridges are not available for the period 1979 to 1995.

The following figures are derived from the information messages (ANIMO) which European law requires exporting countries to send to the importing country to inform them of the number of animals certified for export in a given consignment. Imports of poultry are divided into the following commodities; day old poultry, hatching eggs, poultry for breeding and production, poultry for slaughter and poultry for re-stocking supplies of game. In European law pheasants and partridges are included in 'poultry'. However, ANIMOS do not give separate commodity codes for poultry species.

The number of live day-old chicks, hatching eggs and adult poultry imported into the UK in each year since 1996, is given in the tables.

Imports into UK from European Union

	Number of hatching eggs	*Number of chicks*	*Number of adult poultry*
1996	12,052,072	4,963,947	121,163
1997	38,458,912	14,992,038	586,629
1998	19,679,634	5,182,966	11,486,664
1999	20,549,545	39,907,011	596,265
2000	5,627,282	2,075,152	30,026

Consignments of poultry from third countries are subject to a MAFF import licence. The following figures are derived from licences issued for consignments of live adult pheasants and pheasant chicks into the UK from third countries. Our records indicate that there have been no imports of pheasant eggs, partridge eggs, partridge chicks or adult partridges.

Imports into UK from third countries

	Number of pheasant chicks	*Number of adult pheasants*
1996	0	26
1997	0	8
1998	0	69
1999	3,000	3
2000	0	0

The figures given in the tables are provisional and subject to validation.

Woodland Grant Schemes

Mr. Clifton-Brown: To ask the Minister of Agriculture, Fisheries and Food when he expects to make a decision on the woodland grant schemes amendment applied for by Cotswold Estate Services Ltd., submitted in October last year. [120682]

Mr. Morley: I understand Cotswold Services Ltd. submitted on behalf of their clients an application under the Farm Woodland Premium Scheme. Processing of the application under the Scheme has been delayed pending approval by the European Commission of the England Rural Development Plan, which is expected in the summer.

Broiler Chickens

Ann Clwyd: To ask the Minister of Agriculture, Fisheries and Food (1) what plans he has to commission an independent survey into the incidence of lameness in the United Kingdom broiler chicken flock; and if he will make a statement; [122557]

(2) what steps he is planning to take to persuade the European Commission to propose a directive to address the health and welfare issues raised by the recent report of the Commission's Scientific Committee on Animal Health and Animal Welfare on the Welfare of Chickens Kept for Meat Production (Broilers); and if he will make a statement. [122556]

Mr. Morley: The Government have made clear their wish to improve standards of broiler welfare.

The report from the Scientific Committee on Animal Health and Animal Welfare (SCAHAW) on broiler chicken production usefully identifies and assesses the issues. It should enable the Commission now to bring forward proposals for EU standards, an approach which we much prefer to acting unilaterally: it should bring real welfare improvements without putting British producers at a competitive disadvantage in relation to their continental counterparts. We look forward to seeing proposals from the Commission in the light of the report. In preparation for this we shall carefully study the content of the report and the papers to which it refers.

The report recognises, as do the Government, that leg disorders can be a major cause of poor welfare in broilers. A five-year industry survey in this country on broiler leg health should be nearing completion. The Farm Animal Welfare Council to whom the industry is reporting will carefully consider the survey, together with an independent evaluation of the results. I have written to both FAWC and the industry to make clear my concern that this exercise should be swiftly concluded so that we can determine what should be our next steps on leg health and what provisions we should be looking to secure in the EU negotiation. It is essential that we have FAWC's views before we consult on and determine these matters.

The SCAHAW report also makes clear that the subjective nature of the widely used gait scoring system leads to difficulties in making direct comparisons between different studies employing this technique. As a result, the report suggests the need to develop objective

measurement systems and to carry out systematic epidemiological studies. In this context, the Government already have in train a number of research projects on broiler leg health, including the development of other quantitative methods of assessing the extent of lameness in broilers.

Meanwhile, the State Veterinary Service continues to carry out random visits to broiler units to assess all aspects of welfare including lameness, litter quality, and ventilation. We are also in the process of drawing up a new Broiler Welfare Code, which takes on board a number of the recommendations contained in FAWC's 1992 report. This is not a substitute for necessary EU action, but represents an important step we can take nationally in the meantime.

Animal Welfare

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will make the transport of circus animals subject to the Welfare of Animals (Transport) Order 1997; and if he will make a statement. [122699]

Mr. Morley *[holding answer 18 May 2000]:* The Welfare of Animals (Transport) Order 1997 applies to the transport of all animals, including circus animals.

GM Crops

Mr. Breed: To ask the Minister of Agriculture, Fisheries and Food (1) what assessment he has made of the effect of the charge for making a submission on the number of organisations making representations as part of the consultation regarding the addition of Chardon LL maize to the national seed list; [122773]

(2) what factors he took into account in determining the level of charge levied on those wishing to make representations as part of the consultation regarding the addition of Chardon LL maize to the national seed list; [122774]

(3) how many representations were received regarding the addition of Chardon LL maize to the national seed list prior to the closing date for the consultation. [122776]

Ms Quin: There is a statutory requirement to pay a fee for making written representations (£30) or requesting a hearing (£60) about the proposal to add Chardon LL to the National List. A substantial number of representations (227) and requests for a hearing (68) have been received which will ensure that Ministers receive a wide range of views and evidence about the proposed decision.

The requirement for these statutory fees is set out in the Seeds (National List of Varieties) Regulations 1982 (as amended) and the level of fees is set in the Seeds (National List of Varieties) (Fees) Regulations 1994 (as amended). These fees were introduced many years ago, prior to the advent of genetically modified plant varieties, to help meet the cost of running the National List representations and hearings system. The representations fee was increased to its current level of £30 from £25 in 1999, and the hearings fee was increased to its current level of £60 from £55 in 1999, in line with general increases in National List fees. They apply equally to GM or conventionally bred varieties.

The National List system does not itself address the safety aspects of GM traits. This is dealt with under quite separate legislation. No GM plant variety may be proposed for addition to the National List until the appropriate GM consents have been obtained and no charge is made to anyone objecting to the DETR or the FSA about the approval of GM crops or foods.

Green Transport Plans

Mr. Don Foster: To ask the Minister of Agriculture, Fisheries and Food if he will list the key buildings for which his Department *(a)* submitted and *(b)* did not submit green transport plans by March. [122562]

Mr. Morley *[holding answer 18 May 2000]:* In line with the target set in the Integrated Transport White Paper for the introduction of green transport plans for key Government buildings, by 31 March we had completed all 16 of our plans covering the following key buildings:

Government Buildings, Epsom road, Guildford GU1 2LD

Lion House, Willowburn Trading Estate, Alnwick NE66 2PF

Wessex Regional Service Centre (RSC), Block 3, Government Buildings, Burghill road, Bristol BS10 6NJ

Northern RSC, Eden Bridge House, Lowther street, Carlisle CA3 8DX

North East RSC, Government Buildings, Crosby road, Northallerton DL6 1AD

North Mercia RSC, Electra way, Crewe CW1 6GJ

South Mercia RSC, Block C, Government Buildings, Whittingdon road, Worcester WR5 2LQ

Anglia RSC, Block B, Government Buildings, Brooklands avenue, Cambridge CB2 2DR

South East RSC, Block A, Government Buildings, Coley Park, Reading RG1 6DT

South West RSC, Clyst House, Exeter EX5 1DY

Quantock House, Paul street, Taunton TA1 3NX

Central Science Laboratories, Sand Hutton, York YO4 1LZ

Centre for Environment, Fisheries and Aquaculture Science (CEFAS), Pakefield road, Lowestoft NR33 OHT

CEFAS, Burnham Remembrance avenue, Burnham on Crouch CM0 8HA

CEFAS, The Nothe, Barrack road, Weymouth DT0 8UB

Veterinary Laboratory Agency and Veterinary Medicines Directorate, New Haw, Addlestone KT15 3NB.

Agri-monetary System

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what representations he has made in the EU on the replacement of the agri-monetary system with arrangements that protect British farmers from the effects of a strong pound or weak euro on the value of agricultural subsidies. [122989]

Mr. Nick Brown *[holding answer 22 May 2000]:* In December 1998 I successfully negotiated the new agri-monetary system, which is simpler and more transparent than the previous arrangements.

By the end of 2000 we expect to have paid around £418 million in agri-monetary compensation under the new system, with a further £44 million to be paid by the end of next year. This is in addition to the £133 million paid in compensation under the pre-euro system, leading to total expenditure since 1997 on agri-monetary compensation of around £595 million.

Land Values

Mr. Flynn: To ask the Minister of Agriculture, Fisheries and Food what changes took place in the value of agricultural land between *(a)* 1989 and 1995 and *(b)* 1996 and 1999. [123474]

Mr. Morley *[holding answer 23 May 2000]:* Data on sale prices of agricultural land in England are published on the MAFF website, at http://www.maff.gov.uk/esg/statnot/alp.htm. There is a break in the series in 1993 and hence figures before and after that year are not strictly comparable. However, the published series show an increase of 5 per cent. between 1989 and 1995 and an increase of 2 per cent. between 1996 and 1998 (provisional), which is the latest full year for which data are currently available. A spreadsheet giving all the annual figures between 1944 and 1998 is available on the website.

Figures for Wales are published by the National Assembly for Wales.

Hunts (Feedstuffs)

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food if he will establish an inquiry into the feeding of specified risk material to the hounds of the Exmoor Foxhounds. [123471]

Ms Quin *[holding answer 23 May 2000]:* No, because these matters are dealt with by the local authorities who have responsibility for enforcing Specified Risk Material Order 1997.

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food how many cases there have been of hunts being *(a)* prosecuted, *(b)* given a verbal warning and *(c)* given a written warning over feeding specified risk material to packs of hounds in each of the last three years. [123472]

Ms Quin *[holding answer 23 May 2000]:* The feeding of SRM to hounds is classified as a Category 1 failure of the SRM controls. Out of 9802 visits to hunt kennels and knackers yards during the past three years, 43 Category 1 failures were noted. It is not possible to determine how many of these relate to feeding SRM to hounds except at disproportionate cost.

All such failures would be notified in writing, unless the enforcement authority expressly requested that this is not done. Prosecution is a matter for the appropriate local authority.

Farming (Diversification)

Mr. Ruane: To ask the Minister of Agriculture, Fisheries and Food what measures he is taking to promote diversification within farming. [123463]

Mr. Morley *[holding answer 23 May 2000]:* The England Rural Development Plan describes how Government intend to use the European Community co-funded measures in the Rural Development Regulation to support farmers wishing to diversify within farming. Of the £1.6 billion seven-year programme, £152 million will fund a new Rural Enterprise Scheme to encourage diversification; £44 million will fund a new Processing and Marketing Grant Scheme to encourage innovation and achieve added value for primary products and £22 million will go towards providing targeted training to support these and other schemes in the Plan.

In addition, under the Action Plan for Farming, MAFF will be producing a new advisory booklet on farm diversification and farmers who need planning approval for Rural Enterprise Scheme applications will receive free specialist advice.

The arrangements for Scotland, Wales and Northern Ireland are set out in the rural development plans and Single Programming Documents for those countries.

Laptops

Mr. Keith Simpson: To ask the Minister of Agriculture, Fisheries and Food how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123730]

Mr. Morley: The Ministry's records show that the numbers of laptop computers used by Ministers, officials and special advisers in this Department that have been *(a)* lost and *(b)* stolen since May 1997 are as follows:

MAFF laptops	*1997–98*	*1998–99*	*1999–2000*	*Total*
Lost	1	0	0	1
Stolen	9	2	6	17
Total	10	2	6	18

The data have been extracted from the Ministry's annual return to the Treasury of actual and suspected frauds. The return for 1999–2000 is currently being finalised so the figure for that year is subject to change.

Correspondence

Mr. Whittingdale: To ask the Minister of Agriculture, Fisheries and Food when a reply will be sent to the letter of 14 March from the hon. Member for Maldon and East Chelmsford to the Parliamentary Secretary. [124135]

Mr. Morley: I replied to the letter from the hon. Member on 25 May 2000.

Alcoholic Beverages

Mr. Field: To ask the Minister of Agriculture, Fisheries and Food what information his Department collects on the alcoholic content of beverages. [123597]

Ms Quin *[holding answer 25 May 2000]:* We do not collect specific information on the alcoholic content of beverages. In order to prevent consumers from being misled, all prepacked alcoholic drinks with an alcoholic strength of more than 1.2 per cent. must be labelled with an indication of their alcoholic strength by volume (abv). In addition, minimum alcoholic strengths for specified spirit drinks above 15 per cent. abv, and for wine, are laid down in EC legislation.

Agriculture Council

Mr. Hood: To ask the Minister of Agriculture, Fisheries and Food what was the outcome of the Agriculture Council held in Brussels on 16 May; and if he will make a statement. [124029]

Mr. Nick Brown: I refer my hon. Friend to the reply given to my hon. Friend the Member for Wimbledon (Mr. Casale) on 24 May 2000, *Official Report*, column 551W.

Regional Network

Mr. Letwin: To ask the Minister of Agriculture, Fisheries and Food if he has any plans to close or restructure his Department's regional network. [123970]

Ms Quin: Ministers are currently considering the report of the review of CAP scheme administration, which my right hon. Friend the Minister commissioned from PricewaterhouseCoopers (PwC) last autumn. The report recommends that we should merge the CAP scheme processing functions of MAFF's Regional Service Centres and the Intervention Board Executive Agency to create a new payments agency, taking full advantage of the benefits offered by modern technology. On this basis, PwC consider that it will be possible to deliver a radically improved service for farmers and significant savings to the taxpayer.

My Department is also drawing up plans to align other aspects of its regional activities with the Government Office network. This will ensure that we can further strengthen our regional policy presence.

The future of the Department's Regional Service Centres is being considered in the context of these two reviews. Radical restructuring will be possible only if funding can be made available in the Spending Review 2000.

Right to Roam

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the implications of a right to roam over enclosed land in Scotland for the policing of the right to roam along the England-Scotland border. [123019]

Mr. Mullin *[holding answer 22 May 2000]:* I have been asked to reply.

Responsibility for the proposed new right of access in Scotland rests with the Scottish Executive. Although the Scottish proposals are still at an early stage, I understand officials from the Countryside Agency and Scottish Natural Heritage have recently discussed possible cross-border issues.

FOREIGN AND COMMONWEALTH AFFAIRS

Chechnya

Mr. David Atkinson: To ask the Secretary of State for Foreign and Commonwealth Affairs if his recent discussions with his Russian counterpart in Moscow, covered allegations of war crimes and human rights violations in Chechnya; and if he will make a statement. [123299]

Mr. Vaz: My right hon. Friend the Foreign Secretary raised reported human rights abuse in Chechnya with Russian Foreign Minister Ivanov during his visit to Moscow on 17 May. He also urged that those responsible for investigating reports of abuse be given the necessary resources and powers. The UK remains deeply concerned over the situation in Chechnya, and particularly about the human cost of the military campaign. We will continue to raise our concerns with Russia at every opportunity.

Mr. David Atkinson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the recent visit to the Russian Federation by the UN High Commissioner for Human Rights to investigate war crimes and human rights violations in Chechnya. [123301]

Mr. Vaz: We welcomed the visit to Moscow and the north Caucasus by Mrs. Robinson from 31 March to 4 April. Her visit, and her report on it to the UN Commission on Human Rights helped to illuminate the deeply disturbing situation in Chechnya. In the light of the visit, the UK, with EU and other partners, co-sponsored a Resolution on Chechnya at the UN Commission on Human Rights, urging Russia to take action to address the reports of human rights abuse in Chechnya.

European Commission Information Directorate-General

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will make a statement on the *(a)* gender balance and *(b)* budget and *(c)* role of the Women's Information Section in the Information Directorate-General at the European Commission; [123624]

(2) if he will make a statement on the *(a)* role and *(b)* current activities of the Head of Sector, Information for Women, in DGX (Information) in the European Commission. [123650]

Mr. Vaz: I refer the hon. Gentleman to the office of the Commission in London.

Kosovo

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the letter of 4 May 2000 from the Minister of State, the hon. Member for Leicester, East (Mr. Vaz), to the hon. Member for Mid-Sussex (Mr. Soames), what estimate he has made of the number of Kosovar Albanians killed in Kosovo by forces of the Federal Republic of Yugoslavia in the year leading up to June 1999; and what the basis is for the figure. [122638]

Mr. Vaz *[holding answer 25 May 2000]:* We estimate that at least 10,000 Kosovar Albanian civilians were killed in Kosovo between June 1998 and June 1999. This figure is based upon a variety of sources, including debriefing of refugees, eye witness accounts, reports from international and non-governmental organisations and the media.

Animal Welfare

Mr. Baker: To ask the Secretary of State for Foreign and Commonwealth Affairs what aspects of the UK's foreign policy relate to the promotion of animal welfare; and if he will make a statement. [124210]

Mr. Hain: The Foreign and Commonwealth Office works to promote British values worldwide. This includes the promotion of acceptable standards of animal welfare. Our overseas posts regularly raise these issues with their

host Governments and encourage them to adopt similar standards. We have also taken a number of initiatives such as encouraging agreement at the recent CITES conference on elephant welfare.

Sierra Leone

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs what measures he is taking to ensure that weapons supplied to the Sierra Leone army are not used by child combatants. [124444]

Mr. Hain: We are very concerned at reports that British weapons may be in the hands of child soldiers. This is why we sought and secured from the Government of Sierra Leone assurances that any UK-supplied weapons will be used only in accordance with established human rights principles and humanitarian law; and why the release programme of light weapons to the Government of Sierra Leone, as announced by the Defence Secretary on 23 May, will be carefully supervised by British military personnel on the ground with a view to ensuring that any British weapons only go to adult soldiers of the Sierra Leone army for training or for legitimate operational requirements.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made in respect of the use of child combatants by the Sierra Leone army; and if he will make a statement. [124445]

Mr. Hain: We have raised the issue of child soldiers with President Kabbah. He has assured us that it is not his Government's policy to employ child soldiers, in accordance with Sierra Leonean law and its obligations under the convention of the Rights of the Child, and has issued instructions to his forces to immediately demobilise any child soldiers in their ranks.

British Overseas Territories Bill

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 12 May 2000, *Official Report*, column 496W, if he will list the principles to be addressed in the Overseas Territories Bill. [123507]

Mr. Battle: The key principles will amend the 1981 British Nationality Act and build on the provisions made in relation to the Falkland Islands by the British Nationality (Falkland Islands) Act 1983. They are:

the automatic acquisition of British citizenship for existing British Dependent Territories citizens (BDTC) from a qualifying territory at commencement of the Act and for those born in an overseas territory after commencement;

acquisition by discretionary registration for those acquiring BDTC by registration or naturalisation after commencement;

BDTC status to continue in parallel with British citizenship with provision to renounce British citizenship acquired under the Act in favour of remaining solely a BDTC.

St. Helena

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what proposals he has received from St. Helena proposing changes in the constitution of St. Helena. [123925]

Mr. Battle: I understand that discussion documents are being drawn up in St. Helena to help local consultations about possible changes to the Constitution.

Our position remains the same as set out in my answer to the hon. Member on 3 March 2000, *Official Report*, column 441W, namely, that we are prepared to consider their specific, detailed and well argued recommendations for the amendment of the 1998 Constitutional Order.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to review the checks and accountability in respect of actions taken by the Governor without reference to the Legislative Council or Executive Council under the constitution of St. Helena. [123926]

Mr. Battle: Where the Governor is required to consult with the Executive Council and act in accordance with their advice but does not do so, he is required under the provisions of the Constitution to obtain the prior approval of the Secretary of State, unless the matter is of such urgency that it is necessary for him to act before obtaining approval, in which case he must then report his actions and reasons to the Secretary of State. Any Executive Councillor can comment on the Governor's reasons to the Secretary of State. Where the Governor acts at his discretion he remains accountable to the Secretary of State.

EU Institutions

Mr. Redwood: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will publish the results of the Ministerial meeting held on 22 May to discuss proposals on EU institutions; [123987]

(2) what items were discussed at the 22 May Ministerial meeting on institutional changes in the EU. [123986]

Mr. Vaz: Ministers discussed issues relating to institutions other than the Council and the Commission. This meant principally the composition and decision making powers of the European Parliament and reform of the European Court of Justice and Court of First Instance. Some delegations also touched on the composition of the Committee of the Regions, the Economic and Social Committee and the Court of Auditors. The meeting did not produce formal results.

Press Officers

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs how many press officers were employed by his Department in *(a)* May 1997 and *(b)* May 2000. [124063]

Mr. Hain: In May 1997 there were nine press officers in the FCO. In May of this year the number was 13. This represents an increase from 0.07 per cent. of the total FCO staff to 0.09 per cent. over the period. Due to the increasing media interest in world events they are constantly busy.

EU Intergovernmental Conference

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if, in the discussions at the Intergovernmental Conference, the Government have ruled out the introduction of a system of double majority

voting in the Council of Ministers as an alternative to a reweighting of votes; and if he will make a statement. [124064]

Mr. Vaz: The Government's position is clearly set out in the White Paper laid before the House on 15 February.

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library the Commission's list of the 20 Treaty Articles on which a majority of member states wish to extend qualified majority voting, as stated recently by Commissioner Barnier. [124068]

Mr. Vaz: Negotiations at the IGC are still at an early stage. Member states have not yet put forward definitive positions on the range of IGC topics, including extension of qualified majority voting.

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made on the Commission's proposal to extend qualified majority voting to Article 13 of the Treaty. [124066]

Mr. Vaz: The IGC is a matter for member states to negotiate and decide. The Government have taken note of the Commission's suggestions for discussion. Our own approach is set out in the White Paper "IGC: Reform for Enlargement".

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of the five-page document submitted to the IGC Government representatives group meeting on 2 May on the subject of qualified majority voting. [124071]

Mr. Vaz: I have placed a copy in the Library of the House. The Presidency has also given a commitment to make all discussion documents publicly available on the internet.

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations the Government have made on the Commission's proposals to extend qualified majority voting to the areas not excluded in the Government's White Paper "IGC: Reform for Enlargement". [124069]

Mr. Vaz: The Commission's views do not set the agenda for discussions at the IGC. Treaty change is a matter for member states. The Government's approach to the discussions is set out in their White Paper "IGC: Reform for Enlargement". We are in regular contact with partners on the extension of QMV, and the issue has been discussed several times in the IGC Preparatory Group and by Ministers in the margins of the GAC.

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the discussions to date at the Intergovernmental Conference. [124065]

Mr. Vaz: The Government Representatives group has been meeting on a regular basis to discuss the range of IGC issues. A 'Friends of the Presidency' group of legal experts has also met to discuss reform of the Court of Justice. Foreign Ministers have met four times in the margins of the General Affairs Council. The Presidency will present a progress report to the European Council in Feira on 19 and 20 June.

In the meetings, there has been general agreement that the IGC should focus on issues that need to be tackled before enlargement, especially vote reweighting in the Council, the size and composition of the Commission and the possible extension of qualified majority voting.

Charter of Fundamental Rights

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the discussions to date in the Convention which is drafting the Charter of Fundamental Rights. [124070]

Mr. Vaz: The Charter Convention drafting body has now met 10 times, and has completed its first discussion of the full list of rights. A revised draft of civil and political rights is due for a second discussion at the Charter Convention meeting on 5–6 June. A revised draft of economic and social rights and horizontal clauses is due to be discussed on 19–20 June. These drafts are generally closer to the ECHR and the Treaties than their predecessors. But more work needs to be done to ensure that the end product fulfils the remit agreed by Heads of Government at the Cologne European Council last June. The Government believe that to meet its objectives the Charter should preserve legal certainty, stick to existing rights and be consistent with EU policies and objectives. It should be declaratory in form.

The latest Charter drafts have been placed in the Libraries of the two Houses, together with Lord Goldsmith's comments on the civil and political articles. These papers, as well as contributions from member states' representatives and other interest organisations, are also available on the Charter website (ue.eu.int).

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if his answer to the hon. Member for Tunbridge Wells (Mr. Norman) on 1 February 2000, *Official Report*, column 541W, remains the Government's policy towards the incorporation of the Charter of Fundamental Rights into the EU treaties. [124111]

Mr. Vaz: Yes.

European Political Parties

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment the Government have made of the European Parliament resolution of 13 April concerning the state funding of political parties. [124244]

Mr. Vaz: Our view on the state funding of political parties was published in July 1999 as Cm. 4413. This was in response to the Neill Committee report (Cm. 4057, October 1998) which came down against any general system of support from public funds for the general activities of political parties. We agree with this conclusion.

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the reference to transnational European political parties in the Treaty of Amsterdam. [124245]

Mr. Vaz: We recognise the importance of political representation at European level as a contribution to democratic accountability in the EU. Currently, MEPs elected from national parties can, if they so choose, join trans-national groupings within the European Parliament. We see no reason to change this practice.

European Judicial System

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the European Commission on the report of the Reflexion Group on the future of the judicial system in the European Communities. [124073]

Mr. Vaz: We are in regular contact with the Commission on the full range of IGC issues. The 'Friends of the Presidency' group on reform of the European Court of Justice is not a Commission group. It is part of the IGC and is made up of member states' representatives. But it has provided a useful forum to discuss proposals for reform of the EC judicial system, including papers from the ECJ itself and from the Commission.

"Your Britain, Your Europe"

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what the cost was of the "Your Britain, Your Europe" visit to Leeds on 12 May; and what the budget is for the remaining roadshow events planned for 2000. [124067]

Mr. Vaz: We have minimised costs for the current series of city visits by inviting local councils to organise the programme. The accommodation and transport bill for the "Your Britain, Your Europe" visit to Leeds came to £1,012. The total budget for the remaining city visits in 2000 is £18,000.

European Treaties

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Commission on the report from the Florence European University Institute on the reorganisation of the European Treaties. [124072]

Mr. Vaz: We are in regular contact with the Commission on the full range of issues that have been raised in the context of the current Intergovernmental Conference.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Foreign and Commonwealth Affairs on how many occasions since 24 April 1999, *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124130]

Mr. Battle: For the period 23 April 1999 to 31 March 2000, special advisers in my Department have travelled overseas in an official capacity on seven occasions. The special advisers travelled by both commercial means and by RAF charter flights.

All travel complied with the requirements of the ministerial code and the Civil Service Management code.

WALES

Sterling

Mr. Barry Jones: To ask the Secretary of State for Wales what assessment he has made of the impact of the value of sterling upon manufacturing in Wales. [124425]

Mr. Paul Murphy: I understand the concerns over the strength of sterling against the euro. But the Government are determined to take the long-term view. The Government's policies are aimed at achieving sustained growth, sound public finances and low and stable inflation. Manufacturers who have suffered from the old boom and bust cycle would not want a return to short-term, quick fixes, which jeopardise long-term stability.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Wales on how many occasions since 28 February 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124113]

Mr. Paul Murphy: From 28 February 1999 to 30 June 1999, no departmental or non-departmental special advisers travelled abroad in an official capacity on behalf of the Welsh Office.

From 1 July 1999 to date, one special adviser has travelled abroad twice in an official capacity on behalf of the Wales Office, including a visit to Brussels.

Departmental Responsibilities

Mr. Simon Hughes: To ask the Secretary of State for Wales what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123837]

Mr. Paul Murphy *[holding answer 25 May 2000]:* My Department does not compile any statistics by parliamentary constituency.

Water Services

Mr. Wigley: To ask the Secretary of State for Wales when and for what reasons the safeguards to prevent the takeover of the company undertaking water services in Wales in a manner that is contrary to the public interest have been withdrawn; and if he will make a statement. [122685]

Mr. Paul Murphy: Under the Water Act 1989, the appropriate Secretaries of State were awarded a special share in the privatised water companies, empowering them to prevent anyone owning more than 15 per cent. of a company's shares. All such shares, including that held by the Secretary of State for Wales in Welsh Water, were to be redeemed on 31 December 1994, five years after privatisation, and this duly took place.

In addition, and uniquely, the Articles of Association of Welsh Water plc continued to provide for the 15 per cent. limit on individual voting share rights following redemption of the Golden Share. The removal of this provision required the approval of 75 per cent. of the company's shareholders. At an Extraordinary General

Meeting on 21 March 1996, shareholders resolved to remove the 15 per cent. limitation from the company's Articles of Association.

I note that the Assembly has passed representations and comments on public interest principles to the Office of Fair Trading, who are evaluating bids and advising my right hon. Friend the Secretary of State for Trade and Industry.

Digital Television

Mr. Llew Smith: To ask the Secretary of State for Wales if he will place in the Library a copy of the report produced by Castle Transmission International in respect of increasing the availability of digital terrestrial television in Wales. [121834]

Mr. Paul Murphy: Castle Transmission International were commissioned by the Independent Television Commission (ITC) to research and investigate possible methods of expanding digital terrestrial coverage in the UK. The report was published on 17 March 1999 and is available on ITC's website, www.itc.org.uk.

New Deal

Mr. Barry Jones: To ask the Secretary of State for Wales what recent discussions he has had with the First Secretary concerning the New Deal in Wales, with particular reference to *(a)* the under 25s, *(b)* the over 25s and *(c)* the over 50s; and if he will make a statement. [116234]

Mr. Paul Murphy: I have regular meetings with the First Secretary and discuss a range of issues including the New Deal.

(a) The New Deal for Young People (18–24 year olds) has been making excellent progress in Wales. Latest figures show that over 12,700 young people have now secured employment from the New Deal (of which 9,500 have been sustained for over 13 weeks) and nearly 8,000 young people are currently still on the programme.

(b) The New Deal for 25 plus (Long Term Unemployed) has been making steady progress since its launch in June 1998. At the latest count (end of December 1999) nearly 2,300 people had secured employment and over 4,800 are currently still on the programme.

(c) The New Deal for 50 plus is currently still in the pilot phase with nine "Pathfinder" areas across the UK (Flintshire and Wrexham in Wales). Full nation-wide implementation is scheduled to start on 3 April 2000.

Aerospace Industry

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the First Secretary concerning the prospects for the aerospace industry in Wales, with specific reference to Airbus, Broughton; and if he will make a statement. [116233]

Mr. Paul Murphy: I am in frequent contact with the First Secretary on a range of issues and we discuss many aspects of industry in Wales. This has included the BAe facility at Broughton.

I was pleased to hear that the first orders have been received for the A3XX Airbus, and also welcome the announcement by my right hon. Friend the Secretary of State for Defence that the United Kingdom will be placing an order for 25 A400M aircraft.

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he plans with the First Secretary concerning BAe Systems' application for an regional selective assistance grant; and if he will make a statement. [115202]

Mr. Paul Murphy: I have raised the issue during my regular discussions with the First Secretary. As I have stated previously, details of RSA applications are treated as commercial in confidence between the Assembly and the applicant. Any decision on awarding RSA grant is entirely a matter for the Assembly, or the First Secretary in cases involving grant of the magnitude sought by BAe.

Forms

Mrs. Lait: To ask the Secretary of State for Wales what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123941]

Mr. Paul Murphy: Since it was established on 1 July 1999, the Wales Office has issued no forms which charities or other voluntary organisations are required to complete. Figures for Welsh Office forms prior to that date are not held centrally and could be provided only at disproportionate cost.

Youth Unemployment

Mr. Barry Jones: To ask the Secretary of State for Wales if he will make a statement on youth unemployment in *(a)* Wales, *(b)* Flintshire and *(c)* Deeside. [124424]

Mr. Paul Murphy: Youth unemployment in Wales, specifically North East Wales, has been declining since the General Election. Between April 1997 and April 2000 youth unemployment for Wales as a whole declined by 32.5 per cent., while in Flintshire youth unemployment declined by 23 per cent. over this period. Statistics are not collated on an area basis for Deeside, but for the unitary authority of Alyn and Deeside, youth unemployment declined by 16 per cent. between April 1997 and April 2000.

PRIME MINISTER

Criminal Assets (Compensation)

Mr. Lidington: To ask the Prime Minister, pursuant to his answer of 24 January 2000, *Official Report*, column 4W, on confiscation of criminal assets, what decisions have been taken following the Performance and Innovation Unit's report on the pursuit and seizure of criminal assets; how the decisions are to be *(a)* made public and *(b)* reported to Parliament; and if he will make a statement. [123776]

The Prime Minister: No decisions have yet been taken. The report is being finalised and will be published shortly. Copies will be placed in the Libraries of the House.

Stella Rimington

Mr. Dalyell: To ask the Prime Minister, pursuant to his answer of 17 May 2000, *Official Report*, columns 327–28, if, as incoming Prime Minister, he was informed of Mrs. Stella Rimington's CV; and if he will make a statement. [123625]

The Prime Minister *(holding answer 25 May 2000)*: No. As Dame Stella had retired as Director General a full year before I took office there would have been no reason for me to see it.

Laptops

Mr. Keith Simpson: To ask the Prime Minister since May 1997 how many laptop computers used by officials in his Office have been *(a)* lost and *(b)* stolen. [123667]

The Prime Minister *[holding answer 25 May 2000]*: None.

Parliamentary Questions

Mr. Baker: To ask the Prime Minister for what reasons he has provided no answers to questions due for answer on 28 February (Ref. 112048 and 112049) to the hon. Member for Lewes. [124375]

The Prime Minister: I have done so today. My answers appear below.

Ministerial Residences

Mr. Baker: To ask the Prime Minister (1) if he will list the residences made available to Ministers in the course of their duties, indicating in each case the location of the residence, the council tax banding and the Minister to whom each residence is allocated; [112048]

(2) if he will list for each residence currently made available to Ministers the sum spent in 1999 on *(a)* council tax, *(b)* rent, *(c)* repairs and maintenance and *(d)* redecoration. [112049]

The Prime Minister *[holding answer 28 February 2000]*: The cost to the Government in 1999–2000 of the routine maintenance and rent of Ministers' official residences is estimated at £1 million. In the last year of the previous administration expenditure was £1.2 million.

Numbers 10 and 11 Downing street and Carlton gardens have traditionally been the residences of the Prime Minister, the Chancellor of the Exchequer and the Foreign Secretary. The flats in Admiralty House and the Government House in Pimlico, which have in the past been assigned to a variety of Ministers, are currently occupied by the Deputy Prime Minister, President of the Council, the Minister for the Cabinet Office and the Secretary of State for Education and Employment.

All these properties are in council tax banding H. The level and responsibility for payment of council tax is determined on whether the property is the Minister's main or secondary residence. If a main residence, the responsibility for payment of the tax falls to the Minister. If the property is a secondary residence, responsibility for payment falls to the responsible Department. Two Ministers occupying flats in Admiralty House met their own council tax payments, as did I. Departments met the other payments, which were £350 for each property in 1999–2000.

Rent and capital charges in 1999–2000 on each property were: 10 Downing street (£204,000), 11 Downing street (£287,000), Admiralty House flats (£75,185, £91,013, £94,091), Carlton gardens (£27,300) and Government House in Pimlico (£100,219).

The cost of routine maintenance and repairs in 1999–2000 were: 10 Downing street (£3,664), 11 Downing street (£32,189), Admiralty House flats (£38,442), Carlton gardens (£24,561) and Government House in Pimlico (£2,055).

In addition, during 1999–2000 as part of a repair, maintenance and replacement programme, agreed with English Heritage, £341,000 was spent on the roof, windows and external features of Admiralty House, a Grade 1 listed building.

The Secretary of State for Northern Ireland and other Northern Ireland Ministers have use of accommodation in Hillsborough Castle while on duty in Northern Ireland. In 1999, £12,941 was spent on maintenance and minor works on these properties. Other costs are not separately identifiable.

In addition, the Prime Minister, the Chancellor of the Exchequer, the Foreign Secretary and the Secretary of State for Scotland also have the use of Chequers, Dorneywood, Chevening and Bute House. None of these is owned by the Government.

The Lord Chancellor has an official residence in the House of Lords which is provided in his capacity as Speaker of the House of Lords. The running costs are met by the House of Lords authorities and do not fall to the Government.

Committee on Standards in Public Life

Mr. Norman: To ask the Prime Minister when he will respond to the recommendations of the Sixth report of the Committee on Standards in Public Life; and if he will make a statement. [124626]

The Prime Minister: The Sixth Report of the Committee on Standards in Public Life, which was published on 12 January, concluded that the process of reform of standards of ethical behaviour in public life that had been set in train following publication of its First Report had been a success.

The Committee made a number of detailed recommendations across a range of issues which the Government are considering. We will present our full response to Parliament in due course.

Staff (Overseas Travel)

Mr. Tyrie: To ask the Prime Minister on what dates members of the Policy Unit have travelled overseas on official business since 3 March 1999. [124126]

The Prime Minister: Since 3 March 1999 members of the No.10 Policy Unit have travelled overseas on official business on 71 occasions. All visits have been made in accordance with the rules set out in the Civil Service Management Code.

In addition, members of the No.10 Policy Unit have accompanied me on several of my official visits abroad.

These arrangements follow the practice of successive administrations.

Mr. Tyrie: To ask the Prime Minister on how many occasions his *(a)* Chief of Staff and *(b)* Chief Press Secretary formed part of the official party accompanying him on overseas visits since 28 February 1999. [124125]

The Prime Minister: Since 28 February 1999 my Chief Press Secretary has accompanied me on all my overseas visits. My Chief of Staff accompanied me on seven occasions.

Mr. Tyrie: To ask the Prime Minister on how many occasions since 2 June 1999 special advisers of the Chief Whip and Parliamentary Secretary to the Treasury have travelled abroad in an official capacity. [124124]

The Prime Minister: None.

Lord Levy

Mr. Maude: To ask the Prime Minister what representations Lord Levy has received from Israeli Governmental organisations, indicating the officials and dates concerned. [119675]

The Prime Minister: Lord Levy has a range of contacts with members of the Israeli government, and with officials in Israeli government organisations.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Rothwell/Desborough Bypass

Mr. Sawford: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to invite tenders for the construction of the A6 Rothwell/Desborough Bypass. [122325]

Mr. Hill: The Highways Agency will shortly be appointing consultants to complete the final stages of preparation and then oversee the construction of the bypass. Subject to the satisfactory completion of statutory procedures, the Agency expects to invite tenders for the construction contract in Spring 2001.

Waste Incineration

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the extent to which the application of the EU waste incineration directive complies with the Government's Better Regulation Guide. [122947]

Mr. Hill: The Better Regulation Guide was published four years after the waste incineration directive was first proposed by the European Commission. The cost-benefit analysis undertaken on behalf of the Department of the Environment, Transport and the Regions to underpin the required Regulatory Impact Assessment by Entec UK Ltd. was carried out in accordance with Part II of the Better Regulation Guide, and the structure of the Entec report (copies of which are in the House Library) reflects this.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions (1) what estimate he has made of the *(a)* average cost of a small incinerator and *(b)* increase in this average cost consequent upon the application of the EU waste incineration directive; [122951]

(2) what assessment he has made of the average cost to a farm with a small incinerator of the steps needed to comply with the implementation of the EU waste incineration directive. [122950]

Mr. Hill: Full information on the purchase cost of small incinerators is not held, but we believe the cost of a new animal carcase incinerated under 50kg/hr capacity is of the order of £2,000-£10,000. Entec UK Ltd., who undertook cost-benefit analysis work on behalf of my Department in respect of the proposed waste incineration directive (copies of which are in the House Library), have estimated on the basis of a 100kg/hr unit that the capital compliance cost in respect of combustion requirements, abatement plant, monitoring equipment and spillage control for incinerators in the under 50kg/hr capacity category would be approximately £230,000 with annual operating costs of approximately £12,000.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect of the EU waste incineration directive on UK compliance with the proximity principle of waste disposal. [122948]

Mr. Hill: Our policy on waste is set out in the Waste Strategy 2000, published on 25 May. This emphasises the priority the Government place on tough environmental standards for all types of incineration. It also makes clear that wastes should be disposed of as close to the point of production as possible, consistent with the need for effective environmental controls.

We are looking at ways of complying with the proposed directive which will minimise the burden on small-scale animal carcase incinerators and pet crematoriums while ensuring that there are appropriate environmental safeguards.

Mr. Gill: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of the number of small incinerators on farms that will close as a result of the application of the EU waste incineration directive; [122952]

(2) what plans he has to introduce a compensation scheme for farmers who may have to close their small incinerators following implementation of the EU waste incineration directive. [122949]

Mr. Hill: As matters stand, the proposed waste incineration directive will not have effect for existing incinerators until autumn 2005. We are currently looking at ways of complying with the proposed directive which will minimise the burden on small-scale animal carcase incinerator operators, including farmers and others, while ensuring that there are appropriate environmental safeguards.

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions what the Government's target is for the amount of residential and commercial waste disposed of through incinerators by 2005. [123501]

Mr. Meacher *[holding answer 23 May 2000]:* The Government have not set targets for waste disposal by incineration. The waste strategy sets a target to recover value from 40 per cent. of municipal waste through recycling, composting or energy from waste by 2005.

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions what the Government's policy is on the importation of rubbish from outside the United Kingdom to be disposed of in incinerators. [123486]

Mr. Meacher *[holding answer 23 May 2000]:* Existing policies on exports and imports of waste are set out in the United Kingdom Management Plan for Exports and Imports of Waste, which came into effect on 1 June 1996.

The Plan does not permit imports of municipal waste for final disposal. However, to be consistent with the EC Waste Shipment Regulation (EEC No.259/93), the Plan cannot prohibit imports for genuine recovery, which could include incineration where the prime purpose was energy recovery. Any such imports of municipal waste would, though, be subject to a prior informed consent procedure; and the available data for 1996–98 show that no such imports occurred over that period.

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the place of incineration in the Government's hierarchy of waste management options. [123517]

Mr. Meacher *[holding answer 24 May 2000]:* The waste strategy set out the Government's view that reduction and re-use of waste should be considered before recovery. It emphasised that recycling and composting should be considered before energy recovery through incineration.

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact on farm costs of the implementation of the proposed EU waste incineration directive. [123652]

Mr. Hill: No assessment has be made of the impact of the proposed waste incineration directive on farm costs in general. The cost implications of the proposed waste incineration directive for the sort of small-scale animal carcase incinerators which may be operated on farms was considered by Entec UK Ltd. as part of the cost-benefit analysis work undertaken on behalf of my Department (copies of which are in the House Library). They have estimated on the basis of a 100 kg/hr unit that the capital compliance cost in respect of combustion requirements, abatement plant, monitoring equipment and spillage control for incinerators in the under 50 kg/hr capacity category would be approximately £230,000 with annual operating costs of approximately £12,000. We would expect farmers to look for alternative options rather than paying such sums. We recognise that this will involve some cost, but nowhere near £230,000.

Mr. Prior: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the proposed EU waste incineration directive. [124136]

Mr. Hill: The Government are committed to tough standards for incinerators and therefore welcome the proposed waste incineration directive.

The Council of Ministers is currently considering the European Parliament's amendments to the Common Position agreed in June 1999, including those affecting the scope, at official level. Council's rules of procedure do not allow me to comment on the detail of those discussions. No decisions have yet been taken by the Council in relation to the European Parliament's amendments, and we will keep the House informed in the usual way.

Mr. Bercow: To ask the Secretary of State for the Environment, Transport and the Regions if he will seek a derogation from the EU waste incineration directive for small incinerators. [124321]

Mr. Hill: We have explored during negotiations on the waste incineration directive proposal various issues concerning the scope. The Common Position text includes an exemption for small experimental plant but it is clear that an absolute derogation for small plant is not available.

Mr. Bercow: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the likely shift in consumption of fuels in incinerators as a result of the application of the EU waste incineration directive, with particular reference to LPG and small incinerators. [124318]

Mr. Hill: No assessment has been made of the implications of the proposed waste incineration directive for the consumption of potential incinerator support fuels, such as liquefied petroleum gas.

Mr. Bercow: To ask the Secretary of State for the Environment, Transport and the Regions (1) what assessment he has made of the compliance with the better regulation test of proportionality of the application of the EU waste incineration directive to small incinerators; [124319]

(2) what assessment he has made of the compliance with the small business litmus test of the application of the EU waste incineration directive to small incinerators; [124320]

(3) what assessment he has made of the likely change in emission of pollutants as a result of the application of the EU waste incineration directive to small incinerators. [124317]

Mr. Hill: A Regulatory and Environmental Impact Assessment of the proposed waste incineration directive was undertaken in accordance with the Better Regulation Guide. Copies of the assessment and the consultants' reports underlying that assessment, undertaken for the Department by Entec UK Ltd., are in the House of Commons Library. Entec carried out small business litmus tests for incineration sectors containing small firms.

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from pet crematoriums in relation to the proposed EU waste incineration directive. [123777]

Mr. Hill: I have received representations originating from six pet crematoriums and one representative organisation expressing concerns about the impact of the proposed directive on their businesses.

As matters stand, the proposed waste incineration directive will not have effect for existing incinerators (including pet crematoriums) until autumn 2005. We are currently looking at ways of complying with the proposed directive which will minimise the burden on small-scale animal carcase incinerator operators, including pet crematoriums, while ensuring that there are appropriate environmental safeguards.

Mr. Gardiner: To ask the Secretary of State for the Environment, Transport and the Regions what investigations the Environment Agency has made into irregular emissions from the incinerator at Northwick Park Hospital; and if enforcement action has been commenced. [123581]

Mr. Meacher: Several complaints were made between 1993 to 1995, all of which were investigated by the Environment Agency. Following a complaint in July 1995 the Environment Agency issued an enforcement notice. The operator complied by introducing controls on the blending and checking of waste. These modifications were carried out in November 1998. The Environment Agency is currently investigating a complaint made in April 2000 and will consider appropriate action in line with its Enforcement and Prosecution Policy when the investigation is complete.

Speeding Vehicles

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what data he collects on the percentage of vehicles that break the speed limit in each local authority area; what targets for reducing deaths and serious injuries on roads he sets for each local authority; and if he will make a statement. [123095]

Mr. Hill: Information about the percentage of vehicles breaking the speed limit is not available by local authority. National information was last published in "Vehicle Speeds in Great Britain: 1998", a copy of which is in the Library.

In July local authorities will produce new five-year local transport plans. These plans must include a local target for reducing road accident casualties, set against the national target of an overall 40 per cent. reduction by 2010 for the number of people killed or seriously injured, and a 50 per cent. reduction target for serious casualties to children.

Leeds Supertram

Mr. Hilary Benn: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his Department's evaluation of the proposals for the Leeds Supertram. [123278]

Mr. Hill: Major local transport projects will be considered by the Department as part of an overall strategy through the local transport plans (LTPs) to be submitted to the Department by the end of July.

Lifejackets

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 16 March 2000, *Official Report*, column 326W, if he will list the ships on the UK Register which have not replaced the lifejackets supplied by Bureau Venitas as directed by the Maritime and Coastguard Agency. [123382]

Mr. Hill: The Maritime and Coastguard Agency (MCA) issued a Press Release on 27 January 2000, requesting owners and operators of UK vessels to replace all Artica A and Artica B lifejackets, if carried. These were lifejackets manufactured by Messrs Canepa & Campi of Genoa and in respect of which Bureau Veritas had issued a certificate of Type Approval on behalf of the United Kingdom.

Owners were further requested to advise the MCA if their vessels carried these lifejackets and that changes had been made. To date no such reports have been received.

Methyl Tertiary Butyl Ether

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the banning of methyl tertiary butyl ether in the United States of America. [123443]

Mr. Hill: We understand that the US Federal Government's proposal to significantly reduce or eliminate MTBE in petrol—which had been actively encouraged in a number of US States for air quality reasons—has been made because of concerns about MTBE in groundwater. At the same time, the Federal Government have proposed that air quality benefits gained through use of MTBE—primarily reductions in carbon monoxide emissions—be preserved through the use of alternative, renewable fuel additives such as ethanol. This proposal has been made in the light of circumstances pertaining in parts of the United States and which may differ from those in many parts of Europe, including the UK.

For example, MTBE has not been actively encouraged in the United Kingdom, carbon monoxide emissions being controlled by other means. MTBE is used in significantly less quantities than in the United States and there is no evidence to indicate groundwater contamination. We are nevertheless keeping the matter under review and the Environment Agency is currently undertaking a study into oxygenates in groundwater.

Genetically Modified Baculovirus

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions if the Government have authorised the environmental release of a genetically modified baculovirus; and what assessment they have made of the risks involved in such a release. [122998]

Mr. Meacher *[holding answer 22 May 2000]:* The Advisory Committee on Releases to the Environment (ACRE) assesses all applications for the deliberate release of genetically modified organisms.

Following advice from ACRE that there would be no risk to human health or the environment, the Government authorised the environmental release of insect-specific baculoviruses in netted enclosures under a Part B research and development consent. At the end of each release the enclosures were decontaminated and experimental material destroyed in line with the Food and Environment Protection Act 1985 and the Control of Pesticides Act 1986.

Post trial monitoring has confirmed that all experimental organisms were destroyed and there was no harm to the environment.

Jubilee Line

Mr. Dobson: To ask the Secretary of State for the Environment, Transport and the Regions what contribution to the cost of the Jubilee line extension has been made by the developers of Canary wharf. [122632]

Mr. Prescott *[holding answer 23 May 2000]:* The Canary Wharf developers have to date made payments in the order of £150 million towards the cost of the Jubilee Line Extension.

Mr. Dobson: To ask the Secretary of State for the Environment, Transport and the Regions what contributions by the developers of Canary wharf towards the cost of the Jubilee line extension remain outstanding; and when they are expected to be paid. [122633]

Mr. Prescott *[holding answer 23 May 2000]:* Following both scheduled and early repayments made to date, a further, final, payment of £50 million is due on 1 November 2000.

Mr. Dobson: To ask the Secretary of State for the Environment, Transport and the Regions if the contribution of the developers of Canary wharf towards the cost of the Jubilee line extension was increased to meet the cost overrun. [122634]

Mr. Prescott *[holding answer 23 May 2000]:* No.

Ilisu Dam

Mr. Gummer: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with the Secretary of State for Trade and Industry on the environmental criteria to be applied in assessing the Ilisu Dam project. [123827]

Mr. Meacher: A round of Ministerial correspondence over whether to provide export credit support for the Ilisu Dam project took place in December 1999. This included correspondence between the Deputy Prime Minister and the Secretary of State for Trade and Industry. Departmental officials have also been in contact over the issues relating to this project since February 1999. Following Ministerial correspondence, it was agreed, as the Secretary of State for Trade and Industry announced on 21 December 1999, that export credit support for the project would be conditional on the Turkish authorities agreeing actions to address the concerns we have about the environmental and social impacts of the project. As the Secretary of State for Trade and Industry stated, the areas of concern which need to be addressed are:

1. A resettlement programme which reflects international standards and includes independent monitoring;
2. Provision for upstream water treatment plants capable of ensuring that water quality is maintained;
3. An assurance that adequate downstream water flows will be maintained at all times; and
4. A detailed plan to preserve as much of the archaeological heritage of the town of Hasankeyf as possible.

We are now waiting to see the final Environmental Impact Assessment Report of the project and the Turkish Government's proposed Resettlement Action Plan. Following the receipt of these reports the Government will decide whether our concerns have been adequately addressed.

Fair Rents (London)

Mr. Norman: To ask the Secretary of State for the Environment, Transport and the Regions (1) what was the average increase in fair rents upon re-registration since 1995 in *(a)* the Lambeth Rent Office area and *(b)* London; [123541]

(2) what was the average increase in fair rents since 1992 in *(a)* the Lambeth Rent Office area and *(b)* London [123542]

Mr. Raynsford *[holding answer 24 May 2000]:* Between 1995 and 2000 the average increase in rents upon re-registration was an estimated 16 per cent. in Lambeth Rent Office Area and 18 per cent. in London. These increases relate to the periods of 27 months on average.

Information on fair rents is collected only when re-registration takes place and comprehensive information on increases in fair rents is therefore not available.

Mr. Norman: To ask the Secretary of State for the Environment, Transport and the Regions what was the average scarcity discount used by the London Rent Assessment Committee in calculating fair rents using market rent comparables since 1998 for *(a)* re-registered rent appeals in London and *(b)* re-registered rent appeals from the Lambeth Rent Office area. [123540]

Mr. Raynsford *[holding answer 24 May 2000]:* Rent Assessment Committees are required to show for each case they determine the arithmetical calculations used in reaching that determination, including any deduction from the market rent attributable to scarcity of accommodation in the market. However, we do not collect information centrally that would enable the question to be answered. The cost of providing the information requested would be disproportionate.

Waste Disposal (Agriculture)

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to promote the proximity principle for waste disposal in agriculture. [123654]

Mr. Mullin: The Government made it clear in statutory planning guidance "Planning policy guidance note 10: planning and waste management" that future waste management decisions should be based on the proximity principle, which says that waste should be disposed of as near as possible to its place of production, because the transporting of waste itself has an environmental impact.

South Atlantic Medal

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions if he will arrange for the South Atlantic Medal to be awarded to those residents of the island of St. Helena who served on board RMS St. Helena in the war zone during the Falklands War. [123655]

Mr. Hill: The service performed by St. Helena residents on board RMS St. Helena during the Falklands War is much appreciated. Unfortunately the period served was just too short to meet the criterion for issue of the South Atlantic Medal, laid down in MOD Command Paper 544/82.

Byker Heat Station

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions what materials were released to air from the Byker heat station in 1995; and if the operating licence imposed a duty to record the nature of the releases. [123899]

Mr. Hill: The Environment Agency's authorisation for Byker Heat Station prescribes annual mass limits for the releases to air of groups of significant materials: Sulphur Dioxide, Nitrogen Oxides, Carbon Monoxide, particulate matter, Hydrogen Chloride, Hydrogen Fluoride, certain aggregates of metals and Dioxins. The authorisation also requires recording and reporting of these releases; this information is forwarded to the Agency and is retained for inspection on a public register in Newcastle. The information is also available via the Environment Agency's website.

Releases of Byker Heat Station, Authorisation AF7690 in 1995

Substance	*Limit of release (kg)*	*Total release (kg)*
Carbon Monoxide	25,500	10,160
Hydrogen Chloride	14,000	7,060
Hydrogen Fluoride	600	174
Metals (CR+CU+MN+PB)	1,360	47.72
Metals (AS+NI)	240	4.48
Metals (CD+HG)	60	5.51
Nitrogen Oxides (AS N02)	98,000	53,580
Particulates—Total	8,500	2,060
Polychlorinated Dibenzo-P-Dioxin—all Congeners	0.03	0.117
Sulphur Dioxide	84,000	42,550

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 24 March 2000, *Official Report*, column 701W, if *(a)* back-up power for controls was required at the Byker Heat Station during the 1995 failure and *(b)* back-up is required and available now; for what reason the releases to air following the failure cannot be quantified; and what assessment he has made of the extent to which the failure to quantify such releases constitutes a breach of the operating licence. [123922]

Mr. Hill: In 1995 electrical power was supplied from the national grid and by the plant's own generator. As power is no longer generated on site, the alternative power source is no longer available. The authorisation issued by the Environment Agency does not specifically require back-up power.

The releases could not be quantified, as both the pollutant concentration and their flow rates changed continuously throughout the 15 minute incident. The amount released was non-quantified and did not constitute a notifiable release; the then regulator HMIP took no action. Authorisation conditions normally take account of transient conditions such as unpredicted power failure, and this did not constitute a breach of the authorisation.

Forms

Mrs. Lait: To ask the Secretary of State for the Environment, Transport and the Regions what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123949]

Ms Beverley Hughes: There has been no net change.

Wolverhampton-Shrewsbury-Chester Rail Line

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress made to make the Wolverhampton-Shrewsbury-Chester rail line a priority Trans-European Network. [123902]

Mr. Hill: I refer my hon. Friend to the reply I gave to the hon. Member for Ludlow (Mr. Gill) on 22 May 2000, *Official Report*, column 323W.

Telecommunications Masts

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what powers are available to planning authorities to regulate the siting, appearance and power of mobile phone transmitter masts. [124098]

Ms Beverley Hughes: Government planning policy for telecommunications is set out in Planning Policy Guidance note 8 (revised): Telecommunications, and the Department's Circular 4/99 "Planning for Telecommunications".

The installation of any telecommunications mast in protected areas, such as National Parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and conservation areas, and of masts above 15 metres in height elsewhere, is subject to a planning application for determination by the local planning authority. In the case of masts of 15 metres and below in height, local planning authorities are able to consider the siting and appearance of such development by licensed telecommunications code system operators in accordance with the "prior approval procedure" under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Under the prior approval procedure, a local planning authority has the opportunity to say whether it wishes to approve, within 42 days for ground-based masts and 28 days for masts on a building or structure, details of the siting and appearance of the installation. If an authority considers that the development will pose a serious threat to amenity, it is able to refuse approval, although authorities are advised to explore the scope for modifying its siting and/or appearance before doing so.

Planning Authorities are not responsible for regulating the power of mobile phone masts, and have no powers to do so. Telecommunications operators have a duty under the Health and Safety at Work, etc. Act 1974 and the Management of the Health and Safety at Work Regulations 1999 to ensure that their work activities, which would include the operation of their apparatus, do not present a risk to employees and the general public.

In our response to the report of the Independent Expert Group on Mobile Phones, issued on 11 May 2000 and placed in the Libraries of both Houses, the Government said that they were minded to introduce a requirement for an application for full planning permission for all new telecommunications masts, but would need to consult widely before doing so, including on the principle and precise scope of any new arrangements. We shall issue a consultation paper on this and related guidance as soon as practicable.

Local Government Conduct Guidelines

Mr. Prior: To ask the Secretary of State for the Environment, Transport and the Regions if, following the recent issue of a public interest report by the District Auditor, pursuant to an objection to the accounts of Sheringham Town Council for 1996–97, he proposes to amend the national guidelines for local Government conduct, with specific reference to the exemptions contained in section 12(b) and to parish or town councillors who have been appointed to a voluntary body or charity; and if he will make a statement on the status of the guidelines. [124134]

Ms Beverley Hughes: Under the Local Government Bill currently before the House all local authorities, including parish and town councils, will be required to adopt a new Code of Conduct, in line with a new Model Code to be issued by my right hon. Friend the Deputy Prime Minister. These Codes will replace the existing National Code of Local Government Conduct.

GM Crops

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions what plans there are to conduct a criminal investigation into the planting in spring of this year of an oil seed rape variety after it was discovered to be contaminated with GM seeds. [123755]

Mr. Meacher *[holding answer 25 May 2000]:* The Government are still considering this matter.

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the statement by Advanta that cross-pollination between GM and non-GM crops in Canada led to the contamination of rape oil seed planted in the United Kingdom, with particular reference to separation distances between GM and non-GM crops in the UK. [123267]

Mr. Meacher *[holding answer 23 May 2000]:* We are urgently investigating with Advanta the circumstances in Canada that gave rise to the contamination of oil seed rape planted in the United Kingdom.

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions what recent discussions he has had with his counterparts in other member states of the European Union about the possible contamination of the European conventional maize crop with GM maize. [124342]

Mr. Meacher: I have not had any discussions with Environment Ministers of other member states about this issue, but I shall raise this at the June EU Environment Council.

My officials have been in contact with officials in other member states where Advanta seeds are known to have been sold.

Coastguards

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to the industrial tribunal decision in the case of Rigden/Hodgson, when he will issue employment contracts to auxiliary coastguards; if he has paid the arrears owing under the legislation on the national minimum wage; and if he will make a statement about the future employment of auxiliary coastguards. [123969]

Mr. Hill: The decision of the Newcastle Employment Tribunal is being considered and legal advice taken on grounds for appeal.

All serving auxiliaries have been paid the arrears of pay due as a result of bringing auxiliary coastguards wages into line with the National Minimum Wage. There have been problems in getting back pay to those who have left the auxiliary service, but contact has been made wherever possible and the arrears will be paid shortly.

Council Tax Discounts (Herefordshire)

Mr. Keetch: To ask the Secretary of State for the Environment, Transport and the Regions how many properties in Herefordshire qualify for 50 per cent. council tax discount for second homes; what is the cost to the Herefordshire Council of this discount; and if he will make a statement. [124536]

Ms Beverley Hughes: Herefordshire Unitary Authority has 2,266 properties in 2000–01 that qualify for a 50 per cent. discount. Not all dwellings that receive the discount are second homes, and the Department does not collect separate information on these dwellings. The 50 per cent. discount applies to all unoccupied dwellings and certain occupied dwellings such as those where all of the residents are disregarded, for example households consisting of someone severely disabled and their carer.

If a local authority has a reduced tax base because it has dwellings subject to a discount or exemption, it will receive more grant from the Government.

Aggregates

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the environmental consequences of an aggregates tax. [124442]

Ms Beverley Hughes: An aggregates levy would help to ensure that the environmental impacts of primary aggregates production not already addressed by regulation

are more fully reflected in prices. This would be expected to have the following environmental consequences: a reduction in the amount of primary aggregates extracted—and in the associated environmental impacts; an increase in the use of alternative materials which would otherwise be wastes and disposed of; and less wastage of all aggregates.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what were the volumes of recycled/secondary aggregates used in the United Kingdom in each of the past 10 years. [124439]

Ms Beverley Hughes: These data are not available. Because of the difficulty in collecting the information, especially information on construction and demolition waste which arises on a very large number of temporary sites, consultants were asked to devise an appropriate collection system. The recommended system is being implemented.

Included in this is a survey of construction and demolition waste in England and Wales carried out in March by the Environment Agency, supported by the Department of the Environment, Transport and the Regions and the National Assembly for Wales. The returns are being analysed at present. Data on other material used as aggregate will be published as part of the report on the Aggregate Minerals Survey 1997. The results of both surveys will be published this summer.

Mr. Levitt: To ask the Secretary of State for the Environment, Transport and the Regions what was the volume of construction aggregates produced in the United Kingdom in each of the past 10 years. [124438]

Ms Beverley Hughes: The total volume of crushed rock and sand and gravel produced for construction in the UK for each of the 10 years up to and including 1998, the most recent year for which reliable information is available, is set out in the table. The figures are those compiled by the British Geological Society using data from the Office for National Statistics and the Department of Economic Development (Northern Ireland). The figures for crushed rock used in these totals are for Great Britain only because crushed rock produced in Northern Ireland and used for construction is not specifically identified.

	Thousand tonnes
1989	307,170
1990	285,631
1991	254,371
1992	242,879
1993	249,593
1994	271,176
1995	252,570
1996	229,271
1997	232,170
1998	230,031

Station Platforms

Mr. Nicholls: To ask the Secretary of State for the Environment, Transport and the Regions what powers the shadow Strategic Rail Authority has to make sure the distance between a railway station platform and a train is at a safe level; which railway stations in England and Wales have a gap between the platform and the train exceeding *(a)* 30 centimetre and *(b)* 1 metre; what plans have been submitted by Railtrack to re-gauge platform heights at railways stations across Britain; and what action (i) has been taken and (ii) is planned, to implement the proposals. [124455]

Mr. Hill: Responsibility for the safe maintenance of platforms and their interface with trains rests with the infrastructure controller and train operators and not with the shadow Strategic Rail Authority.

The Health and Safety Executive's (HSE's) Railway Inspectorate monitors safety on the railways and enforces safety legislation. HSE has published "Railway Safety Principles and Guidance" (RSPG) which covers the issue of platform gaps for new and altered works. Any infrastructure developed outside this guidance must be agreed with the HSE. Additionally, Railtrack publishes criteria on this subject in the form of Railway Group Standards. Compliance with these Group Standards generally ensures compliance with criteria set out in the HSE Guidance. HSE is aware that historically the stepping criteria set out in RSPG are not complied with at a number of locations. It was this knowledge which led to the HSE criteria being developed. Railtrack is implementing a programme which is intended, among other things, to address the problem of large gaps between trains and platforms at stations. Some work has already been carried out; the programme is risk-based and prioritised. HSE is monitoring progress.

HSE's records are insufficiently detailed to provide information on locations where gaps may exceed particular dimensions. Railtrack's programme is intended to identify problem locations and to develop an action plan to deal with them.

Mr. Nicholls: To ask the Secretary of State for the Environment, Transport and the Regions what is the current limit for the gap between a train and a railway station platform; what representations his Department has received regarding the dangers of large gaps between platforms and trains; what the Government are doing to ensure that the gap between a railway station platform and the train is at a safe level; who is responsible for ensuring that the gap between a train and a railway station platform is at a safe level; and what recent recommendations he has received from the Health and Safety Executive with regard to the distance between a train and a railway station platform. [124454]

Mr. Hill: Railtrack, as infrastructure controller, is responsible for the safety of its infrastructure. There are no regulations which specify a maximum gap at the train/platform interface. However, the Health and Safety Executive's (HSE's) Railway Inspectorate has published guidance documents entitled "Railway Safety Principles and Guidance" which provide an accepted standard of good practice for new or altered work within the railway industry. "Railway Safety Principles and Guidance Part 2 Section B: Guidance on stations" sets acceptable stepping criteria between trains and platforms, the maxima for these are:

250mm vertically;

275mm horizontally; and

350mm diagonally.

HSE is aware that historically some platforms exist where these dimensions are exceeded. Railtrack is

developing a strategy of identifying and dealing with these on a prioritised basis. HSE is following this initiative closely to ensure that there is a satisfactory outcome.

These dimensions may only be exceeded when dispensation has been obtained from the Inspectorate. Warning notices reading 'Mind the Gap' with hatching along the platform edge, or other agreed measures for example, public announcements, may be required. HSE considers that to require the infrastructure controller or station operator to carry out work specifically to rectify platform gaps would not be reasonably practicable. HSE would however expect any planned alteration or new works around the train/platform interface to include a reduction in the gaps at interface.

The Department has received correspondence on this subject from time to time.

Trees

Mr. Norman: To ask the Secretary of State for the Environment, Transport and the Regions what his Department's policy is in relation to the country of origin of trees planted on its land and that of its agencies. [124624]

Mr. Prescott: My Department follows the guidance in "Towards more Sustainable Construction: Green guide for managers in the public sector" which encourages the planting of native trees and shrubs where this is feasible, and seeks whenever possible to use plants grown in the UK.

London Transport

Mr. Robathan: To ask the Secretary of State for the Environment, Transport and the Regions how many *(a)* directors and *(b)* employees of London Transport receive company cars as a part of their remuneration. [124407]

Mr. Hill: London Transport have advised that 22 Directors and 231 employees receive company cars as part of their remuneration.

Local Authority Funding

Mr. Sanders: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the funds which are available to local authorities on application, indicating those for which the Torbay Unitary Authority has successfully applied in each of the last two years. [124195]

Ms Beverley Hughes: Local authorities may apply to this Department for the discretionary grants listed in the table provided they meet the criteria for the particular scheme. Those grants for which Torbay Unitary Authority has successfully applied for funding since April 1998 are indicated in the second column. The table does not include borrowing approvals for capital expenditure, funding that may be available through private finance initiatives or joint ventures with the private sector, or grants from non-departmental public bodies which are funded by this Department or other minor miscellaneous grants. The Department also administers the European Regional Development Fund, for which Torbay Council has received approval for funding in both 1998–99 and 1999–2000.

	Successful application by Torbay unitary authority	
Discretionary grant available to local authorities	*1998–99*	*1999–2000*
Disabled Facilities Grant	Yes	Yes
Housing Investment Programme (Private Sector Renewal Grant)	Yes	Yes
Home Improvement Agencies (funding for running costs)		
Beacon Councils Special Grant		
Bellwin Scheme of Emergency Financial Assistance		
Invest to Save Special Grant		
Rural Bus Challenge Grant[1]		
Rural Transport Partnership Grant		
Public Transport Facilities Grant		
Industrial Development Act 1982 Grant		
Transport Supplementary Grant		
Freight Grant scheme		

[1] Torbay Council will receive funding in 2000–01 under Rural Bus Challenge Grant.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for the Environment, Transport and the Regions on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124112]

Ms Beverley Hughes: During the period 1 April to the end of March 2000, Special Advisers in this department travelled overseas on seven occasions.

New Deal for Communities

Mr. Woodward: To ask the Secretary of State for the Environment, Transport and the Regions (1) how people from all minority groups will be encouraged to play an active role in the New Deal for Communities; [124383]

(2) how the New Deal for Communities is affecting *(a)* Irish, *(b)* Jewish and *(c)* traveller communities. [124382]

Ms Beverley Hughes: Our guidance for the New Deal for Communities (NDC) places a particular emphasis on involving all elements of the local community from the outset.

We have issued specific guidance on race equality to NDC partnerships, which highlights the needs of 'White' minority groups such as gypsies (and other travellers), Jewish communities and others. It underlines the importance of including groups within a local community which are seen as different; and offers practical advice on how to ensure inclusion and celebrate diversity.

We assess proposals from NDC partnerships for evidence of capacity to work with, and involve, ethnic minority and other minority groups in the neighbourhood renewal process. For the early stages of Round 2 of the NDC programme, we have appointed 'community

mentors'—independent organisations whose role is to ensure a wide range of community involvement in the process from the start, and allocated funding to support that role. We also encourage partnerships to adopt approaches which build the capacity of different groups within the community to participate actively in the programme. Throughout the lifetime of the NDC, we will offer partnerships a range of support and advice, including help on maintaining the partnership of all sections of the local community.

Planning Applications

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list the planning applications for development on land classified as agricultural by the Ministry of Agriculture, Fisheries and Food referred to his Department since 1 May 1997; and if he will give for each one the nature of the application and the outcome of the referral; [124139]

(2) if he will list the planning applications for conversion of farm buildings referred to his Department since 1 May 1997; and if he will give for each one the nature of the application and the outcome of the referral. [124138]

Ms Beverley Hughes: The information requested can be provided only at disproportionate cost.

Hackney Carriages

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions (1) what steps must be taken by a proprietor in dispute with a hackney carriage driver for whom he holds a duplicate licence; [124559]

(2) if he will issue guidance to magistrates on the conduct of disputes between hackney carriage drivers and proprietors; [124651]

(3) if he will issue guidance to magistrates on the steps to be taken by a hackney carriage driver to secure the return of his duplicate licence which has been deposited at a magistrates court by a proprietor. [124558]

Mr. Hill: The statutory procedure governing disputes between hackney carriage drivers and proprietors about drivers' duplicate licences is set out in the London Hackney Carriages Act 1843.

There are no plans to issue guidance on this issue since the interpretation of legislation is a matter for justices in exercise of their judicial discretion.

Social Exclusion Unit

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions when the Social Exclusion Unit will publish the guide to the ethnic minority aspects of the work it has done which was referred to in its National Strategy for Neighbourhood Renewal framework document. [124772]

Ms Armstrong: Tomorrow the Social Exclusion Unit will publish a report that summarises the work it has led to date on minority ethnic social exclusion issues.

The Social Exclusion Unit has looked at minority ethnic issues as an integral part of each of the projects that it has done so far, and the 18 Policy Action Teams it commissioned to look at various aspects of deprived neighbourhoods have also done so. The summary brings together the results of mainstreaming those issues. It analyses various aspects of minority ethnic social exclusion; illustrates what the Government are already doing to tackle them and summarises the ideas for further action that are under consideration in the National Strategy for Neighbourhood Renewal and follow-up to the Policy Action Team reports.

Copies of the report will be available in the Library of the House and in the Vote Office.

Private Hire Vehicles

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions following the case in the Queen's Bench Division between L. Benson and Copeland Borough Council, what plans he has to seek to restore the previous position whereby the spouse of a licence holder could use a private hire vehicle for any purpose other than for hire; when the case was heard; and if he will make a statement. [123875]

Mr. Hill: I hope to make an announcement soon.

TREASURY

Job Creation (Lancashire)

Mr. Pike: To ask the Chancellor of the Exchequer how many new jobs have been created in *(a)* Lancashire and *(b)* Burnley in the past year. [123525]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from John Pullinger to Mr. Peter L. Pike, dated 5 June 2000:

The Director of the Office for National Statistics (ONS) has been asked to reply to your recent question on employment changes in Lancashire and Burnley (123525). I am replying in the Director's absence.

Information is not available for job gains or losses. However the net change in the number of employee jobs in the latest year for which figures are available is as follows.

Net change in employee jobs (September 1997-September 1998)

Thousand

	Net change
Lancashire	+2.3
Burnley	+1.0

Source:
Annual Employment Survey (AES), ONS

Unemployment (Scotland)

Mr. Welsh: To ask the Chancellor of the Exchequer what is the unemployment rate in each of the areas covered by the pre-1997 travel-to-work areas in Scotland. [123578]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from John Pullinger to Mr. Andrew Welsh, dated 5 June 2000:

The Director of the Office for National Statistics (ONS) has been asked to reply to your recent question (123578) about the unemployment rate in pre-1997 travel-to-work areas in Scotland. I am replying in the Director's absence.

ONS produces two measures of unemployment. The first is derived from the Labour Force Survey (LFS). It is defined on a consistent and internationally recognised basis set out by the International Labour Organisation (ILO). This counts as unemployed people who are (a) without a paid job (b) available to start work within the next two weeks and (c) have either looked for work in the last four weeks or are waiting to start a job already obtained.

The ONS also publishes the monthly number of people who are claiming unemployment-related benefits also known as the Claimant Count.

The definitions of travel-to-work areas that were used before 1997 are those first used in 1984. LFS data for 1984 travel-to-work areas are not available but figures for the claimant count can be obtained from the Nomis database at the House of Commons Library.

Staff Secondments

Mr. Don Foster: To ask the Chancellor of the Exchequer how many staff from his Department were seconded to private sector companies in *(a)* May 1997 to April 1998, *(b)* May 1998 to April 1999 and *(c)* May 1999 to April 2000; and if he will list in each case the companies to which staff were sent, the names and ranks of the staff involved and the duration of the secondment. [123416]

Miss Melanie Johnson *[holding answer 24 May 2000]:* Secondments and attachments are part of the Interchange Initiative which promotes the exchange of people and good practice between the Civil Service and other organisations. All sectors of the economy are involved: Voluntary, Education, Health, Public and Private. Interchange is a key component of the reform agenda. The Modernising Government White Paper committed us to increasing interchange, in particular by bringing in more people on secondment and sending more of our people out.

The information required is as follows:

1 May 1997 to 30 April 1998	*1 May 1998 to 30 April 1999*	*1 May 1999 to 30 April 2000*
Numbers and grades:		
Range D x 5	Range D x 4	Range D x 2
Range E x 6	Range E x 4	Range E x 5
Organisations to whom secondments were made:		
Business Incubators Panel	*Business Incubators Panel*	*UK Business Incubation*
Price Waterhouse	Price Waterhouse	SIB (now FSA)
PIA (now FSA)	PIA (now FSA)	Ockham Holdings
SIB (now FSA)	SIB (now FSA)	British Cement Association
EBRD	Amerada Hess	HSBC Holdings
		Council of Mortgage Lenders
Amerada Hess	Ockham Holdings	Granada
Ockham Holdings	British Cement Association	
British Cement Association		

Departmental Responsibilities

Mr. Simon Hughes: To ask the Chancellor of the Exchequer what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123845]

Miss Melanie Johnson *[holding answer 25 May 2000]:* The Treasury uses a very wide range of statistics, many of which are collected by the Office for National Statistics (ONS). Collection by the ONS is not specifically designed to produce statistics at the level of Parliamentary Constituencies, though statistics that the ONS can often provide at this level include economic status (employed, unemployed, inactive), the claimant count, employee jobs, average earnings, and Census data. Other government departments can also supply some statistics by Parliamentary Constituency. However, a comprehensive list of all statistics used by the Treasury that can be collated by Parliamentary Constituency is not held centrally, and could be obtained only at disproportionate cost.

Commission Grants

Mr. Bercow: To ask the Chancellor of the Exchequer if he will deposit a copy of the latest Annual report on Beneficiaries of Part A Commission Grants in the Library. [123093]

Miss Melanie Johnson: This report is freely available via the internet web-page of the Commission. The House of Commons Library will be able to obtain a copy for the hon. Gentleman.

Mr. Bercow: To ask the Chancellor of the Exchequer what EU funds are distributed to the Christians for Europe Foundation; what assistance has been provided to the organisation by Community organisations for hosting conferences; what is the United Kingdom's share of the costs of such assistance; and if he will make a statement. [123618]

Miss Melanie Johnson: The Commission's funding of such grants is published annually in its Report on Beneficiaries of Part A. This report is freely available via the internet web-page of the Commission, Europa, which can be accessed through the House of Commons Library.

European Integration

Mr. Bercow: To ask the Chancellor of the Exchequer what is his policy towards continuation of European Community budget line A-3022, European Integration Activities; and if he will make a statement. [123617]

Miss Melanie Johnson: The activities supported by this budget line are financed from the Commission's administrative budget. The UK seeks to keep such expenditure as low as possible.

Mr. Bercow: To ask the Chancellor of the Exchequer what assessment he has made of the long-term consequences of EMU on further European integration in economic areas not presently covered by *(a)* QMV and *(b)* European activities; and if he will make a statement. [123621]

Miss Melanie Johnson: The EC Treaty sets out the legal framework for the operation of Economic and Monetary Union (EMU). Any changes to the Treaty would require the unanimous agreement of all member states.

Economic and Monetary Union

Mr. Redwood: To ask the Chancellor of the Exchequer what economic and tax information he will need to offer the EU prior to seeking to join the Euro. [123829]

Miss Melanie Johnson: As underpinned by Articles 99 and 104 of the EC Treaty, the UK once a year submits a Convergence Programme as part of the Stability and Growth Pact, and twice a year submits government debt and deficit data as part of the excessive deficit procedure.

Mr. Bercow: To ask the Chancellor of the Exchequer if he will make a statement on his policy in respect of the next phase of the information strategy for the euro, with particular reference to *(a)* sensitive groups, *(b)* opinion formers, *(c)* information multipliers and *(d)* children. [123628]

Miss Melanie Johnson: I refer the hon. Member to the second Outline National Changeover Plan, which was published on 9 March 2000. A copy of the Plan is available in the Library of the House.

Tax Rates

Mr. Willetts: To ask the Chancellor of the Exchequer, pursuant to his answer of 18 May 2000, *Official Report*, column 262W, on tax rates, where income tax rates are included in the Table 4.2 on marginal deduction rates in the Budget Red Book (HC 346). [123583]

Dawn Primarolo: Table 4.2 of the Budget Red Book contains estimates of the marginal deduction rates faced by working households in receipt of income-related benefits or the Working Families Tax Credit where at least one person works 16 hours or more a week. Income Tax rates are incorporated into the marginal deduction rate for those households where income tax is paid.

Enterprise Promotion (South-West)

Ms Atherton: To ask the Chancellor of the Exchequer what measures he proposes to promote enterprise within disadvantaged areas and groups in the South West Region. [122900]

Mr. Timms: The Government's aim is to help create a supportive environment for entrepreneurial activity in all sections of society. Long-term unemployed people who want to move into self-employment are being helped with support under New Deal options nationally; while the Employment Zone pilot in Plymouth has been helping long-term unemployed adults aged 25 plus to get back into work, including the opportunity to pool benefits, training and job search funds to help with business start-up costs, since April 2000. We will also be offering New Entrepreneur Scholarships in high unemployment areas, to equip potential entrepreneurs with the management and business skills needed to turn their aspirations into successful businesses. A pilot programme will be running in Cornwall (and London and Manchester) later this year, before a national roll-out in September 2001.

Moreover, the Government announced in November 1999 the creation of a new Phoenix Fund, with £30 million to invest over three years in promoting better access to business support and finance in disadvantaged areas. This includes:

a development fund to promote innovative enterprise support in deprived areas, including incubator units;

a national challenge fund to help resource community finance initiatives, and to evaluate the variety of approaches and distil best practices;

loan guarantee support for community finance initiatives borrowing from wholesale sources of finance, so that they can on-lend in disadvantaged areas; and

a network of mentors to pre and early phase business start-ups through a new Business Volunteer Mentoring Association, being run on a pilot basis until April 2001.

The Department of Trade and Industry has lead responsibility for the Phoenix Fund, including the disbursal of funding and business support in the South West.

The Government have also instigated a range of measures in recent Budgets, including cuts in capital gains tax and corporation tax, and enhanced capital allowances, which will benefit many of the 65,000 small and medium-sized enterprises (SMEs) in disadvantaged areas and the wider South West region. Moreover, the Government are currently financing a network of regional venture capital investment funds for early-stage SMEs, and contributing to a regional target of £85 million for the South West. The first steps towards this target are being taken now with the regional venture capital competition being run by the DTI.

The Small Business Service is also tasked with the brief of reaching-out to start-up and existing enterprises in disadvantaged communities, to increase accessibility of business support. These principles will also shape the selection and operation of local SBS franchises, operational from April 2001.

We are also bringing schools and businesses closer together, particularly those in high unemployment areas. We have already provided an extra £10 million nationally to boost enterprise skills in our schools. The new National Enterprise Campaign, launched in May, includes a particular focus on our high unemployment areas.

Investment Services Directive

Mr. Mitchell: To ask the Chancellor of the Exchequer, pursuant to his answer of 11 May 2000, *Official Report*, column 477W, on an investment services directive, for what reason *(a)* it is proposed to upgrade the current directive and *(b)* a Green Paper is considered necessary. [123895]

Miss Melanie Johnson: This is a matter for the European Commission. The European Commission's Communication "Implementing the Framework for Financial Markets: Action Plan" (COM(1999)232) proposes a Commission Green Paper to review the Investment Services Directive as a basis for an efficient market for investment services.

Aggregates Tax

Mr. Levitt: To ask the Chancellor of the Exchequer if the proposed aggregates tax will apply to imports of secondary/recycled and similar materials imported into the UK for use in aggregates markets. [124430]

Mr. Timms: The aggregates levy will apply to imported aggregate at the point of its first sale or use in the UK, on the same basis as domestically produced aggregate. This means that imported recycled aggregate will not be subject to the levy. Certain types of secondary materials—whether imported or of domestic origin—will also be exempted from the levy.

Mr. Levitt: To ask the Chancellor of the Exchequer if the proposed aggregates tax will apply to imports of products manufactured with aggregate minerals. [124447]

Mr. Timms: The draft legislation does not apply the levy to imports of processed products, given the difficulties inherent in establishing the taxable aggregate content of such products.

Mr. Levitt: To ask the Chancellor of the Exchequer how much it will cost to reduce national insurance contributions by 0.1 per cent., using revenue from the proposed aggregates tax, over each of the first five years of the operation of the tax. [124435]

Mr. Timms: Budget 2000 announced that an aggregates levy would be introduced from April 2002 with the revenues recycled to business through a 0.1 percentage point cut in employer National Insurance Contributions and a new Sustainability Fund.

The estimated costs of the reduction in employer National Insurance Contributions is around £0.35 billion in 2002–03, around £0.4 billion in each of the following three years and £0.45 billion in 2006–07.

Mr. Levitt: To ask the Chancellor of the Exchequer how much revenue will be raised by the proposed aggregates tax over each of the first five years of its operation. [124434]

Mr. Timms: Table A1.13 in the FSBR provides a forecast for aggregates levy revenues in 2002–03.

Future revenues from the Levy will depend on future sales of primary aggregate. This will reflect construction sector demand and the extent to which the levy shifts demand from primary material to recycled and waste materials (which are exempt).

Mr. Levitt: To ask the Chancellor of the Exchequer what assessment has been made of the effect of an aggregates tax on the UK's balance of trade in minerals and associated manufactured products. [124431]

Mr. Timms: The effect of the levy on the UK's balance of trade in minerals and associated products will be minimal. The levy will not apply to industrial minerals. The relief for exports of unprocessed aggregate and taxation of imports will help maintain UK competitiveness. International trade in aggregate products is limited by weight and transport cost.

Mr. Levitt: To ask the Chancellor of the Exchequer what assessment he has made of the impact of imported concrete products upon United Kingdom manufacturers of concrete products, following the introduction of the proposed aggregates tax. [124448]

Mr. Timms: Work by Customs economists suggests that the impact of the levy on UK concrete product manufacturers in terms of the treatment of imports and exports of processed aggregate should be small. This is mainly because there are very few imports and exports of concrete products due to the transport costs.

Quarrying Sustainability Fund

Mr. Levitt: To ask the Chancellor of the Exchequer (1) what will be the income of the new Quarrying Sustainability Fund for each of the first five years of its operation; [124436]

(2) if there will be a guaranteed or minimum annual income for the new Quarrying Sustainability Fund. [124437]

Mr. Timms: The Government will be consulting all interested parties shortly on how the new Sustainability Fund can best be used to deliver local environmental improvements.

No decisions have yet been made on the size of the Fund.

Customs Officers

Mr. Baker: To ask the Chancellor of the Exchequer for what reason he plans to reduce the number of customs officers, with particular reference to the post of intelligence officer; and if he will make a statement. [124374]

Dawn Primarolo: Customs have no plans to reduce the overall number of front line customs or intelligence officers. In fact, Customs are appointing nearly 1,000 more officers at key ports and inland locations to tackle tobacco smuggling.

Employers National Insurance Contributions

Mr. Gibb: To ask the Chancellor of the Exchequer how much it would cost the Exchequer to reduce the rate of employers' national insurance contributions to *(a)* 10 per cent., *(b)* 7.5 per cent., *(c)* 5 per cent., *(d)* 2.5 per cent. and *(e)* 0 per cent. for (i) employees aged 16 to 25, (ii) employees aged 26 to 40, (iii) employees aged 40 to 49, (iv) employees aged 50 plus years and (v) all employees. [124523]

Dawn Primarolo: The full year exchequer costs in 2001–02 for making the various reductions in the rate of employers' National Insurance contributions (NICs) for different age groups are set out in the table.

Exchequer cost: £ million

2001–02	Reduce employers' NICs rate to: 10%	7.5%	5%	2.5%	0%
Secondary Class 1					
Age Range:					
16 to 25	430	1,010	1,580	2,150	2,720
26 to 39	2,520	5,830	9,130	12,440	15,750
40 to 49	1,810	4,200	6,590	8,980	11,360
50 and over	1,570	3,630	5,690	7,750	9,810
Secondary Class 1—all ages	6,330	14,660	22,990	31,320	39,640
Class 1a and 1b all ages	220	520	810	1,110	1,400
Total	6,550	15,180	23,800	32,430	41,050

The estimates are consistent with the March 2000 Budget and rounded to the nearest £10 million.

It is not possible to provide reliable estimates for class 1a or class 1b by age range.

Income Tax

Mr. Gibb: To ask the Chancellor of the Exchequer what would be the cost to the Exchequer of raising the basic rate limit by *(a)* £500, *(b)* £1,000, *(c)* £1,500, *(d)* £2,000 and *(e)* £2,500; and how many people would cease paying any tax at 40 per cent. in each case. [124524]

Dawn Primarolo: The full year costs of increasing the income tax basic rate limit for 2000–01 are given in the table.

Increase basic rate limit by:	*Exchequer cost (£ million)*	*Number ceasing to pay at higher rate (Thousand)*
£500	240	130
£1,000	470	250
£1,500	690	350
£2,000	910	450
£2,500	1,110	540

Estimates are based on the Survey of Personal Incomes, projected in line with the March 2000 Budget.

Mr. Gibb: To ask the Chancellor of the Exchequer what would be the cost to the Exchequer of allowing a married person to transfer a wholly or partly unused tax allowance to their earning spouse *(a)* if they are in receipt of invalid care allowance, or if their youngest child is under the age of five years, *(b)* if they are in receeipt of invalid care allowance, or if their youngest child is under the age of 11 years, *(c)* if they are in receipt of invalid care allowance, or if their youngest child is under the age of 16 years, *(d)* regardless of these or any other responsibilities and *(e)* if they are in receipt of invalid care allowance. [124522]

Dawn Primarolo: The estimated costs for 2000–01 of allowing a married person to transfer an unused personal allowance to their earning spouse are given in the following table.

Cost of allowing transfer of unused tax allowances to earning spouses

Family type	*Cost £ million*
(a) Married couples who are either in receipt of invalid care allowance or whose youngest child is under the age of 5	850
(b) Married couples who are either in receipt of invalid care allowance or whose youngest child is under the age of 11	1,200
(c) Married couples who are either in receipt of invalid care allowance or whose youngest child is under the age of 16	1,350
(d) All married couples	2,000
(e) Married couples in receipt of invalid care allowance	30

The estimated cost of allowing a married person to transfer a personal allowance in the way most beneficial to the couple, regardless of whether it would be otherwise used, is £4,250 million.

Taxation (Private Medical Insurance)

Mr. Gibb: To ask the Chancellor of the Exchequer if he will estimate the net cost to the Exchequer of exempting private medical insurance, including that provided by employers for their employees, from insurance premium tax, taking into account changes to corporation tax and income tax liability. [124653]

Dawn Primarolo: Customs and Excise estimate that the net cost to the Exchequer of exempting private medical insurance from insurance premium tax would be around £140 million in 2001–02.

Taxation (I-E Formula)

Mr. Jack: To ask the Chancellor of the Exchequer, pursuant to his answer of 24 May 2000, *Official Report*, columns 524–25W, how much tax was paid in each of the years and in relation to each of the types of investment listed in the table. [124456]

Dawn Primarolo: The information requested is not available. Corporation tax is charged on a company's total income and gains, less allowable losses and reliefs. It is not attributed to specific sources.

Public Sector Pensions

Mr. Field: To ask the Chancellor of the Exchequer (1) how many members there are of public sector

occupational pension schemes; and what is the *(a)* average and *(b)* median number of members in such schemes; [124505]

(2) how many public sector occupational pension schemes are *(a)* in existence and *(b)* receiving contributions; [124503]

(3) how many people transferred out of public sector occupational pension schemes owing to a change in occupation in each year since 1996; [124507]

(4) what is the *(a)* average and *(b)* median length of membership of public sector occupational pension schemes; [124506]

(5) how many public sector occupational pension schemes are funded *(a)* on a notional or pay as you go basis and *(b)* in the sense of holding investments. [124504]

Mr. Andrew Smith: The Government Actuary's Department estimate that including single-member schemes there may be as many as 30,000–40,000 pension schemes in the public sector. Information is not held centrally on all of these schemes and could be collected only at disproportionate cost.

Limited Liability Partnerships

Mr. Mitchell: To ask the Chancellor of the Exchequer what consultations he has had with the DTI about the tax consequences of plcs changing status to limited liability partnerships under the new limited liability partnership proposals; and what is his estimate of the effect on the public revenue. [124429]

Dawn Primarolo: As my hon. Friend is aware, under the proposals in the LLP Bill, the new Limited Liability Partnerships will be taxed as partnerships rather than as companies. I can confirm that the officials at the DTI have been in close contact with Inland Revenue officials who have been reviewing the draft legislation.

I would also refer my hon. Friend to what was said both in this House, by my hon. Friend the Minister for Competition and Consumer Affairs on Second Reading, 23 May 2000, *Official Report*, column 891, and in the other place by my noble Friend Lord McIntosh of Haringey on Report, 6 March 2000, *Official Report, House of Lords*, column 870. They both said that, because of the possibility that some LLPs might be set up solely because of their tax status as partnerships, officials at the DTI and the Inland Revenue will jointly be looking into the taxation of LLPs. Part of this work is likely to touch on the subject area of this question. And because this work is ongoing I am not in a position to give a more detailed answer at the moment.

Mr. Mitchell: To ask the Chancellor of the Exchequer what proposals he has for bringing the tax regime of the proposed new limited liability partnerships into line with that applying to public limited companies; and what estimate he has made of the scale of losses to the Exchequer of public limited companies to register as limited liability partnerships. [124367]

Dawn Primarolo: On Report in the other place my noble Friend Lord McIntosh of Haringey recognised—6 March 2000, *Official Report, House of Lords*, column 870—the possibility that taxing LLPs as partnerships might make them attractive as a vehicle for a wider range of activities than they were intended for. Because of this, my noble Friend Lord McIntosh announced that work would be carried out jointly by the DTI and the Inland Revenue to look into these issues. Depending on what this work finds we will consider bringing forward further tax legislation in due course.

On second reading of the LLP Bill in this House my hon. Friend the Minister for Competition and Consumer Affairs referred again to this work—23 May 2000, *Official Report*, column 891.

Because this work is ongoing I am not currently able to give more detailed information.

Euro II Committee

Mr. Mitchell: To ask the Chancellor of the Exchequer what proposals the French Government have made to him about strengthening the role of the Euro II Committee and increasing its powers; and if he will make a statement. [124347]

Dawn Primarolo: The Chancellor of the Exchequer has regular discussions with his EU colleagues, and a wide range of issues are discussed.

PSBR (PFI Projects)

Mr. Mitchell: To ask the Chancellor of the Exchequer what reduction to the public sector borrowing requirement resulted from PFI projects in *(a)* 1998–99 and *(b)* 1999–2000; and what is his estimate for 2000–01. [124409]

Mr. Andrew Smith: The choice of procurement route is taken only on the grounds of value for money, not on financing arrangements.

Capital expenditure incurred by the private sector in support of the delivery of services under PFI contracts and estimates of payments to be made are shown in tables C14–16 of Budget 2000 FSBR.

CITES

Mr. Randall: To ask the Chancellor of the Exchequer what plans he has to increase expenditure on measures relating to the enforcement of the Convention on International Trade in Endangered Species by HM Customs and Excise. [124470]

Dawn Primarolo: There are no plans to increase expenditure on measures relating to HM Customs and Excise's enforcement of the Convention on International Trade in Endangered Species. The current allocation of resources is proportionate to the illegal trade in CITES goods.

Mr. Randall: To ask the Chancellor of the Exchequer what measures HM Customs and Excise are taking to ensure that the Convention on International Trade in Endangered Species is enforced. [124469]

Dawn Primarolo: HM Customs and Excise has primary responsibility in the UK for enforcement of the Convention on International Trade in Endangered Species (CITES). Customs' anti-smuggling staff maintain checks on imports and exports liable to CITES regulation as part of their normal duties. In addition, there is a specialist CITES Enforcement Team based at London Heathrow

Airport and a regional network of CITES liaison officers specifically trained to advise on CITES cases and to work in co-operation with other interested agencies.

Mr. Baker: To ask the Chancellor of the Exchequer how many officers Customs and Excise employ whose *(a)* sole and *(b)* primary role is to enforce CITES legislation; and what plans he has to increase their number. [124051]

Dawn Primarolo: HM Customs and Excise have eight officers whose sole role, and two officers whose primary role, is to enforce CITES legislation. There are no plans to increase these numbers.

Films (Writing Down Allowance)

Mr. Edward Davey: To ask the Chancellor of the Exchequer what plans he has to remove or reform the 100 per cent. writing down allowance for UK films costing less than £15 million. [124044]

Dawn Primarolo: We have no plans at present to remove or reform the 100 per cent. writing down allowance for British qualifying films before its expiry date of 2 July 2002.

Intellectual Property (Taxation)

Mr. Edward Davey: To ask the Chancellor of the Exchequer what estimate he has made of the yield from the proposed abolition of income spreading rules contained in "Reform of the Taxation of Intellectual Property". [124041]

Dawn Primarolo: If income spreading were abolished, the additional tax yield would be negligible.

The Inland Revenue will shortly be publishing a Technical Note on the tax treatment of intangible assets (including intellectual property) and goodwill.

The Note will include further consideration of the income spreading rules.

Mr. Edward Davey: To ask the Chancellor of the Exchequer which other countries operate a tax similar to the exit charge for owners of intellectual property proposed in "Reform of the Taxation of Intellectual Property". [124043]

Dawn Primarolo: A number of countries apply exit charges under certain circumstances.

The proposal for an exit charge included in the 1999 Inland Revenue Technical Note, "Reform of the Taxation of Intellectual Property", was based on similar provisions which already apply in the case of capital gains tax. It was intended to ensure that existing safeguards against abuse remained in place if intellectual property assets became subject to tax as income instead of capital.

The Inland Revenue will shortly be publishing, for consultation, a Technical Note on the tax treatment of intangible assets (including intellectual property) and goodwill. The Note will include further consideration of the safeguards that would be needed under a reformed regime.

Mr. Edward Davey: To ask the Chancellor of the Exchequer what estimate he has made of the yield from the proposed exit charge on owners of intellectual property contained in "Reform of the Taxation of Intellectual Property". [124042]

Dawn Primarolo: No detailed information is available as to the likely yield from such an exit charge. The aim of the charge would be to protect revenue by discouraging avoidance rather than to target additional yield.

The Inland Revenue will shortly be publishing, for consultation, a Technical Note on the tax treatment of intangible assets (including intellectual property) and goodwill. The Note will include further consideration of the safeguards that would be needed under a reformed regime.

Mr. Edward Davey: To ask the Chancellor of the Exchequer (1) what representation he has received following the publication of the Inland Revenue paper, "Reform of the Taxation of Intellectual Property"; [124040]

(2) which organisations the Treasury has consulted directly with respect to the Inland Revenue paper, "Reform of the Taxation of Intellectual Property". [124039]

Dawn Primarolo: The Inland Revenue's Technical Note, "Reform of the Taxation of Intellectual Property", was circulated widely and more than 80 responses were received. The Inland Revenue also consulted directly with a number of representative bodies and other interested parties.

The outcome of these consultations will feed into the further Technical Note which the Inland Revenue will be publishing shortly. This further note will seek views on possible reform covering a wider range of intangible assets and goodwill.

Pensioners (Taxation)

Mr. Edward Davey: To ask the Chancellor of the Exchequer what the average cost is to the Exchequer of altering the tax code of a retired individual income taxpayer *(a)* at the start of the tax year and *(b)* during the tax year, after the original tax code has been set. [124037]

Dawn Primarolo: This information is not available.

Mr. Edward Davey: To ask the Chancellor of the Exchequer how many individual tax codes of people receiving age-related income tax allowances had to be changed by the Inland Revenue in *(a)* April 1999, *(b)* May 1999, *(c)* April 2000 and *(d)* May 2000. [124036]

Dawn Primarolo: Some 2 million notices of coding were issued to people aged 65 or more in May 2000 to reflect increases in their income tax allowances. Separate figures for this age group are not available for the other dates requested.

Mr. Edward Davey: To ask the Chancellor of the Exchequer how many *(a)* men over 65, *(b)* men over 80, *(c)* women over 60 and *(d)* women over 80 years completed an Inland Revenue self-assessment tax form for the tax years (i) 1996–97, (ii) 1997–98 and (iii) 1998–99; and in each case, what proportion of them had a nil liability for income tax and capital gains tax in that year. [124035]

Dawn Primarolo: If a retired pensioner's income was below the level of their personal allowance in the previous tax year then they should fall outside the criteria for issue of a tax return in all but exceptional circumstances.

Mr. Edward Davey: To ask the Chancellor of the Exchequer what proposals he has for simplifying the Inland Revenue's administrative rules and practices as they apply to pensioners; and if he will make a statement. [124038]

Dawn Primarolo: The Government are working to ensure that dealing with the Inland Revenue is as simple as possible for taxpayers. That is why last July I announced measures which are taking up to 400,000 people—about half of whom are pensioners—out of self-assessment. The Inland Revenue is committed to supporting pensioners, whether in self-assessment or not, with a high level of customer service.

This Government are spending an extra £6.5 billion on pensioners across the course of this Parliament. We increased the age-related personal allowances for 1999–2000 by up to £200 above inflation, and for 2000–01 maintained them by increasing them by indexation. We have also introduced the 10p starting rate of income tax, extended it to savings and cut the basic rate to 22p.

Farm Averaging Rules

Mr. Edward Davey: To ask the Chancellor of the Exchequer what plans he has to abolish or reform farm averaging rules. [124045]

Dawn Primarolo: There are no such plans at present.

VAT (Sports Organisations)

Mr. Fearn: To ask the Chancellor of the Exchequer if he will place in the Library the correspondence between HM Customs & Excise and the European Commission on VAT exemption for sports clubs and organisations. [123053]

Dawn Primarolo: Correspondence between the Commission and British officials are not usually placed before the House. In concluding the debate on The Value Added Tax (Sports, Sports Competitions and Physical Education) Order 1999 in Standing Committee on 26 October 1999, I offered to keep members informed of progress made by Customs and Excise in resolving issues for commercial sports clubs arising from their VAT position under EU law. I will continue to do so.

Mr. Fearn: To ask the Chancellor of the Exchequer what action his Department plans to take in respect of the recent Deloitte Touche report on VAT in respect of VAT levied on voluntary and community sports organisations and clubs. [123083]

Dawn Primarolo: It is not clear to which report the question refers. However, non-profit making organisations and clubs do not have to levy VAT on sporting services other than those supplied to non-members.

VAT (British Legion Poppies)

Mr. Bob Russell: To ask the Chancellor of the Exchequer what representations he has received about the requirement that the Royal British Legion must pay value added tax on the supply of poppies produced at its poppy factory; and if he will make a statement. [R] [123659]

Dawn Primarolo: There is no question of VAT being applied to poppies given in return for a donation. Customs are now consulting with the Royal British Legion about extending an existing concession so that it will cover materials bought to make up the lapel badge poppies.

Heroin

Mr. Goggins: To ask the Chancellor of the Exchequer what estimate he has made of *(a)* the amount and *(b)* the proportion of heroin coming to the UK which originates in (i) Colombia, (ii) Burma, (iii) Afghanistan, (iv) Pakistan and (v) other major supplier countries. [124526]

Dawn Primarolo: There are currently no generally accepted estimates of the scale of heroin supply. HM Customs and Excise, along with other drugs enforcement agencies, are contributing to a comprehensive research programme to improve our understanding of the supply of drugs to the UK and Europe.

INTERNATIONAL DEVELOPMENT

Drug Cultivation

Dr. Tonge: To ask the Secretary of State for International Development what drug reduction programmes are operated by the World Bank in countries where there is illicit drug cultivation. [118511]

Clare Short: The World Bank works in co-operation with the United Nations International Drug Control Programme (UNDCP) in Brazil, tackling prevention of HIV Aids acquired through intravenous drug abuse. Bolivia receives significant World Bank support for infrastructure work in illicit crop-producing regions, where UNDCP is providing support for development of alternative sustainable livelihoods. The World Bank is also working in partnership with UNDCP in Laos on a six-year programme to assist the development of alternative sustainable livelihoods.

Cancer Care Services

Mr. Paul Marsden: To ask the Secretary of State for International Development what steps the Government are taking to assist developing countries improve the quality of their cancer care services; and if he will make a statement. [123796]

Clare Short: We contribute in assisting developing countries to improve the quality of their cancer care services through our support for the World Health Organisation's work in non-communicable diseases and its global role in standard setting, monitoring disease prevalence and advising national Governments on appropriate care. In addition, as reproductive health and safe motherhood is a priority for DFID, we also directly support research into cervical cancer prevention.

Fiji

Dr. Tonge: To ask the Secretary of State for International Development which projects her Department supports in Fiji. [123917]

Clare Short: Our efforts in the Pacific are now concentrated on building up a regional programme focused on the reduction of poverty. This seeks to work with regional organisations and key multilateral organisations, particularly in the areas of education and governance.

The Republic of the Fiji Islands has received assistance through the Regional Rights Resource Team (RRRT) Project and the Governance Fund.

RRRT provides a range of innovative support in legal education, training and technical assistance. A major aim of the project is to have a functional network of Legal Rights Training Officers equipped with participatory teaching and advocacy skills to design and deliver appropriately adapted human rights education and to disseminate information about the law and human rights to women, youth and disadvantaged groups in their communities. RRRT supports two Legal Rights Training Officer positions in the Fiji Islands and has provided technical and training support to the Judiciary, Law Reform Commission, Human Rights Commission, Social Welfare Department and the Police.

The Governance Fund provides small grants aimed at encouraging the development of a culture for good governance and funds activities that raise public awareness and understanding of governance and which encourage meaningful participation through consultations in policy formulation. Assistance has been provided in the Fiji Islands only where activities serve as a model for best practice and have a broader regional impact mainly to Civil Society Organisations and Government.

The Fiji Islands receive assistance through the Small Grant Scheme which is administered by the British High Commission and enables them to provide small development projects which address one or more of DFID's priority objectives.

We will be reviewing our programme in Fiji in the light of recent developments.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for International Development on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124109]

Clare Short: Special Advisers from my Department have travelled abroad on official business on three occasions since 31 March 1999.

Ilisu Dam

Ann Clwyd: To ask the Secretary of State for International Development when she was consulted about human rights and sustainable development issues relating to the Ilisu Dam project in Turkey; and what advice she gave. [124181]

Clare Short: We were consulted about this project, as a part of ECGD's wider Whitehall consultation, in January 1999. We commented on ECGD's terms of reference for an independent review of environmental and resettlement impact reports produced by the project sponsors. DFID has no engagement with Turkey other than our support for emergency relief following the earthquake in August and November 1999. We have therefore had no advisory input into the Ilisu Dam project.

Ethiopia and Eritrea

Mr. Robertson: To ask the Secretary of State for International Development if she will make a statement about her development aid policy towards Ethiopia. [124502]

Clare Short: We have reviewed our development relationship with both Ethiopia and Eritrea in the light of the recent renewed conflict.

We have concluded we should maintain only interventions related to food security and activities with

civil society. We are pressing the World Bank and EU to follow suit. Our briefing on the situation in Ethiopia has been placed in the Library.

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on the humanitarian situation of the Eritrean refugees in eastern Sudan. [124075]

Clare Short: The United Nations High Commissioner for Refugees confirms that since 18 May up to 50,000 Eritrean refugees have fled from the conflict with Ethiopia and crossed the border into eastern Sudan near Kassala. 41,000 are already registered. The situation in the refugee camps is not critical, but UNHCR say that water, health and sanitation are the main priorities. The World Food Programme is also engaged on the ground as is the European Commission through Oxfam. Other international non-governmental organisations are carrying out further urgent needs assessments. We are ready to respond to proposals arising from these assessments.

Mozambique

Mr. Streeter: To ask the Secretary of State for International Development what additional resources she has made available to Mozambique following the recent flooding. [124058]

Clare Short: My Department committed £20 million for emergency humanitarian and rehabilitation assistance to Mozambique following the floods. We also provided £10 million of budget support in March 2000 to help counteract the effect of the floods on the Government of Mozambique's budget.

At the Rome Conference in May this year my Department pledged £6 million so far uncommitted from this year's country development programme for flood reconstruction efforts. We are currently assessing the most effective way to spend this money.

Mr. Streeter: To ask the Secretary of State for International Development if she will list *(a)* the projects that her Department is currently funding in Mozambique, *(b)* their aggregate value and *(c)* projects postponed or ended as a result of redirection of funding to reconstruction work. [124057]

Clare Short: *(a)* The projects DFID is currently funding in Mozambique are:

Strengthening of Planning and Budgeting at the Ministry of Planning and Finance

Enterprise Development Project

CRESCE Mozambique: Expansion of Microfinance Programme

Customs Department Reform

Zambezia Agricultural Development Project

National Programme for Agrarian Development

Feeder Roads in Zambezia

Assistance to the NGOs Forum of Zambezia

Demining in Zambezia: HALO Trust

Social Marketing of Condoms

HIV/AIDS Strategic Planning

Support for National Health Planning

Secondary English Teaching Project.

(b) The aggregate value is £53 million. In addition we provide support to Mozambique's budget averaging about £10 million per year, and have committed £20 million to flood relief this year.

(c) No projects have been postponed or ended as a result of redirection of funding to reconstruction work.

Mr. Streeter: To ask the Secretary of State for International Development what assessment she has made of the response of the European Community Humanitarian Office to the flooding in Mozambique. [124569]

Clare Short: Reports indicate that ECHO projects were able to progress without delay, despite some claims of delays in transfer of funding. My Department is sending a monitoring team to Mozambique in mid-June. One of their tasks will be to liaise with ECHO officials on the ground to assess the effectiveness of their response.

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on the humanitarian situation in Mozambique. [123918]

Clare Short: The humanitarian situation in Mozambique has continued to improve as the flood waters have receded and road access has improved. However, the continued provision of emergency assistance to those worst affected by the floods will remain essential while longer term rehabilitation and reconstruction efforts get into full swing. For example, the World Food Programme is continuing to make food deliveries to over 500,000 people, which includes some 10,000 still accommodated in displacement camps and unable to return to their homes due to the residual flooding.

Those who have returned home are beginning to rebuild their houses and plant crops. Many have been provided with materials and tools provided under relief projects. There have been no major outbreaks of communicable diseases and agencies are working effectively with the Mozambican authorities to rehabilitate schools and health units.

Departmental Expenditure

Mr. Streeter: To ask the Secretary of State for International Development what plans she has to incorporate EU spending on development assistance into her Department's public service agreement figures on the percentage of bilateral programme resources allocated to low income countries. [124562]

Clare Short: UK contributions to EU spending on development assistance are classified as multilateral spending. A revised Public Service Agreement will be published in July.

Nigeria

Mr. Streeter: To ask the Secretary of State for International Development what representations she has received from the Nigerian Government about debt relief. [123972]

Clare Short: There have been frequent exchanges over debt relief with the Nigerian authorities. We have made clear our strong support for a generous rescheduling for Nigeria in the context of an IMF-endorsed economic programme. We have also made clear we would be willing to consider partial debt cancellation if a strong record of reform is established and a debt sustainability analysis shows it to be necessary.

Mr. Streeter: To ask the Secretary of State for International Development if she will make a statement on her Department's aid to Nigeria in 1998–99. [124060]

Clare Short: Health, education, water and sanitation and rural livelihoods were the main sectors for our assistance. In addition, we provided support for economic reform and for the election process in the second half of the year.

Uganda

Mr. Streeter: To ask the Secretary of State for International Development if she will make a statement on the decision of the Paris Club not to discuss debt relief for Uganda at their meeting on 16 May. [123973]

Clare Short: Uganda received debt relief of $347 million in 1998 under the original HIPC initiative, and, earlier this year, qualified for a further $656 million relief under the revised HIPC framework. The Government of Uganda was scheduled to come to a meeting with the Paris Club of official bilateral creditors on 16 May to implement this element of their debt relief. However, in the week before the meeting, we, and a number of other Governments, were concerned to receive reports of Uganda's role in fighting at Kisangani in the Democratic Republic of Congo. It was therefore agreed that the implementation of Uganda's debt relief should be postponed. I am pleased that the Government of Uganda are responding to these concerns. We hope that the Paris Club meeting will be rescheduled soon. Uganda continues to receive interim relief on its debt service payments to the IMF and World bank.

Departmental Staffing and Costs

Mr. Streeter: To ask the Secretary of State for International Development if she will list the numbers of staff employed directly by her Department on *(a)* 1 May 1997 and *(b)* 1 May 2000. [124571]

Clare Short: Our Department employed the following:

Date[1]	*Number of staff*
(a) 1 April 1997	1,001
(b) 1 April 2000	1,322

[1] The figures are compiled on a quarterly and annual basis. We have therefore quoted the position on 1 April because we do not hold exact figures for 1 May.

Note:

These figures do not include staff employed on contract terms in the UK and overseas.

Mr. Streeter: To ask the Secretary of State for International Development if she will list the administration costs of her Department on *(a)* 1 May 1997 and *(b)* 1 May 2000. [124572]

Clare Short: Information on DFID's administrative (running) costs for each of the last six financial years is provided in Table 3, page 130, of the latest version of the Departmental Report, a copy of which is in the Library of the House.

Mr. Streeter: To ask the Secretary of State for International Development how many press officers there were in her Department in *(a)* May 1997 and *(b)* May 2000. [124570]

Clare Short: The number of press officers was four on both occasions.

British Council

Mr. Streeter: To ask the Secretary of State for International Development if she will list *(a)* British Council grant-in-aid funded by her Department and *(b)* the value of contracts awarded to the British Council in each year from 1979 to 2000 [124566]

Clare Short: *(a)* in 1998–99 it was agreed that the management of the British Council by two Departments was unnecessarily cumbersome. Responsibility was passed to the FCO along with the funds earmarked for this purpose.

(b) The total value of consultancy and Technical Co-operation Training contracts that DFID have awarded to the British Council in each of the following financial years are:

	£ million
1999–2000	23.3
1998–99	52.8
1997–98	42.2
1996–97	62.0
1995–96	27.3

We introduced a new computerised contract monitoring system early in 1996, and we are unable to provide accurate data prior to this period.

Sierra Leone

Mr. Streeter: To ask the Secretary of State for International Development to what extent the supply of arms to the Sierra Leone police and army is funded by her Department. [123971]

Clare Short: None of the arms supplied have been funded by my Department.

Mr. Streeter: To ask the Secretary of State for International Development what aid programmes her Department is currently funding in Sierra Leone. [123924]

Clare Short: DFID has allocated resources in support of the following projects in Sierra Leone:

Support to the Government of Sierra Leone's National Programme for Disarmament, Demobilisation and Reintegration

Emergency support to Lungi Demobilisation Camp

Security Sector Project (SILSEP)

Support to the Commonwealth Police Development Taskforce (includes Police Humanitarian Fund and Public Order support)

Provision of an Inspector General of Police

Military Reintegration Plan (MRP)

Commonwealth Community Safety and Security Project

Support to Civil Society (Campaign for Good Governance)

Support for the return of Paramount Chiefs

Law Development Project (including Legal Draftsman)

Media Development Project

Governance Assistance Programme: managed by British Council

Support to the President's Office

Humanitarian Relief and reconstruction

Budgetary Support for essential services/repayment of debts

Provision of a ferry

DFID is also a significant contributor to the programmes of the World Bank, African Development Bank, European Commission and United Nations.

Mr. Streeter: To ask the Secretary of State for International Development what discussions she has had with the World Food Programme concerning farming and food security in Sierra Leone. [124056]

Clare Short: Discussions were held with World Food Programme representatives during a recent visit to Sierra Leone by humanitarian specialists from my Department. They established that there were adequate food stocks available within the country to cope with current needs. Hunger and cases of malnutrition have been reported some two months ahead of the usual pattern. The situation is particularly bad in rebel-held areas of the north and east where food stocks have been severely depleted through looting. Humanitarian agencies are constrained from assisting until access becomes possible.

Basic Education Projects

Mr. Streeter: To ask the Secretary of State for International Development how many basic education projects were funded by her Department in *(a)* Bangladesh, *(b)* Bolivia, *(c)* Burkina Faso, *(d)* Cambodia, *(e)* Colombia, *(f)* Ethiopia, *(g)* Gambia, *(h)* Ghana, *(i)* Guatemala, *(j)* India, *(k)* Kenya, *(l)* Malawi, *(m)* Mozambique, *(n)* Myanmar, *(o)* Nepal, *(p)* Niger, *(q)* Nigeria, *(r)* Pakistan, *(s)* Peru, *(t)* Philippines, *(u)* Russian Federation, *(v)* South Africa, *(w)* Southern Africa, *(x)* Sri Lanka, *(y)* Sudan, *(z)* Tanzania, (aa) Uganda, (bb) Zambia and (cc) Zimbabwe; and what was the aggregate cost of each one. [124567]

Clare Short: Our bilateral aid programme is currently financing the following projects and programmes which support basic education:

County	*Number of projects*	*Aggregate commitment (£ million)*
Bangladesh	4	26.8
Bolivia	0	—
Burkina Faso	0	—
Cambodia	0	—
Colombia	1	0.1
Ethiopia	0	—
The Gambia	1	0.6
Ghana	2	61.8
Guatemala	0	—
India	9	129.4
Kenya	4	22.7
Malawi	4	64.4
Mozambique	1	0.1
Myanmar	0	—
Nepal	1	0.2
Niger	0	—
Nigeria	2	4.1
Pakistan	4	50.4
Peru	1	1.4
Philippines	0	—
Russian Federation	0	—
South Africa	4	13.4
Southern Africa (Botswana)	1	1.7
Southern Africa (Namibia)	1	5.7
Sri Lanka	0	—
Sudan	0	—
Tanzania	5	11.9
Uganda	6	89.9
Zambia	5	23.7
Zimbabwe	0	—

DFID also supports the development of basic education in many of the countries given in the table through its multilateral aid programme and grants to UK NGOS.

Our aim is to help build and sustain effective and equitable education systems which give priority to primary education for all. This requires a shift from the traditional projects-based approach to a sector-wide approach to education, with development agencies working together around a focused, agreed strategy drawn up by the Government of the country concerned. Uganda is a good example. In collaboration with five other donors and the Government of Uganda, DFID has played a key role in the establishment of a sector-wide approach to education, resulting in 1998 in its largest ever commitment to a programme in Africa (£67 million) towards the education sector support programmes. This will provide flexible budget support to the Government for five years.

Angola

Mr. Streeter: To ask the Secretary of State for International Development what assessment she has made of the current humanitarian situation in Angola. [124563]

Clare Short: The situation in Angola is serious. The UN estimate that about 3.7 million civilians are affected by the civil war.

The UK has provided over £2.5 million bilateral humanitarian assistance since the beginning of 2000. A lasting peace is desperately needed to enable Angolans to rebuild their lives.

Debt Relief

Mr. Streeter: To ask the Secretary of State for International Development if she will list *(a)* each country that had received 100 per cent. debt relief from Her Majesty's Government by 23 May and *(b)* how much aid has been cancelled in each case. [124059]

Clare Short: The Government announced in December 1999 that they will provide 100 per cent. relief for qualifying HIPC countries on their remaining debts owed to the ECGD. Aid debts have already been cancelled. This relief will be available, on a conditional basis, from Decision Point until Completion Point, when it will become irrevocable. By 23 May, Uganda, Bolivia, Mauritania, Tanzania and Mozambique had reached their Decision Point under the revised HIPC framework, and so qualified for full relief on their debts to ECGD.

The amount of debt that will be relieved under the 100 per cent. policy for each country will not be known until it reaches Completion Point. So far, only Uganda has reached Completion Point, and all of its remaining ECGD debt will be cancelled under the HIPC framework.

This assistance is additional to the aid provided under our existing bilateral programmes with HIPC countries.

Disaster Response

Mr. Streeter: To ask the Secretary of State for International Development what plans she has to improve the way that the international community responds to natural disasters. [124568]

Clare Short: My Department has been working since 1997 to strengthen and improve the three main elements of international disaster response. Firstly, we are working with the Red Cross Societies to improve their preparedness and response to disasters, specifically in poor countries. Secondly, we are working with United Nations organisations such as the Office for the Coordination of Humanitarian Affairs, the World Food Programme, United Nations Children's Fund and United Nations High Commission for Refugees, to improve their coordination and improve the speed and effectiveness of their responses. And, thirdly, we are working with the international non-governmental organisations to agree minimum standards of assistance that those affected by disasters can expect to receive.

Our aim is to build a better international humanitarian system but until that is achieved there is a role for donor Governments, such as the UK, to fill gaps in rapid direct response. Therefore my Department maintains an extensive capacity to respond to emergencies around the clock. The decision on whether an operational response is justified and, if so, in what form, is based on assessed needs on the ground and the operational resources available locally or regionally.

Seychelles

Dr. Tonge: To ask the Secretary of State for International Development, pursuant to her answer of 29 March 2000, *Official Report*, column 185W, on the Seychelles, how financial assistance provided by her Department for the Seychelles was spent in *(a)* 1996–97, *(b)* 1997–98 and *(c)* 1998–99. [123962]

Clare Short: Our financial assistance to the Seychelles during this period was as follows:

£

	1996–97	*1997–98*	*1998–99*
Technical Cooperation[1]	96,263	61,038	37,158
Heads of Mission Small Projects/Gifts	283,542	249,274	163,717
Financial Aid[2]	22,026	18,018	15,449
Disaster Relief	4,659	0	0
Total	406,490	328,330	216,324

[1] Includes personnel, training awards and scholarships

[2] Pensions

CULTURE, MEDIA AND SPORT

Millennium Dome

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport if he will list the sponsors of corporate hospitality events at the Dome. [119309]

Janet Anderson *[holding answer 17 April 2000]:* In the year to date, the official sponsors of the Millennium Experience account for the majority of bookings (47 per cent.) for corporate hospitality events. The bulk of the remaining bookings (30 per cent.) are made through NMEC's corporate hospitality partners: Business Pursuits; Cavendish Hospitality; Langston Scott Limited; Letheby & Christopher and Mark Butler Associates. A smaller number of one-off bookings (23 per cent.) from within NMEC and from charities and other third parties, such as the TUC, account for the remainder of the total. A significant number of this latter category of clients requested that details of their bookings remained private.

Mr. Redwood: To ask the Secretary of State for Culture, Media and Sport if he will publish the minutes of the meeting of the Millennium Commission at which it was decided to grant an additional £29 million to the Millennium Dome. [124480]

Mr. Chris Smith: This is a matter for the Millennium Commission. I will write to the right hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Digital Broadcasting

Mr. Rowlands: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the number of relay stations in Wales which will require conversion to deliver a comprehensive digital terrestrial service; and what estimate he has made of the cost of conversion. [123287]

Janet Anderson: The present digital terrestrial television transmitter network comprises 81 transmitter sites, of which nine are located in Wales. The Government will ensure that all viewers in Wales who presently receive analogue television will be able to receive the main free-to-air channels digitally, before the analogue transmissions are fully switched to digital. The ITC, BBC and the digital broadcasters are planning jointly the development of digital terrestrial television coverage across the UK. However, the joint project has not estimated how many analogue transmitters would have to be converted, or the associated cost, to replicate analogue terrestrial coverage in Wales or elsewhere in the UK.

Tourism (East Lancashire)

Mr. Pike: To ask the Secretary of State for Culture, Media and Sport what plans he has to promote tourism in East Lancashire. [123523]

Janet Anderson: The North West Tourist Board (NWTB) will receive £383,845 for tourism projects in the region from the English Tourism Council in 2000–01—an increase of 32 per cent. on the previous year. These projects include a series of research initiatives at both the regional and pan-regional levels that will provide an enhanced level of intelligence to the tourism industry of the region. East Lancashire, in common with all parts of

England, also benefits from the promotion work of the British Tourist Authority (BTA), which promotes Britain as a visitor destination in overseas markets. The BTA is receiving £37 million from my Department this year.

Tourism and culture in Lancashire have also benefited, both directly and indirectly, from the National Lottery (2,300 projects in the county have received awards totalling £468,716,329 according to the Department for Culture, Media and Sport's National Lottery Awards Database which uses information supplied by the distributing bodies).

Staff Secondments

Mr. Don Foster: To ask the Secretary of State for Culture, Media and Sport how many staff from his Department were seconded to private sector companies in *(a)* May 1997 to April 1998, *(b)* May 1998 to April 1999 and *(c)* May 1999 to April 2000; and if he will list in each case the companies to which staff were sent, the names and ranks of the staff involved and the duration of the secondment. [123429]

Mr. Chris Smith *[holding answer 24 May 2000]:* The information for staff seconded from my Department to private sector companies for the periods specified is as follows:

(a) For May 1997 to April 1998, one Grade A (Grade 7 equivalent) secondment since September 1997 which is still on-going.

(b) For May 1998 to April 1999, two Grade C staff (EO equivalent) secondments since May 1998 for two years and six months respectively.

(c) For May 1999 to April 2000, one Grade A secondment since May 1999 for a period of 3 years.

All secondments were to the New Millennium Experience Company.

Information on secondments of staff into the Department was provided in my answer to the hon. Member for Harrogate and Knaresborough (Mr. Willis) on 28 February 2000, *Official Report*, column 100W.

Dome Loan

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport when the latest Millennium Commission allocation of funds to the Dome will be repaid. [123849]

Mr. Chris Smith *[holding answer 25 May 2000]:* This is a matter for the Millenhium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Dome Sale

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport to which body or bodies proceeds of the sale of the Millennium Dome site will be payable. [123799]

Janet Anderson *[holding answer 25 May 2000]:* The proceeds from the sale of the Millennium Dome will be split between the New Millennium Experience Company (NMEC), as the owners of the Dome structure and contents, and English Partnerships, the Government agency that owns the Dome site and the surrounding land, to reflect the value of the assets for sale.

Film Classification

Mr. Pollard: To ask the Secretary of State for Culture, Media and Sport what external legal advice he has taken on the classification of films shown at a cinema as *(a)* goods and *(b)* services for the purposes of the Disability Discrimination Act 1995; and if he will make a statement. [123871]

Janet Anderson: My Department has not sought external legal advice on this issue. The view of the Government's legal advisers is that the films shown in cinemas are not covered by Part III of the Disability Discrimination Act 1995 (DDA) (the provisions relating to goods, facilities and services). However, cinema proprietors have the same responsibilities under Part III of the Act as other providers of services to the public. These provisions make it unlawful for service providers to discriminate against disabled people by: refusing them service; providing them service on worse terms; or providing a lower standard of service. In addition they must make reasonable adjustments when their services are impossible or unreasonably difficult for disabled people to use.

Laptops

Mr. Keith Simpson: To ask the Secretary of State for Culture, Media and Sport how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123732]

Mr. Chris Smith *[holding answer 25 May 2000]:* Since May 1997, five laptops have been lost. None have been stolen or reported stolen. None of the laptops were used by Ministers or special advisers.

Free Television Licences

Shona McIsaac: To ask the Secretary of State for Culture, Media and Sport how many pensioners over the age of 75 years are eligible for free TV licences in Cleethorpes constituency, broken down by electoral ward. [123876]

Janet Anderson: I would refer my hon. Friend to my answer to my right hon. Friend the Member for Alyn and Deeside (Mr. Jones) on 2 March 2000, *Official Report*, column 350W.

Millennium Commission

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport if he will publish the minutes of the Millennium Commission meeting on 22 May. [124061]

Mr. Chris Smith: This is a matter for the Millennium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport if he will set out the distinction between his role as Chairman of the Millennium

Commission and his role as Secretary of State, with particular reference to the avoidance of conflicting interests. [124062]

Mr. Chris Smith: The roles of Secretary of State for Culture, Media and Sport (previously National Heritage) and Chairman of the Millennium Commission are separate and distinct, but have run in tandem since the Millennium Commission was established in 1994. The Millennium Commission is an independent body, with the status of a body corporate. Each of the nine Commissioners, including myself as Chairman, have equal status.

Both roles are governed by strict rules covering conflicts of interest—namely the Ministerial Code: A Code of conduct and Guidance on Procedures for Ministers; and the Code of Conduct for members of the Millennium Commission.

Leisure Centres and Libraries (Access)

Caroline Flint: To ask the Secretary of State for Culture, Media and Sport what definition he uses of a reasonable distance when determining access to *(a)* a leisure centre and *(b)* a library. [124644]

Kate Hoey: No specific definition of distance is used to determine access to leisure centres. Sport England have established a Facilities Planning Model to help assess the extent of under provision of different kinds of sports facility. That model currently uses driving time rather than distance. It is currently being updated to take greater account of other modes of transport.

In respect of libraries, there is no generally agreed definition of reasonable distance from a library and information about the distance of people from their nearest library is not available. However, we launched a consultation paper, on 15 May, setting out draft standards for public libraries, and proposed there that

"all service points (i.e. central, branch and mobile libraries) should be located within reasonable travelling time for the majority of intending users regardless of their method of travel".

We further proposed as a draft standard that a reasonable travelling time would be 20 minutes. National measurements to assess performance against this standard are not currently available, but we will, during the coming year, be drawing on information from library authorities' work towards clarification of a reasonable travelling time, and its assessment.

Convicted Foreign Sportsmen

Ms Jenny Jones: To ask the Secretary of State for Culture, Media and Sport what representations he has received concerning the consequences for the staging of international sporting events in the United Kingdom of foreign sportsmen and women who have been convicted of a serious criminal offence being refused entry into the United Kingdom. [124460]

Kate Hoey: Neither I nor my right hon. Friend have received any representations on this particular matter.

This Government are committed to attracting major international sporting events to the UK and, in the usual way, we have signed undertakings to a number of international sports governing bodies on the entry of athletes and officials to the UK as part of the bidding process. These undertakings do not offer carte blanche entry to the UK for those associated with events, and cases will continue to be judged on an individual basis.

National Lottery (Computer Failures)

Mr. Maclennan: To ask the Secretary of State for Culture, Media and Sport what representations he has received from *(a)* Camelot, *(b)* OFLOT and *(c)* the National Lottery Commission on the failure of the National Lottery's computer system to award accurate payouts to prize winners; if he will ensure that the National Lottery operator makes good losses of prize money caused by computer failure; and if he will make a statement. [124358]

Kate Hoey: The National Lottery Commission (which took over OFLOT's functions on 1 April 1999) has a statutory duty to ensure that the National Lottery is run and promoted with all due propriety, and to protect the interests of players. It has kept officials and, through them, Ministers informed of the defect in the National Lottery software and of its on-going investigations. It will determine the appropriate course of action once all the facts have been established and fully considered, and make a further statement at that time.

I understand that Camelot has already said that it will reimburse the full amount not paid to winners. Where it can identify winners it will pay them direct and, where it cannot, it will liaise with the Commission over the best course of action.

New Opportunities Fund

Ms Julie Morgan: To ask the Secretary of State for Culture, Media and Sport how much money from the New Opportunities Fund has been allocated to Wales *(a)* in total and *(b)* as a percentage of total funding. [124463]

Kate Hoey: New Opportunities Fund money is allocated to England, Wales, Scotland and Northern Ireland on the basis of population levels and is weighted to reflect the level of deprivation in each country. The total amount allocated to Wales under the Fund's health, education and environment programmes is £91.4 million. This amount represents 6.5 per cent. of all UK funding (with the exception of the Information and Communications Technology (ICT) training programmes for teachers and librarians where slightly different proportions are used).

The Funding available to Wales under each of the programmes is as follows:

	£ million
ICT training for teachers and school librarians	12.65
ICT training for public library staff	0.870
Out of School Hours Child care	14.3
Out of School Hours Learning	13.3
Cancer prevention, detection, treatment and care	9.45
Healthy Living Centres	19.5
Community Access to Life Long Learning	13
Green Spaces and Sustainable Communities	8.12

To date, grants totalling £3.795 million have been made to 65 health and education projects applying from Wales. This includes 50 out of school hours child care projects, costing some £670,000 and creating 5,798 new child care places, and 15 out of school hours learning projects

totalling £3.125 million. In addition, ICT training to the value of £2.972 million has so far been provided to school teachers and librarians in Wales.

Ms Julie Morgan: To ask the Secretary of State for Culture, Media and Sport when the money from the New Opportunities Fund for cancer equipment will be available in Wales. [124464]

Kate Hoey: The £9.75 million of Lottery Funding available to Wales under the New Opportunities Fund's cancer detection, prevention, treatment and care programme will be distributed on the basis of applications, which will be invited in the autumn. The Fund's Board will consider these applications in November and the funding should be available to support agreed projects shortly thereafter.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Culture, Media and Sport on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124129]

Mr. Chris Smith: During the period 31 March 1999 to the end of March 2000, Special Advisers in this Department travelled overseas on five occasions.

Lottery-funded Projects

Mr. Gareth R. Thomas: To ask the Secretary of State for Culture, Media and Sport what action he is taking to encourage lottery-funded projects to use energy from renewable sources. [124679]

Kate Hoey: My right hon. Friend the Secretary of State has issued policy directions to all distributors which require them to take into account the need to further the objectives of sustainable development in awarding grants. Distributors therefore expect projects to be sensitive to the needs of the environment and the use of natural resources.

SOCIAL SECURITY

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Social Security on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124114]

Mr. Rooker: During the period 31 March 1999 to the end of March 2000, Special Advisers in this Department travelled overseas on two occasions.

Occupational Pension Schemes

Mr. Field: To ask the Secretary of State for Social Security how many people are in *(a)* defined benefit private sector occupational pension schemes and *(b)* defined contribution private sector occupational pension schemes. [124508]

Mr. Rooker: The latest figures that are available are for 1995.

It is estimated that there are 4.7 million active members in defined benefit private sector occupational pension schemes and about 1.1 million active members of defined contribution private sector occupational pension schemes. Additionally, there are about 0.3 million active members of private sector occupational pension schemes which have elements of both defined benefits and defined contributions.

There are an estimated 5.2 million former members with preserved pension rights in private sector occupational pension schemes. A breakdown between defined benefit and defined contribution schemes is not available. Some former members may now also be active members in another occupational pension scheme.

Source:

Government Actuary's Department

Additional Pension Entitlement

Mr. Beggs: To ask the Secretary of State for Social Security (1) if additional pension entitlement based on earnings will be calculated automatically; or if each pensioner will be requested to claim individually; [124200]

(2) how many pensioners in receipt of basic rate state pension are awaiting re-assessment of additional pension entitlement based on earnings; [124199]

(3) when additional pension processing will be completed; and if there will be retrospective payment of additional pension based on earnings. [124201]

Mr. Rooker: The additional pension (SERPS) component of a State Retirement Pension is calculated automatically by the National Insurance Recording System (NIRS) computer. There is no need for a pensioner to request separately payment of SERPS—completion of one claim form suffices for all components which can make up a pension with the exception of a claim for a dependency increase when a separate claim form must be completed.

Most people who are entitled to both basic pension and additional pension (SERPS) have that entitlement available to receive in time for their first pension pay day. There are however about 60,000 claims a year where NIRS has not been able to supply the SERPS rate. The principal reason for this is the existence on the person's National Insurance account of a discrepancy regarding the time they were contracted out of SERPS. That discrepancy must be resolved before NIRS can provide the SERPS rate. Putting right the discrepancy falls to the Inland Revenue's Contracted Out Employments Group (COEG) but the delayed implementation of NIRS2 has meant they have not until recently been able to do this. As a result the Benefits Agency and COEG have carried out clerical calculations to ensure that as far as possible pensioners receive their SERPS entitlements on time. There are 22,000 claims waiting for a clerical calculation. The Benefits Agency expects to complete its recovery from the effects of the delayed implementation of NIRS2 by the end of this year including cases where there has been a delay in processing the additional pension (SERPS). All clerical calculations will be compared with the NIRS2 calculations. Any which are wrong will be revised and full arrears paid if there has been an underpayment along with any compensation if all the

conditions of the DSS Special Payments Scheme are satisfied. Any overpayments incurred will not be recovered although the awards will have to be revised.

Winter Fuel Allowance

Shona McIsaac: To ask the Secretary of State for Social Security what estimate he has made of the number of men aged 60 to 65 years in Cleethorpes constituency who are entitled to winter fuel allowance. [123877]

Angela Eagle: The Department does not hold sufficient data to enable us to determine the number of men aged between 60 and 64 years in the Cleethorpes constituency.

We are not able to identify all those people between 60 and 64 who may not have had any need to contact the Department and who are not receiving a Social Security benefit. However, claim forms are in the process of being issued to those people whom we think may be eligible and whom we can identify from the Department's records. A publicity campaign will run to ensure that those people who do not get a claim form are encouraged to claim.

Mr. David Taylor: To ask the Secretary of State for Social Security what advice leaflets have been issued to (i) DSS offices and (ii) the general public in relation to the operation of the winter fuel scheme as revised by the announcement of 11 April. [123718]

Angela Eagle: Departmental local offices have been kept up to date with changes to the winter fuel payment scheme by means of a series of internal bulletins issued between January and May. The public are being kept informed through a number of means. We are in the process of contacting people who we think are eligible for backdated payments, and whom we can identify. In addition, information and advertising started in April and will run until Christmas. The campaign will aim to ensure that newly eligible people know what the arrangements are for claiming backdated payments resulting from the revised eligibility rules. It will also provide information about the operation of the scheme next winter.

The provision of a leaflet for the general public will be timed to ensure that it has the maximum possible impact on their awareness in the period prior to next winter's qualifying week. Current thinking is that the best time to issue the leaflet will be in either late August or early September.

Mr. David Taylor: To ask the Secretary of State for Social Security which categories of women aged 60 or over during the week ending 24 September 2000 who are living in their own houses and are not subject to immigration control will not be included in the winter fuel scheme. [123719]

Angela Eagle: All households where there is someone with the characteristics set out in the question will receive an appropriate payment. For administrative reasons, in the case of older couples receiving Income Support or income-based Jobseeker's Allowance, the winter fuel payment of £150 is paid to the claimant in the same way as weekly payments of benefit. So partners of Income Support or income-based Jobseeker's Allowance claimants who are aged 60 or more do not receive an individual payment. Partners in couples receiving Income Support or income-based Jobseeker's Allowance are the only group to whom this arrangement applies.

Mrs. Curtis-Thomas: To ask the Secretary of State for Social Security how many pensioners in Crosby received winter fuel payments in *(a)* 1998–99 and *(b)* 1999–2000; and how much was paid in total. [123530]

Angela Eagle: The information is in the table.

Pensioners in receipt of winter fuel payments in Crosby and Great Britain

	Crosby		National	
	Number of recipients	Amount (£)	Number of recipients	Amount (£)
1998–99	14,812	283,690	10,191,367	198,549,440
1999–2000	14,892	1,114,500	10,224,698	773,890,550

Notes:

1. Pensioners are defined as women over 60 and men either over 65 or over 60 and in receipt of Income Support or Jobseeker's Allowance.
2. Constituency boundary as at May 1997.

SEMA

Mr. Caton: To ask the Secretary of State for Social Security for what reason the Benefits Agency does not publish the standards and scope of services required in its contract with SEMA. [120694]

Mr. Bayley: The contract with SEMA remains confidential for commercial reasons. However, I have placed in the House of Commons Library a document setting out the standards and scope of services required by the Benefits Agency in the contract. A periodic report issued by the Medical Quality Surveillance Group, chaired by the Department's Chief Medical Adviser, will also be published. This report will describe SEMA's performance against these standards.

State Earnings-related Pension

Dr. Tony Wright: To ask the Secretary of State for Social Security what estimate he has made of the cost of exempting all persons who have already reached pensionable age from the reduction in SERPS entitlements contained in the provisions of the Social Security Act 1986. [123575]

Mr. Rooker: The estimated cost of exempting all persons who had reached pensionable age by April 2000 from the change in the rate of SERPS inheritance that was due to have taken effect at that time is estimated at £7,100 million. This excludes the effect of other changes to SERPS also introduced by the 1986 Act.

The cost was estimated by the Government Actuary's Department (GAD) and is expressed as the net present value of the annual figures from 2000–01 to 2050–51 in 1999–2000 prices, discounted at an annual real rate of 6 per cent. It has been prepared on a basis which is consistent with the latest GAD Quinquennial Review.

Research Projects

Mr. Bercow: To ask the Secretary of State for Social Security if he will list those research projects funded by his Department at the *(a)* Bologna Centre, *(b)* College of Europe and *(c)* European University Institute; and what the cost of each such project is. [123605]

Angela Eagle: The Department is not funding any research projects at the Bologna Centre, the College of Europe or the European University Institute.

Northern Region (Relocations)

Mr. Steinberg: To ask the Secretary of State for Social Security if he will list the executive agencies, non-departmental public bodies and local public spending bodies for which his Department is responsible that have been transferred since 1992 or are planned to be transferred *(a)* to and *(b)* from the Northern Region. [123410]

Mr. Rooker: The Headquarters and some central financial/accounting functions of the Child Support Agency were transferred to Newcastle upon Tyne in May 1997.

The Occupational Pensions Board, based at Newcastle, was dissolved in March 1997 and the Occupational Pensions Regulatory Authority (OPRA) established in Brighton. Responsibility for the Pensions Scheme Registry was transferred to OPRA but remains sited in Newcastle.

Note:

"Northern Region" is defined as the area covering the Government offices for the North-East and Cumbria.

Pain Management (Funding)

Mr. Hammond: To ask the Secretary of State for Social Security what discussions he has held with the Secretary of State for Heath regarding the impact of pain management funding decisions on social security expenditure. [124359]

Mr. Bayley: We frequently discuss issues concerning health and disability with colleagues in the Department of Health and elsewhere as appropriate.

Single Room Rent

Mr. Burstow: To ask the Secretary of State for Social Security, pursuant to his answer of 14 March 2000, *Official Report*, column 147W, on the single room rent, when the single room rent was introduced *(a)* what was the methodology used to estimate the yearly savings, *(b)* whether these savings have been achieved and *(c)* what estimate has been made of the likely cost of abolishing the single room rent. [123531]

Angela Eagle: The Single Room Rent restriction was introduced in October 1996 by the previous Administration. The reasons, rationale and assumptions for making the change were set out by them in Command Paper (Cm 3225). The estimated savings have been achieved.

The estimated cost of abolishing the Single Room Rent can only be given as a range, because the figures depend on behavioural changes by young people and landlords which are difficult to quantify. For example we need to include the effects of additional household formation. Subject to these caveats, we estimate it could cost up to £160 million. Based on current data, we estimate that the cost of removing the Single Room Rent restriction in 2001–02 would be £140 million.

CABINET OFFICE

Agriculture and Environment Biotechnology Commission

Mr. Gareth R. Thomas: To ask the Minister for the Cabinet Office when she will announce the membership of the Agriculture and Environment Biotechnology Commission. [124371]

Marjorie Mowlam: I am pleased to announce that the Agriculture and Environment Biotechnology Commission (AEBC) is being launched today with Professor Malcolm Grant, Department of Land Economy, University of Cambridge as Chair.

The Commission will provide the Government with independent strategic advice on biotechnology issues that have an impact on agriculture and the environment, including ethical and acceptability issues. It will report to me and to my colleagues in the Devolved Administrations. Its members have a breadth of backgrounds and skills, ranging from experience of consumer and green issues to farming, science, ethics and industry. A complete list of the members and the Commission's terms of reference have been placed in the Libraries of the House.

Special Advisers

Mr. Tyrie: To ask the Minister for the Cabinet Office on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124122]

Mr. Stringer: I refer the hon. Member to the answer given to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) on 8 May 2000, *Official Report*, column 315W.

Opinion Research

Mr. Lansley: To ask the Minister for the Cabinet Office (1) how much her Department spent on opinion research in the financial year 1999–2000; [123073]

(2) if she will list the opinion research projects undertaken on behalf of her Department in the financial year 1999–2000, broken down by *(a)* focus group research, *(b)* quantitative surveys and *(c)* other market research surveys, listing in each case when and in what form the results were published. [123074]

Marjorie Mowlam: During the 1999–2000 financial year, my Department let contracts for opinion research with a total value of £316,000 (excluding VAT). The table gives the subject and publication details of each piece of research.

Subject	Type of research	Publication date	Publication details
Staff survey for the Cabinet Office	Other market research surveys	1 July 1999	Published in booklet form and electronically within Cabinet Office. Available on request to those outside the Department
People's Panel: Public expectations for Service Standards	Quantitative surveys	15 July 1999	Summary of results widely published in newsletter. Publication announced by inspired PQ and press release. Copies of summary and report placed in House Libraries and published on the Cabinet Office website (www.cabinet-office.gov.uk)
Government Car Service customer satisfaction survey	Quantitative surveys	26 July 1999	Government Car and Despatch Agency Annual Report and Accounts 1999–2000
People's Panel: to help prepare a new directory bringing together information for main government help-lines	Focus group research	October 1999	Report published on Cabinet Office website and announced by press release
Attitudes to public services in deprived and non-deprived areas	Quantitative surveys	Not published	The results are informing the development of a final national strategy for neighbourhood renewal
People's Panel: Analysis of the views of older people from the first three waves of Panel research	Other market research surveys	January 2000	Summary of results widely published in newsletter. Publication announced by press release. Copies of summary and report placed in House Libraries and published on the Cabinet Office website
Central IT Unit Portal Demonstrator	Focus group research	April 2000	CITU website (www.citu.gov.uk)
People's Panel: To test demand for extended delivery of public services 24 hours a day, seven days a week	Focus group research, Quantitative surveys	3 April 2000	Summary of results widely published in newsletter. Publication announced in PQ answer and press release. Copies of summary and report placed in House Libraries and published on the Cabinet Office website
People's Panel: Public awareness of Charter Mark Award Scheme	Quantitative surveys	3 April 2000	Summary of results widely published in newsletter. Publication announced by inspired PQ and press release. Copies of summary and report placed in House Libraries and published on the Cabinet Office website
Pursuit and seizure of criminal assets	Quantitative surveys	To be published	The results will be incorporated in to the Performance and Innovation Unit report which is due to be published shortly
People's Panel: Recruitment of ethnic minority booster	Quantitative surveys	To be published	
Modernising Government research	Quantitative surveys, Other market research surveys	Not for publication	
Charter Mark interviews	Other market research surveys	Survey not yet completed	
An evaluation of EFQM Excellence Model in UK public sector	Quantitative surveys	Survey not yet completed	
Strategic options for the electronic delivery of government services	Other market research surveys	Survey not yet completed	The Completed survey will be incorporated into the final report that is fully expected to be published to the public
Government Car and Despatch Agency-wide customer satisfaction survey	Quantitative surveys	Survey not yet completed	

Research Studies, Audits and Surveys

Mr. Maclennan: To ask the Minister for the Cabinet Office if she will list the title of research studies, audits and surveys *(a)* being undertaken and *(b)* commissioned by her Department for completion within 2000, stating in each case when the results are due to be published; and when she will publish the Government's response to the Sixth report of the Committee on Standards in Public Life. [122116]

Marjorie Mowlam: The information relating to research studies, audits and surveys is not held centrally and can be obtained only at disproportionate cost.

The Government's response to the Sixth Report of the Committee on Standards in Public Life is being prepared and will be presented to Parliament before the summer recess.

Drugs Trade

Mr. Cohen: To ask the Minister for the Cabinet Office what assessment the UK Anti-Drugs Co-ordinator has made of the extent to which nightclub security firms *(a)* are involved in the drugs trade and *(b)* restrict the trade in drugs; and if she will make a statement. [124099]

Mr. Ian McCartney: The UK Anti-Drugs Co-ordinator has not made any such assessments. The Police Research Group report, "Clubs, Drugs and Doormen" published in 1998, highlighted how serious a problem drugs could be in clubs when door staff are involved in drug dealing. The Co-ordinator has held meetings with parties involved in this sector and has encouraged the work of industry bodies such as the British Entertainment and Discotheque Association and partnerships between local authorities, the police, Drug Action Teams, venue managers and owners to disrupt the selling of drugs in venues, improve the standard of security staff and club mangers, and challenge the corrupting influence which drug dealing can have on door supervision, and supported their efforts to ensure that dance events are as safe and well organised as possible. The Anti-Drugs Co-ordinator supports the Government's proposed legislation to regulate the private security industry, including the licensing of security staff employment in night clubs and similar premises.

Mr. Cohen: To ask the Minister for the Cabinet Office what plans she has for legislation to *(a)* vet employees, managers and directors of nightclub security firms in respect of involvement in the drugs trade, *(b)* require cancellation of their contract if drugs are brought into nightclubs by them or their employees and *(c)* counter the drugs trade in nightclubs in other ways; and if she will make a statement. [124100]

Mr. Ian McCartney: My right hon. Friend the Home Secretary last year published a White Paper, "The Government's Proposals for Regulation of the Private Security Industry in England and Wales". This proposed that people employed in the private security industry, including those in managerial and supervisory positions and directors, should require a licence from a new Private Security Industry Authority. The licensing process would include a criminal record check. These proposals specifically included security staff employed in night clubs and similar premises. Responses received to the White Paper have been under consideration and my right hon. Friend will announce his conclusions shortly. We have made it clear that we intend to introduce legislation to regulate the private security industry as soon as parliamentary time permits.

Government Service Dismissals

Mr. Matthew Taylor: To ask the Minister for the Cabinet Office how many people have been dismissed from Government service in each of the last five years, broken down by principal cause of dismissal; and what proportion of total Government employees this represents in each year. [122514]

Mr. Stringer: The numbers and proportion of staff dismissed from the non-industrial Civil Service over the last five years, by principal cause of dismissal are set out in the table.

Dismissal/discharge 1994–95 to 1998–99 by cause of dismissal

	Number of staff dismissed/discharged			*Proportion of staff dismissed/discharged (percentage)*		
Year	*All*	*Inefficiency*	*Disciplinary*	*All*	*Inefficiency*	*Disciplinary*
1994–95	880	550	330	0.18	0.11	0.07
1995–96	750	400	350	0.16	0.08	0.08
1996–97	870	450	420	0.19	0.10	0.09
1997–98	650	350	300	0.15	0.08	0.07
1998–99	590	300	290	0.14	0.07	0.07

Source:
Mandate and Cabinet Office estimates

Performance and Innovation Unit

Mr. Lidington: To ask the Minister for the Cabinet Office when the report of the Performance and Innovation Unit on the pursuit and seizure of criminal assets, following the recommendation of the Third report of the Home Office Working Group on Confiscation was completed; what action she proposes to take following the report; what discussions *(a)* she, *(b)* Ministers in her Department and *(c)* her officials have had with (i) the Secretary of State for the Home Department, (ii) the hon. Member for Norwich, South, (iii) the Prime Minister and (iv) officials in the Home Department regarding the report; if she will place a copy of the report in the Library; and if she will make a statement. [123790]

Marjorie Mowlam: The Prime Minister commissioned the Performance and Innovation Unit to carry out a study into the "Pursuit and Seizure of Criminal Assets" last year. This was announced on 21 October 1999, *Official Report*, column 630W, by my right hon. Friend the Prime Minister, in reply to a question from my hon. Friend the Member for Stafford (Mr. Kidney). My right hon. Friend the Minister of State, Cabinet Office is sponsor Minister for this study.

The study, which is now nearing completion, has had the strong support of my right hon. Friend the Home Secretary and the Minister of State, Home Office, my hon. Friend the Member for Norwich, South (Mr. Clarke). Home Office officials have been closely involved, as have officials of other Government Departments.

The final report will be published shortly and copies will be placed in the Libraries of the House.

TRADE AND INDUSTRY

Cosmetics (Marketing Ban)

Mr. Baker: To ask the Secretary of State for Trade and Industry for what reasons the UK voted in favour of a postponement of an EU marketing ban on cosmetics tested on animals on 5 May. [124052]

Dr. Howells: The Government are very serious about animal welfare, and already have a voluntary ban on testing on animals of cosmetic products and cosmetic ingredients. However, Government policy is to ensure not only a strong commitment to animal welfare but that our regulatory framework is in full compliance with our WTO obligations. Internal advice has confirmed the European Commission's assessment that a marketing ban would risk challenge under World Trade Organisation (WTO) rules. In addition, there were concerns that the 6th Amendment would be legally and practically unenforceable.

A 7th Amendment to the cosmetics directive has recently been transmitted to the Council and European Parliament by the European Commission. This Amendment aims to introduce a ban on animal testing in the EU rather than a marketing ban and is WTO compatible. The two-year deferment of the entry into force of the 6th Amendment should allow sufficient time to enable the 7th Amendment to be adopted. I believe that the 7th Amendment will offer a better level of animal welfare in the EU as a marketing ban would have offered as it will introduce a total ban in the EU on animal testing (in relation to cosmetic products and the ingredients contained therein).

On 5 May EU member states voted unanimously (one member state abstained) in favour of deferring the entry into force of the 6th Amendment of the cosmetics directive.

European Young Consumer Competition 2000

Mr. Bercow: To ask the Secretary of State for Trade and Industry if he will make a statement on the *(a)* purpose and *(b)* funding of the European Young Consumer Competition 2000. [123604]

Dr. Howells: *(a)* I fully support the purpose of the competition to encourage young people to become more enlightened consumers and communicators so that they can play an effective part in the community at home and abroad. That said, it is up to individual schools and teachers to decide whether to take part.

(b) The competition is funded by the European Commission.

Daewoo Technical Centre

Mr. Peter Bottomley: To ask the Secretary of State for Trade and Industry if he will make a statement on the discussions his Department has had on the Daewoo Technical Centre in Worthing. [124458]

Mr. Caborn: The Government are keeping closely in touch with developments affecting Daewoo Motors given its significant investment in the UK, in particular at the Worthing Technical Centre. Decisions about the future of the Centre are a commercial matter for the company, but my officials have had regular contact with the Centre as a part of their sponsorship responsibilities.

Coalfield Regeneration

Mr. Caton: To ask the Secretary of State for Trade and Industry if he will utilise part of the share of surpluses generated by the Mineworkers' Pension Scheme and British Coal Staff Superannuation Scheme, taken by the Government, to help regenerate coalfield community areas. [123461]

Mrs. Liddell *[holding answer 23 May 2000]:* Surpluses in the former British Coal pension schemes are split 50/50 between the membership of the schemes and the DTI, in its role as guarantor to the schemes.

In accordance with the Coal Industry Act 1994 (Sch. 5, paragraph 2(10)), all surpluses received by the Secretary of State must be paid into the Consolidated Fund. The DTI has no statutory powers to divert pension surpluses for regeneration.

The Government are already providing substantial funds to meet the commitments made in response to the Coalfields Task Force Report and indeed we announced in December 1998 a comprehensive investment package for coalfield areas worth £354 million over three years. In addition, the Secretary of State announced on 17 April the intention to make substantial sums available to the coal industry in the form of subsidy.

Ilisu Dam

Ann Clwyd: To ask the Secretary of State for Trade and Industry what action he is taking to ensure that those people who will be displaced by the Ilisu Dam project in Turkey will be consulted beforehand. [124180]

Mr. Caborn: The process of consultation of the local population, by consultants appointed by the Project Owner DSI, commenced in December 1999 and this process is continuing. We await the production of a Resettlement Action plan.

In order to provide additional professional assistance to DSI in the planning of resettlement and compensation, the Swiss Export Credit Agency, as the leader of the eight agencies involved of which the UK is one, has recruited Dr. Ayse Kudat for an initial period of two years. Dr. Kudat is an eminent environmental sociologist, and was until this month a senior staff member at the World Bank.

The expertise of Dr. Kudat will help ensure that the resettlement programme will reflect internationally accepted practice, which is the first of the four requirements set out in the announcement made by my hon. Friend the Secretary of State for Trade and Industry on 21 December 1999.

Ann Clwyd: To ask the Secretary of State for Trade and Industry (1) which Departments of Government were

consulted on *(a)* human rights and *(b)* sustainable development issues relating to the Ilisu Dam; and on what dates; [124183]

(2) when the Foreign and Commonwealth Office was consulted about the human rights implications of providing ECGD cover for the Ilisu Dam in Turkey; and what advice it gave; [124184]

(3) which Departments of Government were consulted about the advisability of providing ECGD cover for the building of the Ilisu Dam; and on what dates. [124182]

Mr. Caborn: The following Departments have been consulted about relevant aspects of the proposed Ilisu Dam project: H.M. Treasury, Department of Trade and Industry, British Trade International, Foreign and Commonwealth Office, Department for International Development, Department of the Environment, Transport and Regions and Department for Culture, Media and Sport. These exchanges began in January 1999, although DCMS were not involved until later. ECGD continues to maintain regular contact with FCO, DTI, DETR, DCMS and British Trade International. DFID has not been involved since July 1999, as Turkey is not one of their key partner countries.

There were intensive exchanges of correspondence between the Ministers most concerned during November and December 1999 prior to the announcement made by my right hon. Friend the Secretary of State for Trade and Industry on 21 December 1999.

Research Councils

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry (1) for which areas of research covered by each Research Council the budget has contracted in each year since 1994; [122134]

(2) what the breakdown was of the funding of each Research Council by main programme of activity in each year since 1994. [122132]

Ms Hewitt: The evolving nature of the Research Councils' programmes makes it impossible to provide consistent expenditure figures for all programme areas over the period requested. In particular, the Economic and Social Research Council established a new set of themes in 1995–96 and the Medical Research Council made major changes to the structure of its portfolio in 1995–96 and again in 1999–2000. The available information for each of the six Councils is set out, in cash terms, in the table.

Research Councils: spend on programmes from 1994–95 to 1999–2000

£ million

	1994–95	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*
BBSRC						
Agri-Food	35.0	33.6	37.0	34.2	33.0	33.1
Biomolecular Sciences	19.6	20.2	21.3	24.7	28.7	30.2
Genes and Developmental Biology	22.6	24.8	26.8	24.7	27.3	28.5
Plant and Microbial Sciences	26.8	25.0	24.4	26.3	26.7	28.0
Animal Sciences	17.5	16.3	16.9	25.0	21.3	21.5
Biochemistry and Cell Biology	20.2	20.3	19.2	18.3	19.4	20.4
Engineering and Biological Systems	14.8	16.4	18.8	16.1	14.8	15.0
	156.4	156.6	164.3	169.3	171.2	176.7
EPSRC						
Engineering	80.2	79.8	85.8	89.8	93.0	96.2
Chemistry	32.8	36.0	37.8	37.6	33.3	43.4
Maths	11.4	12.0	13.3	12.2	12.2	14.1
Physics	25.6	22.8	25.0	24.2	25.1	32.9
Materials	56.0	53.6	54.4	49.3	46.6	46.4
IT and Computing	56.9	57.0	60.0	59.3	58.7	59.0
Other	85.3	80.7	75.5	87.5	82.8	86.7
	348.2	341.9	351.8	359.9	351.7	378.7
ESRC						
Pre 1995–96	34.8	—	—	—	—	—
Research Grants	13.1	13.7	14.3	13.4	15.0	13.4
Innovation	6.3	4.9	5.8	6.2	5.0	6.3
Economic Performance and Development	—	5.6	5.5	5.6	5.7	6.0
Environment and Sustainability	—	2.6	2.7	3.1	3.7	3.4
Globalisation, Regions and Emerging Markets	—	3.1	3.2	3.1	3.3	3.4
Governance, Regulation and Accountability	—	2.9	3.0	3.7	4.0	4.0
Technology and People	—	3.0	3.1	3.3	2.5	3.5
Knowledge, Communication and Learning	—	2.9	3.0	3.3	5.3	3.4
Lifespan, Lifestyles and Health	—	3.9	4.1	4.6	4.8	5.3
Social Inclusion and Exclusion	—	3.9	4.1	4.6	7.2	4.4
Non-theme training, resources and policy	0.5	9	8.9	8.3	7.2	10.3
Taught Courses	4.3	6.1	6.1	6.1	4.6	6.8
	59.0	61.6	63.7	65.3	68.3	70.2
MRC						
Inheritance and development	32.0	—	—	—	—	—
Systems	36.0	—	—	—	—	—
Organs and cancer	15.0	40.0	42.0	40.0	45.0	—

Research Councils: spend on programmes from 1994–95 to 1999–2000

£ million

	1994–95	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*
Molecules and cells	57.0	60.0	63.0	61.0	65.0	—
Infections	54.0	56.0	56.0	59.0	64.0	—
Nutrition and environment	19.0	18.0	12.0	10.0	12.0	—
Genetics	—	37.0	40.0	45.0	47.0	—
Health	—	11.0	13.0	16.0	18.0	—
Neuroscience and mental health	57.0	54.0	51.0	54.0	58.0	63.0
Cell Biology	—	—	—	—	—	57.0
Genetics, molecular structure and dynamics	—	—	—	—	—	57.0
Immunology	—	—	—	—	—	65.0
Medical physiology	—	—	—	—	—	55.0
People	—	—	—	—	—	40.0
	270.0	276.0	277.0	285.0	309.0	337.0
NERC						
Atmospheric Science	6.6	9.3	8.1	7.9	7.2	7.9
Earth Observation	7.4	9.7	7.8	11.5	10.0	10.7
Earth Science	31.4	29.8	35.6	34.4	34.7	36.0
Marine Science	36.4	42.0	34.6	35.2	39.4	40.9
Terrestrial and Freshwater Sciences	32.8	36.7	32.6	34.7	39.9	39.3
Polar Sciences	24.9	28.1	28.7	28.6	28.7	32.0
Technology Transfer and taught courses	6.7	9.3	7.8	7.6	7.9	8.7
Other	1.1	4.6	3.2	2.7	4.0	3.7
	147.2	169.5	158.5	162.6	171.9	179.2
PPARC						
Astronomy	82.1	90.0	91.6	91.5	90.8	90.5
Particle Physics	80.3	88.4	89.9	81.9	95.8	76.2
Education and Training	6.3	7.1	7.6	8.1	7.9	10.0
Exchange rate variation and restructuring	10.4	17.2	24.4	16.4	14.6	10.0
	179.0	202.7	213.5	197.9	209.1	186.7

Strictly speaking, there are no programme areas where the expenditure has diminished in each year over the period, although the Councils have increased the budgets for high priority programmes at the expense of certain others. For example, the Biotechnology and Biosciences Research Council has significantly enhanced its support for biomolecular science over the period, while keeping some other programmes broadly level in cash terms.

The uneven spend on PPARC particle physics is largely due to the timing of payments of the UK subscription to the CERN laboratory in Geneva.

Further details of individual programmes can be found in the Councils' Annual Reports, copies of which are in the Library.

Export Credits Guarantee Department

Mr. Cohen: To ask the Secretary of State for Trade and Industry, pursuant to his answer to the hon. Member for Twickenham (Dr. Cable) of 28 February 2000, *Official Report*, column 49W, on ECGD, what types of goods are covered, broken down by category of equipment, by ECGD guarantee issued in respect of a defence-related contract with Saudi Arabia in 1997–98 and 1998–99. [123828]

Mr. Caborn: All ECGD guaranteed defence business with Saudi Arabia in these years is included against the "aircraft" heading in the table to which my hon. Friend refers.

Business Links

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry if he will estimate the *(a)* number of additional jobs created, *(b)* increase in turnover, *(c)* increase in profits, *(d)* growth in net assets and *(e)* growth in exports, as a result of Business Links since 1994. [123536]

Ms Hewitt *[holding answer 24 May 2000]:* The most recent estimation we have of Business Link impact is from the Business Link Value for Money Evaluation, which relates to the period 1994 to 1997. This study was carried out in 1998 by independent consultants and is available from the House of Commons Library.

It estimated that, during this period, the support provided by Business Links was responsible for generating more than 8000 jobs, £1 billion extra turnover, £30 million extra profits, £145 million extra net assets and £400 million extra exports nationally.

Small Firms Loan Guarantee Scheme

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what plans there are to integrate the Small Firms Loan Guarantee Scheme into the Enterprise Fund. [123551]

Ms Hewitt *[holding answer 24 May 2000]:* The Enterprise Fund consists of a number of discrete individual elements, one of which is the Small Firms Loan Guarantee Scheme. The Scheme, which continues to run as before, became an integral part of the Enterprise Fund when the Fund was launched in December 1998.

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry how many small loans have been guaranteed by region and as a percentage of all businesses in each region in each year since the inception of the Small Firms Loan Guarantee Scheme. [123549]

Ms Hewitt *[holding answer 24 May 2000]:* The total number of loans guaranteed under the Small Firms Loan Guarantee Scheme, by region, and as a percentage of all VAT registered businesses in each region in each year since inception are shown in the tables.

Number of guarantees

	North East	North West	Yorkshire and The Humber	West Midlands	East Midlands and East of England	London and the South East	South West	Scotland	Wales	Northern Ireland
1981–82	106	431	255	348	231	1,268	306	211	185	10
1982–83	269	887	451	513	385	2,245	589	327	325	54
1983–84	244	596	431	381	296	1,852	399	438	162	88
1984–85	74	204	154	168	117	870	172	218	62	42
1985–86	32	54	20	33	37	207	66	63	22	9
1986–87	34	111	64	93	84	391	120	88	39	18
1987–88	76	156	107	95	75	377	151	81	75	29
1988–89	179	275	211	187	144	715	213	127	182	33
1989–90	213	371	244	245	256	1,064	350	152	204	24
1990–91	207	389	248	228	338	1,201	389	135	183	26
1991–92	161	271	164	191	305	1,047	472	128	150	13
1992–93	90	191	169	196	306	689	373	104	146	9
1993–94	136	260	270	332	517	1,240	617	245	205	29
1994–95	204	496	458	496	799	2,121	959	323	310	41
1995–96	261	650	543	652	868	2,469	1,156	464	347	74
1996–97	278	584	498	672	1,270	1,821	979	434	330	76
1997–98	170	387	396	514	999	1,222	685	440	227	41
1998–99	190	370	386	458	831	1,000	605	408	197	37
1999–2000	169	371	361	416	770	897	529	526	218	22

Source:
SFLGS database

Number of guarantees as a percentage of all VAT registered businesses

	North East	North West	Yorkshire and The Humber	West Midlands	East Midlands and East of England	London and the South East	South West	Scotland	Wales	Northern Ireland
1981–82	.27	.29	.24	.30	.16	.30	.24	.21	.25	.02
1982–83	.68	.59	.42	.43	.26	.52	.45	.32	.43	.12
1983–84	.61	.40	.39	.32	.20	.42	.30	.42	.21	.19
1984–85	.18	.13	.14	.14	.08	.19	.13	.21	.08	.09
1985–86	.08	.03	.02	.03	.02	.04	.05	.06	.03	.02
1986–87	.08	.07	.06	.07	.05	.08	.09	.08	.05	.04
1987–88	.18	.10	.09	.07	.05	.08	.11	.07	.10	.06
1988–89	.42	.18	.18	.14	.09	.14	.14	.11	.23	.07
1989–90	.49	.23	.20	.18	.15	.19	.23	.13	.25	.05
1990–91	.45	.23	.20	.16	.19	.21	.24	.11	.21	.05
1991–92	.34	.16	.13	.13	.16	.17	.29	.10	.17	.02
1992–93	.20	.12	.14	.14	.17	.12	.24	.09	.18	.02
1993–94	.31	.16	.23	.24	.30	.22	.41	.21	.25	.05
1994–95	.46	.30	.37	.36	.29	.44	.63	.27	.39	.08
1995–96	.60	.41	.45	.48	.32	.51	.77	.39	.45	.14
1996–97	.65	.37	.42	.50	.48	.38	.66	.37	.43	.14
1997–98	.40	.25	.34	.38	.37	.25	.47	.37	.30	.08
1998–99	.45	.23	.33	.34	.31	.20	.41	.34	.26	.07
1999–2000	.40	.23	.31	.31	.28	.17	.35	.44	.29	.04

Notes:
1. Large increases in the VAT registration threshold in 1991 and 1993 mean figures before and after these years are not wholly comparable.
2. SFLGS figures are financial year, VAT figures are calendar year.
3. Regional split reflects reporting requirements for the Industrial Development Act 1982 Annual Report.

Source:
SFLGS database; DTI Statistical Bulletin 99/111

Websites

Mr. Maclennan: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 2 May 2000, *Official Report*, column 21–23W, on websites (1) if he will name *(a)* the websites delivering the objectives of the Department but run and financed by private sector companies and *(b)* the companies running those sites; if he will estimate the market value of the services rendered to his Department by the companies running these websites; if the companies running the sites have their services acknowledged on the site; what his estimate is of the market value to the companies of such acknowledgement; and what mechanisms are in place to ensure that his Department does not seem to endorse any inappropriate advertisers on such sites; [122744]

(2) if he will name *(a)* the websites prepared in partnership with private sector organisations in return for acknowledgement of this sponsorship on the site and *(b)* the companies helping to prepare those sites; and if he will estimate the market value of (i) the services rendered to his Department by the companies in the preparation of these websites and (ii) the acknowledgement of sponsorship. [122745]

Ms Hewitt: The Department of Trade and Industry has not entered into any significant partnership or sponsorship deals that part fund or completely fund any DTI websites in exchange for advertising revenue, brand identify or acknowledgement. DTI may consider such arrangements in the future provided they fall within the Central IT Unit's guidance that I quoted in my previous answer on 2 May 2000, *Official Report*, column 21W.

There are only three DTI websites that have some element of private sector involvement or presence all of which are of negligible benefit by value to the DTI.

These sites are:

1. The Auto Industry website (www.autoindustry.co.uk);
2. The TradeUK service (www.tradeuk.com);
3. The ISI/Interforum E-Commerce Awards Website (www.ecommerce-awards.co.uk).

Fuel Market

Mr. Hoyle: To ask the Secretary of State for Trade and Industry who has responsibility for ensuring that fairness and reasonableness pertain in the contractual relationship between oil suppliers and retailers in respect of non-competition issues. [122944]

Dr. Howells *[holding answer 24 May 2000]:* The general responsibility for all sale of goods legislation in the UK rests with my right hon. Friend the Secretary of State for Trade and Industry. In the event that a specific contractual dispute arises between an oil supplier and a retailer which relates to unfair or unreasonable terms, the matter would have to be resolved in a Court of Law.

RDX Exports

Mr. Harvey: To ask the Secretary of State for Trade and Industry what decisions have been taken on the applications that were pending on 7 March for the export of RDX in its raw form to *(a)* Oman, *(b)* Spain and *(c)* Turkey. [123725]

Dr. Howells: A Standard Individual Export Licence (SIEL) was issued in respect of the application covering the export of RDX in its raw form to Oman on 7 March 2000. A decision has not yet been taken on an application for an Open Individual Export Licence covering exports to a number of destinations including Spain. A decision has not yet been taken on the application for a SIEL to Turkey.

Electricity Generation

Mr. Gibb: To ask the Secretary of State for Trade and Industry what estimate his Department has made of the likely proportion of electricity generated from *(a)* gas, *(b)* coal, *(c)* nuclear power and *(d)* renewables in (i) 2003, (ii) 2005, (iii) 2010, (iv) 2012, (v) 2020 and (vi) 2030. [120106]

Mrs. Liddell: My Department has recently prepared estimates of future energy use, covering selected years. Estimates have not been made for any other years. These have been made available in the form of a working paper, representing work in progress, entitled: "Energy Projections For The UK—Working Paper".

Copies of this document have been placed in the Library of the House. The following tables are extracted from Annexe D of the Working Paper. These set out the amounts of generation by type of fuel for two of the six scenarios examined in the Working Paper. As an example, in 2010, coal's share of generation varies between 10 and 22 per cent., that of gas between 45 per cent. and 59 per cent., while nuclear's share varies between 18 per cent. and 19 per cent.

Electricity generation by fuel type, TWh

CL

	1990	*1995*	*2000*	*2005*	*2010*	*2015*	*2020*
Coal	204	145	81	43	36	36	36
Oil	15	9	0	0	0	0	0
Gas	0	57	131	184	214	244	265
Nuclear	59	81	93	87	66	40	27
Renewables	5	6	11	22	37	37	37
Imports	14	18	19	16	10	9	8
Total	297	315	335	352	363	366	373

CH

	1990	*1995*	*2000*	*2005*	*2010*	*2015*	*2020*
Coal	204	145	86	90	78	59	52
Oil	15	9	0	0	0	0	0
Gas	0	57	124	126	157	204	230
Nuclear	59	81	93	87	66	40	27
Renewables	5	6	11	22	35	35	36
Imports	14	18	19	17	11	10	9
Total	297	315	334	341	347	348	354

Note:
Class "CL" represents a scenario assuming a central view of economic growth, together with low energy prices, while the "CH" scenario is based on central economic growth, together with high energy prices. Further details of the assumptions and modelling basis for these figures can be found in the Working Paper.

Astra Holdings

Mr. Cohen: To ask the Secretary of State for Trade and Industry if he will indicate the chapters in the report on Astra Holdings plc published by his Department to which the contents of file bundles *(a)* 120, *(b)* 121, *(c)* 140 and *(d)* 141 relate; and whether there is any part of the contents of the bundles which is not dealt with in the report. [123896]

Dr. Howells: I refer my hon. Friend to the answers I gave him on 22 March 2000, *Official Report*, column 611W, and 13 April 2000, *Official Report*, columns 273–74W.

Solid Oxide Fuel Cells

Mr. Dalyell: To ask the Secretary of State for Trade and Industry, pursuant to the letter from the Minister of State for Energy, of 17 April to the hon. Member for Linlithgow, when he will announce a call for research and

development proposals for the stationary and transport applications of work on copper and cerium oxide catalysts for solid oxide fuel cells. [122497]

Mrs. Liddell *[holding answer 25 May 2000]:* A Call for Proposals on the DTI's New and Renewable Energy (NRE) Programme was issued on 17 April 2000. As part of this Call, outline proposals were sought for research and development into fuel cells of all types, and particularly for stationary and transport applications. The Call itself, and guidance for proposers, may be found on the DTI's web pages at www.dti.gov.uk/renewable/renew.htm. The closing submission date for this call was 1 June 2000. Notwithstanding this deadline, potential proposers are welcome to investigate other options for funding research and development projects relevant to fuel cells by contacting the Programme Manager of the DTI's Advanced Fuel Cells Programme (part of the New and Renewable Energy Programme) at ETSU.

Miners (Compensation)

Judy Mallaber: To ask the Secretary of State for Trade and Industry how many cases have been lodged by former miners living in Amber Valley for compensation for vibration white finger. [123939]

Mrs. Liddell: The Department's claims handling agents have registered 880 claims from former miners living in the Amber Valley region, centring on the towns of Alfreton, Heanor and Ripley, for vibration white finger. Of these the Department has settled 102 claims and made interim payments to a further 80, totalling over £900,000.

Pylons

Miss McIntosh: To ask the Secretary of State for Trade and Industry if he will impose a moratorium on the construction of pylons. [123905]

Mrs. Liddell: Such a policy would not be justified. All but the most minor overhead electric lines already need development consent from my right hon. Friend the Secretary of State. All relevant matters are considered in this process.

Small Businesses

Mr. Pollard: To ask the Secretary of State for Trade and Industry if he will introduce an employer's charter to assist small businesses to deal with the complexities of employment legislation; and if he will make a statement. [123867]

Ms Hewitt: The Small Business Service has been set up, among other things, to help to make regulatory information, including employment legislation, more comprehensible and accessible to small firms. The SBS is looking at a number of ways in which this might be done including the possibilities presented by information technology. For example, they are piloting a new service on the internet called Small Business Start-Up Service (www.sbssonline.org/sbss/) which guides people wanting to start a business to relevant information including employees' rights. They have also recently published a guide to the regulatory requirements relating to employing staff which can also be accessed on the internet (www.dti.gov.uk/COMMS/employ?index.htm). The Department provides a wide range of information and guidance on the requirements of employment law, including through its website (www.dti.gov.uk/er), and is currently developing further internet and interactive services. These will be made available by a number of routes, including through the SBS general advice and information service (www.businessadviceonline.org).

Mr. Pollard: To ask the Secretary of State for Trade and Industry what plans he has to exempt small businesses from *(a)* new and *(b)* existing regulations; and if he will make a statement. [123869]

Ms Hewitt: The Government are always ready to consider exemptions as a policy option in relation to or existing regulations, but each case would need to be carefully looked at on its merits.

Mr. Pollard: To ask the Secretary of State for Trade and Industry what measures are being taken by the Small Business Service to reduce the administrative burden on small businesses. [123868]

Ms Hewitt: The Chief Executive of the Small Business Service (SBS) is a member of the Panel for Regulatory Accountability which is reviewing new and existing regulations in Government Departments.

The SBS has a particular duty on behalf of small businesses to examine regulatory proposals put forward by Government Departments to ensure that they do not impose an unnecessary or disproportionate burden on the small businesses community, that compliance is made easier through the provision of comprehensible and accessible guidance, and that the enforcement regime is appropriate.

The SBS will also undertake research to establish a Regulation Index showing the cumulative burden of regulation on small businesses and to inform priorities for simplifying existing regulations.

Mr. Pollard: To ask the Secretary of State for Trade and Industry what progress has been made in enabling *(a)* consumers and *(b)* small businesses to have access to their credit reference files. [123870]

Dr. Howells: The rights of individuals and sole traders to access financial information held by credit reference agencies have now been consolidated under the Data Protection Act 1998. The Consumer Credit Act 1974 continues to contain rights to challenge the accuracy of such information. The Data Protection Commissioner is now responsible for supervising these rights. Partnerships and other unincorporated bodies have rights to this information under the Consumer Credit Act 1974 and the Director General of Fair Trading supervises their rights.

We have also simplified the statement of rights on correcting wrong information which the agencies must provide in the Consumer Credit (Credit Reference Agency) Regulations 2000.

Mr. Hesford: To ask the Secretary of State for Trade and Industry what measures the Government are taking to ensure that Britain provides an environment in which SMEs can flourish. [124406]

Ms Hewitt: The Government have set in place a policy framework, which is delivering macro-economic stability and helping to promote long-term investment and productivity; public finances are under control; inflation is historically low and expected to remain close to target.

Following Budget 2000, the business climate has never been better. Since 1997, the Government have cut the average corporation tax bill for small companies by nearly 25 per cent. Britain now has its lowest ever corporation rates for small companies and—with the 10p starting rate from April—the lowest starting rate in the EU.

We are also looking further to improve the infrastructure and ensure that small firms get the support they need. That is why we established the Small Business Service (SBS)—a key part of our strategy to create an entrepreneurial Britain. The SBS will act as a strong voice for small businesses at the heart of Government; help small firms meet the demands of regulation; and achieve a step change in the quality and consistency of advice and information available to small and medium-sized enterprises.

Mr. Pollard: To ask the Secretary of State for Trade and Industry what steps he is taking to improve *(a)* access to and *(b)* the quality of advice services for small businesses. [124684]

Ms Hewitt: The Small Business Service, which became an executive agency of the Department of Trade and Industry in April 2000, is undertaking two significant activities aimed at improving access to, and quality of, advice services for small business.

The first is to provide an internet enabled network of knowledge and information for use by small businesses, business advisers and the local Business Link network.

The second activity is a radical redevelopment of the Business Link network including refocusing the remit of the Business Links so that they concentrate on delivering high quality solutions to their customers' needs; widening the customer base of the local network to include those who are at a disadvantage, for whatever reason, in starting up or running a business; and a rationalisation from 81 to 45 Business Links. Only organisations which can meet rigorous assessment criteria and successfully complete business plans will be awarded contracts from April 2001.

Rolls-Royce

Mr. Gordon Prentice: To ask the Secretary of State for Trade and Industry what conditions were attached to the most recent tranche of launch aid for Rolls-Royce; and if he will make a statement. [124097]

Mr. Alan Johnson: In November 1997 the Department agreed to provide launch investment of £200 million to Rolls-Royce to assist with the development of the Trent series of large aeroengines. The conditions attached to the agreement are commercially confidential.

Launch Investments is a risk and revenues sharing Government investment in the design and development of specific civil aerospace projects in the UK. The investment is not a grant and is repayable to the Government at a real rate of return, usually via levies on sales of the product developed.

Mr. Gordon Prentice: To ask the Secretary of State for Trade and Industry when he last met representatives of Rolls-Royce to discuss the aeroengine industry, with particular reference to employment levels. [124096]

Mr. Alan Johnson: I visited Rolls-Royce's main production facilities at Derby on 9 May 2000 and discussed a range of issues of importance to the competitiveness of the company. We discussed the implications for employment levels of Rolls-Royce's current review of its strategic operations.

Transatlantic Business Dialogue

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry which *(a)* ministers and *(b)* officials in his Department are involved in the transatlantic business dialogue; and who was present from his Department at the TABD meeting in Brussels on 23 May. [124048]

Mr. Caborn: No officials from this Department attended the TABD meeting in Brussels on 23 May. The European Commission were represented but as this is a business-to-business forum they did not directly contribute. This Department's Trade Policy Directorate is responsible for relations with the TABD and attends the annual conference at the invitation of TABD officials.

GM Seeds

Joan Ruddock: To ask the Secretary of State for Trade and Industry what reports he has received concerning the sale of Advanta Seeds UK's Hyota oil seed rape seeds found to be contaminated with GM herbicide-tolerant seeds; and what action he plans to take. [123756]

Mr. Alan Johnson *[holding answer 25 May 2000]:* The UK Government were informed on 17 April that stocks of oil seed rape seed sold by Advanta might contain low levels of GM material. In line with Government priorities to protect public health and the environment, the Department of Health and the Department of Environment, Transport and the Regions sought urgent advice from the Food Standards Agency and the Advisory Committee on Releases to the Environment respectively. The advice was that there were no risks to human health or the environment. Contamination of seed stocks is a MAFF responsibility, and last week the Minister for Agriculture, Fisheries and Food announced measures that the Government will take. DTI has no specific responsibility for any of the issues involved.

Nuclear Reprocessing

Mr. Llew Smith: To ask the Secretary of State for Trade and Industry what quantities of *(a)* Canadian-owned and *(b)* Spanish-owned plutonium are in store at Sellafield. [121982]

Mrs. Liddell: In accordance with the internationally agreed format for publishing such information, my Department publishes each year figures for the total amount of plutonium held in the UK in unirradiated separated form as well as the total amount of plutonium estimated to be contained in spent civil reactor fuel. The figures include details of the total amount of plutonium held in the UK in unirradiated separated form belonging to foreign bodies. This total is not further broken down into separate figures for individual countries.

Details about amounts of plutonium held at Sellafield on behalf of particular customers and about the timing and arrangements for returning the plutonium to the country of origin are commercial and operational matters for

BNFL and its customers. I understand from BNFL, however, that there is no longer any Canadian owned plutonium in any form held at Sellafield.

Oil and Gas

Mr. David Stewart: To ask the Secretary of State for Trade and Industry (1) if he will list by field the number of licences issued by the Government for North Sea and Atlantic oil and gas exploration where no development has taken place; [122832]

(2) if he will make a statement on his Department's policy on the inspection and enforcement in respect of fallow fields in the United Kingdom Continental Shelf. [122837]

Mrs. Liddell *[holding answer 19 May 2000]:* The Department of Trade and Industry classifies as "fallow" any block on the UKCS which is currently licensed and not in its initial term but which has seen no drilling activity for six years or more. A "fallow" discovery is one that was made six years or more ago but which has not yet been developed. (Acreage that has been determined as a field would not generally be classified as "fallow".)

193 significant discoveries made up to 31 December 1999 have not yet been developed. The definition of "significant" discoveries used here is based on flow rates achieved during well tests. It makes no attempt to take account of commercial viability. Work is proceeding on some of these discoveries to bring them to development, but in each case no Development Plan has yet been approved. These discoveries are not necessarily the same as those that are the subject of the Fallow Discoveries Initiative because many are less than six years old. They are as listed.

Well number	*Licence Operator at the end of 1999*	*Licence number*	*Date discovered*
48/22–1	Mobil	P.697	November 1966
48/30–3	Phillips	P.028	June 1967
53/04–1	ARCO	P.039	July 1967
48/21–1	Unlicensed	P.047	August 1967
41/24a-1	Unlicensed	P.759	September 1969
41/25a-1	Unlicensed	P.759	September 1969
30/02–1	Shell	P.098	June 1971
30/13–2	Phillips	P.079	September 1972
3/25a-2	Total	P.090	July 1974
49/12a-6	Conoco	P.033	September 1974
211/13–1	Shell	P.296	November 1974
16/29–4	Phillips	P.110	February 1975
21/02–1	ARCO	P.244	June 1975
211/13–2	Shell	P.296	July 1975
211/18–9	Britoil	P.236	September 1975
15/13–2	Enterprise	P.198	October 1975
211/13–3	Shell	P.296	December 1975
21/02–2	Union Texas	P.244	December 1975
9/19–2	Mobil	P.103	May 1976
14/20–6Z	Amerada Hess	P.324	June 1976
9/19–3	Mobil	P.103	December 1976
211/19a-6	Kerr McGee	P.104	January 1977
16/22–2	Elf	P.240	May 1977
211/22–1	Veba	P.201	May 1977
206/08-1A	BP	P.165	July 1977
210/15–2	Fina	P.226	October 1977
207/01–3	Texaco	P.183	Oct 1977
14/18–1	Elf Caledonia	P.263	May 1978
3/28a-2	Chevron	P.234	September 1978
21/24–1	Veba	P.021	November 1978
29/03a-2	Shell	P.012	January 1979
2/05–10	DNO	P.242	September 1979
30/12b-2	Amoco	P.185	February 1981
20/02–1	Petrobras	P.317	April 1981
21/19-1A	Shell	P.238	April 1981
21/15a-2	Britoil	P.120	August 1981
29/05a-1	Shell	P.188	September 1981
21/23b-1	Shell	P.353	January 1982
9/11–2	Texaco	P.335	September 1982
12/27–1	Amerada Hess	P.981	January 1983
48/19a-3	Shell	P.008	March 1983
22/05b-3	BG E & P	P.356	May 1983
29/09a-1	Shell	P.012	June 1983
9/24b-1A	BP	P.338	September 1983
16/18–1	Britoil	P.312	September 1983
29/08b-2	Amerada Hess	P.227	December 1983
2/10a-6	Unlicensed	P.234	December 1983
16/13a-2Z	Petrobras	P.219	January 1984
22/02–2	Unlicensed	P.354	February 1984
211/22a-3	Veba	P.201	March 1984
30/06–3Z	Shell	P.011	May 1984
29/02a-2	Conoco	P.224	June 1984
42/15b-1	Total	P.137	June 1984
214/30–1	BG E & P	P.303	August 1984
22/19–1	Elf Caledonia	P.357	August 1984
98/11–2	Unlicensed	P.406	August 1984
16/03a-4	Marathon	P.108	September 1984
21/30–12	Shell	P.013	September 1984
49/04–1	Centrica	P.468	Oct 1984
16/12a-5	LASMO	P.212	December 1984
47/10–1	BP	P.001	February 1985
4/26-1A	Elf	P.229	June 1985
16/23–4	Conoco	P.103	July 1985
29/09b-2	Ranger	P.227	September 1985
16/13a-3	Petrobras	P.219	November 1985
21/03a-4	Conoco	P.118	December 1985
48/14–2	Shell	P.008	December 1985
13/30–3	Amerada Hess	P.310	March 1986
22/27a-2	Ranger	P.114	March 1986
49/19–4	Shell	P.008	March 1986
3/30–3	Elf	P.229	April 1986
211/14–1	Shell	P.296	April 1986
15/18a-6	Veba	P.233	May 1986
30/01c-4	BP	P.363	August 1986
206/01–2	Total	P.911	September 1986
22/02–5	Premier	P.354	October 1986
43/18–1	Amoco	P.512	November 1986
21/28a-2	Monument	P.077	December 1986
49/28–14	ARCO	P.037	April 1987
9/15a-1	Kerr McGee	P.090	June 1987
47/03b-4	BG E & P	P.016	July 1987
49/29b-5	Mobil	P.105	July 1987
29/06a-3	Elf Caledonia	P.244	September 1987
14/20b-18	Amerada Hess	P.324	October 1987
44/28–3	Shell	P.453	October 1987
48/23–3	ARCO	P.467	November 1987
98/07–2	BP	P.534	November 1987
48/10b-3	Conoco	P.519	December 1987
22/12a-1	Enterprise	P.077	December 1987
3/19b-2	Total	P.491	June 1988
15/29a-3	Texaco	P.119	July 1988
110/03b-4	Kerr McGee	P.543	December 1988
3/20a-1	Total	P.239	December 1988
43/19–1	Amoco	P.607	January 1989
44/19–3	CalEnergy	P.610	January 1989
15/21a-38Z	Amerada Hess	P.218	February 1989
22/13a-1	Enterprise	P.096	February 1989
3/03–11	Kerr McGee	P.202	March 1989
9/14b-4	Kerr McGee	P.277	March 1989
42/28a-3	Amoco	P.016	April 1989
21/27-1A	Fina	P.595	April 1989
43/20b-2	Amoco	P.608	May 1989
48/09–2	Conoco	P.459	May 1989
14/19b-23	Elf Caledonia	P.250	June 1989

Well number	Licence Operator at the end of 1999	Licence number	Date discovered
30/14–1	Fina	P.255	August 1989
53/02–8	Mobil	P.025	September 1989
48/07b-8	Britoil	P.138	October 1989
16/22–5	Elf	P.240	October 1989
42/29–6	BP	P.001	November 1989
30/03a-1	Petrobras	P.111	November 1989
22/30a-5	Shell	P.012	November 1989
16/03a-11	Marathon	P.108	January 1990
30/13–3	Phillips	P.079	February 1990
15/17–24	Elf Caledonia	P.250	March 1990
15/24a-4	Chevron	P.209	May 1990
44/22b-8	Conoco	P.451	May 1990
42/28b-5	Amoco	P.606	July 1990
42/29–7	BP	P.001	July 1990
15/25b-3	Unlicensed	P.417	July 1990
13/22b-4	Talisman	P.635	July 1990
205/26a-3	Amerada Hess	P.164	October 1990
9/19–8	Mobil	P.103	January 1991
49/11b-8	Conoco	P.130	February 1991
48/22–4	Mobil	P.697	February 1991
21/20b-4	Shell	P.421	March 1991
16/12a-14	LASMO	P.212	May 1991
30/02a-2	Shell	P.098	May 1991
30/07a-10	Phillips	P.032	August 1991
110/08a-4	Burlington	P.251	October 1991
3/19a-4	Total	P.239	November 1991
110/02b-10	Burlington	P.706	January 1992
44/17–2	Conoco	P.691	January 1992
44/16–1Z	LASMO	P.690	February 1992
43/21–2	Unlicensed	P.682	February 1992
22/29–2	Shell	P.012	March 1992
15/21a-46	Amerada Hess	P.218	April 1992
44/23a-10	Total	P.452	April 1992
205/26a-4	Amerada Hess	P.164	May 1992
22/22b-2	PanCanadian	P.233	May 1992
15/21b-47	Amerada Hess	P.218	June 1992
15/20b-11Y	Unlicensed	P.735	October 1992
53/03c-3	Amoco	P.786	November 1992
211/23b-11	Amerada Hess	P.721	December 1992
16/12a-18Z	LASMO	P.212	December 1992
113/29–2	Unlicensed	P.712	December 1992
44/24–4	Fina	P.611	January 1993
22/25b-5	Shell	P.598	January 1993
30/11b-3	Amoco	P.185	February 1993
29/07–5	Shell	P.012	March 1993
15/21b-50	Amerada Hess	P.588	September 1993
16/26–25	Chevron	P.213	October 1993
44/29b-4	Fina	P.454	November 1993
15/21a-51	Amerada Hess	P.218	December 1993
110/13–14	BHP	P.710	December 1993
47/03e-8	BP	P.774	January 1994
16/29a-11Y	Phillips	P.110	January 1994
49/09a-3	Shell	P.132	February 1994
43/22–2	Unlicensed	P.683	April 1994
15/29a-9	Texaco	P.119	September 1994
211/23b-12	Amerada Hess	P.721	October 1994
103/01–1	Marathon	P.804	October 1994
49/18–5Z	Amoco	P.016	April 1995
16/03b-8Z	Marathon	P.313	May 1995
50/26b-6	Britoil	P.703	June 1995
22/30a-14Z	Shell	P.012	July 1995
48/20a-7	Shell	P.008	September 1995
204/19–8Z	BP	P.556	June 1996
20/05c-6	Talisman	P.593	July 1996
14/29a-3	Shell	P.739	September 1996
210/24a-8	Amerada Hess	P.472	October 1996
11/24–1	Amerada Hess	P.807	November 1996
22/18–6	Amoco	P.292	November 1996
14/18b-12	Texaco	P.580	November 1996
21/19–6	Shell	P.238	December 1996
49/19–6	Shell	P.008	January 1997
15/23d-13	BG E & P	P.815	February 1997
9/11b-11	Texaco	P.726	April 1997
22/23b-5	Shell	P.233	September 1997
211/21a-17	Shell	P.296	December 1997
14/26a-6	ARCO	P.300	January 1998
44/17a-4	Conoco	P.691	February 1998
47/10–6	BG E & P	P.776	March 1998
49/19–7	Shell	P.008	June 1998
21/12–3	Shell	P.073	August 1998
16/21c-32	Talisman	P.344	November 1998
30/07a-12	Phillips	P.032	February 1999
29/04d-4	Elf	P.752	March 1999
211/23a-15Z	Shell	P.269	April 1999
21/24–6	Shell	P.021	August 1999

I am withholding details of four recent discoveries at the request of the operators for reasons of commercial confidentiality.

Timeshare House Boats

Mr. Robertson: To ask the Secretary of State for Trade and Industry what plans he has to introduce a statutory cooling off period for the purchase of timeshare house boats; and if he will make a statement. [124511]

Dr. Howells: Implementing a commitment in their Consumer White Paper "modern markets; confident consumers", the Government published a consultation paper on 25 April reviewing whether aspects of UK timeshare legislation need updating. Among the aspects under review is timeshare in floating vessels.

Copies can be viewed in the House of Commons Library or at the DTI website address: www.dti.gov.uk/cacp/ca/consulta.htm

The deadline for responses to the consultation is 31 July 2000.

Post Office Advisory Committee

Mr. Robertson: To ask the Secretary of State for Trade and Industry if he will make a statement about the future of local Post Office advisory committees. [124498]

Mr. Alan Johnson: The Postal Services Bill is going through Parliament and the new Consumer Council for Postal Services (CCPS) is expected to be in place by 1 January 2001. It has been widely accepted that the existing arrangements for consumer representation in postal services should be reviewed as part of the process of forming the new Council. In April, Peter Carr, Chairman of the Post Office Users' National Council (POUNC) and Chair designate of the CCPS, issued a consultation document that sought views from interested parties on the new regional structure for CCPS.

It would be premature to make a statement until Peter Carr has had an opportunity to examine all the views he has received and has formally submitted his proposals to the Secretary of State for him to consider and approve.

Wind Energy

Mr. Gareth R. Thomas: To ask the Secretary of State for Trade and Industry when he will announce a new programme of support for offshore wind energy projects; and if he will make a statement. [124680]

Mrs. Liddell: The Government fully recognise the importance of offshore wind in reaching the target of providing 10 per cent. of the UK's electricity from renewable energy by 2010.

As I mentioned in the "Conclusions in Response to the Public Consultation" on renewable energy, the Government are looking at the possibility of some limited additional support for offshore wind (and energy crops). The renewable energy industry has also been consulted as part of the DETR-led consultation on the Energy Efficiency Measures under the Climate Change Levy package, on how a part of the £50 million Levy Fund might be used to promote renewables.

Sierra Leone

Dr. Tonge: To ask the Secretary of State for Trade and Industry what representations he has received concerning the Foyle Airline's involvement in carrying arms to Sierra Leone; and if he will make a statement. [123555]

Dr. Howells *[holding answer 24 May 2000]:* None.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Trade and Industry on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124117]

Mr. Byers: During the period 31 March 1999 to the end of March 2000, Special Advisers in this department travelled overseas on one occasion.

Telecommunications Masts

Ms Walley: To ask the Secretary of State for Trade and Industry if he will make a statement on the *(a)* Latvian and *(b)* University of Berne Schwarzenberg studies on populations residing in the vicinity of radio telecommunications masts; and what is his planned programme for the further review by the Stuart Committee. [123891]

Ms Hewitt: The Latvian study is of populations residing in close proximity to a military radio location station that operates a high power pulsed radar installation. The University of Berne study examined the local population residing in the vicinity of a high power short wave broadcast transmitter located at Schwarzenburg in Switzerland. Although the Schwarzenburg installation is also used for air radio and wireless telecommunications, the authors of the study note that these operate at far lower levels and suggest that they can be neglected. Thus neither study is directly relevant to radio telecommunications. I have nevertheless asked the National Radiological Protection Board (NRPB) for advice about these studies.

The Independent Expert Group on Mobile Phones (IEGMP), chaired by Sir William Stewart, recommended a further review of possible health effects of mobile phone technology in three years time, or earlier if circumstances demand it. The Government response confirmed we are keen to maintain the momentum of reviewing the health effects of mobile phone technologies and recognises that the IEGMP recommends a further review in three years' time. We will be asking for further research in this area to be kept under continual review by the National Radiological Protection Board, and we expect a report on progress with both national and international research activities to be produced in three years' time, or when significant information becomes available.

EDUCATION AND EMPLOYMENT

Early Years Education

Mr. Kidney: To ask the Secretary of State for Education and Employment what assessment he has made of the accuracy of forecasts of pre-school learning places made by *(a)* his Department and *(b)* the Pre-school Learning Alliance since 1997. [123101]

Ms Hodge: My Department collects information about pupils in maintained and independent schools in the Annual Schools Census. Information about Government-funded places in private nursery schools, pre-schools and playgroups, and independent schools, which are registered with Early Years Development and Childcare Partnerships, is obtained from the Early Years Census.

I understand that the Pre-school Learning Alliance (PLA) does not collect information about pre-school places, but it does conduct an annual survey of a sample of pre-schools asking whether they think their group is threatened with closure. The PLA's most recent survey published in March was based on a sample of 722 pre-schools and playgroups.

We commissioned an independent review of pre-schools and playgroups last summer to look at what further steps could be taken to help pre-schools and playgroups play their full part in the expansion of early education and child care services, and have responded positively to its recommendations. We also announced a further scheme to assist pre-schools and playgroups facing financial difficulties.

Mr. Ashdown: To ask the Secretary of State for Education and Employment how many places in pre-school education for three-year-olds have been funded by the Government in each local education authority; what proportion of this age cohort this represents for each local education authority; and if he will make a statement. [122239]

Ms Hodge *[holding answer 16 May 2000]:* The Government provided specific funding for new, free early education places for three-year-olds for the first time in 1999–2000, although some local education authorities did provide free places before that. The following table shows the number of free early education places for three-year-olds funded by means of Nursery Education Grant in spring term 2000, the latest period for which figures are available. 65 local education authorities received grants for the spring term. From the summer term 2000, all will do so. In 1999–2000, 80 per cent. of the new Government-funded places were in the private and voluntary sectors. £100 million is being provided for 2000–01 which will fund an additional 83,000 places.

These figures do not include funding for provision for under-fives in the maintained sector made through the Standard Spending Assessment. We will shortly be publishing data from the annual Schools Census on the

number of children receiving free early education places in the maintained sector, and a copy will be placed in the Library.

Population estimates for individual years of age are not sufficiently robust, at local education authority level, to enable the calculation of participation rates.

Local education authority area	*Three-year-old places*
Barking and Dagenham	294
Barnsley	226
Birmingham	3,487
Blackburn with Darwen	438
Blackpool	1,271
Bolton	796
Bradford	805
Brent	754
Brighton and Hove	712
Camden	769
City of Leicester	964
Cornwall	1,666
Coventry	1,047
Doncaster	110
Durham	357
Ealing	555
Gateshead	562
Greenwich	715
Hackney	964
Halton	565
Hammersmith and Fulham	421
Haringey	734
Hartlepool	36
Hounslow	479
Isle of Wight	23
Islington	793
Kingston upon Hull	460
Kirklees	407
Knowsley	73
Lambeth	1,356
Leeds	1,779
Lewisham	830
Liverpool	1,297
Manchester	529
Middlesbrough	53
North East Lincolnshire	521
Newcastle upon Tyne	823
Newham	743
North Tyneside	54
Nottingham, City of	657
Oldham	846
Plymouth	358
Redcar and Cleveland	2
Rochdale	885
Rotherham	811
Salford	147
Sandwell	471
Sefton	321
Sheffield	1,808
South Tyneside	81
Southwark	745
St. Helens	362
Stockton on Tees	67
Stoke on Trent	332
Sunderland	690
Tameside	516
Telford and Wrekin	464
Tower Hamlets	315
Wakefield	478
Walsall	102
Waltham Forest	773
Wandsworth	1,393
Westminster	579
Wirral	1,206
Wolverhampton	135
Total	43,012

Mr. Simon Hughes: To ask the Secretary of State for Education and Employment how many three-year-olds had free early-years education places providing five or more sessions of education per week *(a)* in 1979, *(b)* in 1990 and *(c)* for each year from 1992 to 1999 (i) in England and (ii) in each local education authority in London. [122709]

Ms Hodge *[holding answer 19 May 2000]:* The information is not available in the form requested. Up to September 1999, 'free' places for three-year-olds were available only in maintained nursery and primary schools funded directly by local education authorities. Since September 1999 specific funding by the Government for three-year-olds has been extended to private, voluntary and independent providers via the Early-Years Development and Childcare Partnerships in 65 local education authorities, including 18 London authorities. From summer 2000 this extra funding will be available in all local authority areas.

The available information on the numbers of three-year-olds in early-years provision for England and in each local education authority in London is shown in the following tables. Table 1 gives the number of children in free early-years education places from 1996 to 2000. Table 2 shows the number of new funded places for three-year-olds being created in all sectors over the next year, including projected figures for summer 2000, autumn 2000 and spring 2001.

The new places are supported by £100 million of funding. Half of all three-year-olds will have access to a free place by spring 2001, and the Government are well on track to meet the 2002 target of expanding overall nursery provision to 66 per cent. of three-year-olds.

Table 1: Children aged three in free early-years education places[1]
England and each local education authority in London, 1996–2000 (provisional)

Position as at January

LEA name	*1996*[2]	*1997*[2]	*1998*[2]	*1999*[2]	*2000*[1,5]
England	210,075	214,173	222,031	225,669	266,410
Barking and Dagenham[4]	1,331	1,332	1,408	1,329	1,630
Barnet	1,780	2,021	2,010	2,026	2,010
Bexley	1,009	1,069	1,242	1,300	1,390
Brent[4]	1,778	1,712	1,706	1,708	2,380
Bromley	111	107	197	216	240
Camden[4]	765	802	890	928	1,450
City of London	12	11	15	11	10
Croydon	1,420	1,537	1,720	1,859	1,830

Table 1: Children aged three in free early-years education places[1] England and each local education authority in London, 1996–2000 (provisional)

Position as at January

LEA name	*1996*[1]	*1997*[2]	*1998*[2]	*1999*[2]	*2000*[3,5]
Ealing[4]	2,705	2,625	2,692	2,686	3,140
Enfield	1,110	1,112	1,136	1,235	1,230
Greenwich[4]	1,785	1,981	1,841	1,889	2,600
Hackney[4]	1,536	1,474	1,543	1,624	2,430
Hammersmith and Fulham[4]	1,055	1,053	1,055	1,061	1,470
Haringey[4]	1,894	2,004	1,944	1,949	2,210
Harrow	489	451	588	576	620
Havering	378	449	464	459	550
Hillingdon	473	560	620	636	1,360
Hounslow[4]	1,562	1,563	1,605	1,505	1,990
Islington[4]	1,342	1,266	1,256	1,283	1,840
Kensington and Chelsea	486	542	523	513	590
Kingston upon Thames	931	888	892	892	930
Lambeth[4]	1,396	1,462	1,855	1,911	3,150
Lewisham[4]	1,363	1,412	1,475	1,877	2,560
Merton	1,749	1,644	1,707	1,668	1,670
Newham[4]	2,074	2,030	2,103	3,189	3,860
Redbridge	626	687	824	1,318	1,600
Richmond upon Thames	597	570	587	555	590
Southwark[4]	2,158	2,222	2,290	2,278	2,820
Sutton	270	325	259	289	250
Tower Hamlets[4]	2,288	2,340	2,264	2,405	2,610
Waltham Forest[4]	1,069	944	1,209	1,281	2,040
Wandsworth[4]	1,590	1,614	1,590	1,584	2,860
Westminster[4]	737	727	794	824	1,300

[1] Prior to September 1999, free places for three-year-olds were only available in maintained nursery and primary schools. Since September 1999 funding has been extended to private, voluntary and independent providers.
[2] Headcount numbers collected from maintained schools in January each year as part of the Annual Schools' Census.
[3] Estimates combining Annual Schools' Census data from maintained schools in January 2000 and data submitted by LEAs for Nursery Education Grant purposes relating to private, voluntary and independent providers in spring 2000.
[4] LEAs eligible to provide funding for three-year-olds in the private, voluntary and independent sectors via Early-Years Development and Childcare Partnerships. In spring 2000 there were a total of 65 such LEAs in England.
[5] Provisional.

Table 2: New funded places for three-year-olds[1] in England and in each local education authority in London by sector: projected position as at summer 2000, autumn 2000 and spring 2001

Summer 2000

LEA name	*LEA maintained*	*Private*	*Voluntary*	*Independent*
England	6,067	25,598	24,953	3,344
Barking and Dagenham	100	60	202	0
Barnet	0	41	40	0
Bexley	0	0	55	0
Brent	0	750	50	0
Bromley	25	170	171	0
Camden	0	0	0	0
City of London	0	0	0	0
Croydon	0	450	450	0
Ealing	25	335	50	0
Enfield	0	428	0	0
Greenwich	10	205	273	186
Hackney	0	0	0	0
Hammersmith and Fulham	0	332	41	10
Haringey	230	50	420	4
Harrow	0	30	0	0
Havering	0	0	0	0
Hillingdon	0	492	0	0
Hounslow	146	417	78	0
Islington	188	171	481	0
Kensington and Chelsea	0	150	180	0
Kingston upon Thames	0	35	0	0
Lambeth	153	550	497	200
Lewisham	0	411	423	0
Merton	0	5	5	2
Newham	250	100	315	0
Redbridge	26	400	400	87
Richmond upon Thames	41	0	0	0
Southwark	128	51	419	0
Sutton	0	23	23	0

Table 2: New funded places for three-year-olds[1] in England and in each local education authority in London by sector: projected position as at summer 2000, autumn 2000 and spring 2001

Summer 2000

LEA name	*LEA maintained*	*Private*	*Voluntary*	*Independent*
Tower Hamlets	0	0	275	0
Waltham Forest	1,110	282	541	5
Wandsworth	282	600	250	366
Westminster	107	188	251	60

Autumn 2000

LEA name	*LEA maintained*	*Private*	*Voluntary*	*Independent*
England	11,282	30,025	25,941	4,808
Barking and Dagenham	30	10	60	0
Barnet	0	41	40	0
Bexley	0	0	74	0
Brent	0	750	50	0
Bromley	0	170	171	0
Camden	214	172	189	0
City of London	0	0	0	0
Croydon	0	450	450	0
Ealing	25	335	50	0
Enfield	0	886	0	0
Greenwich	10	205	273	186
Hackney	95	15	231	284
Hammersmith and Fulham	0	329	41	10
Haringey	650	25	25	4
Harrow	0	300	0	0
Havering	240	56	13	9
Hillingdon	0	554	0	0
Hounslow	146	135	25	0
Islington	188	171	469	0
Kensington and Chelsea	150	180	0	0
Kingston upon Thames	0	35	0	0
Lambeth	153	550	497	200
Lewisham	0	430	423	0
Merton	0	5	5	2
Newham	250	450	450	0
Redbridge	26	400	400	87
Richmond upon Thames	4	0	0	0
Southwark	128	51	419	0
Sutton	0	23	23	0
Tower Hamlets	0	0	275	0
Waltham Forest	1,110	282	541	5
Wandsworth	799	589	265	366
Westminster	107	188	251	60

Spring 2001

LEA name	*LEA maintained*	*Private*	*Voluntary*	*Independent*
England	10,673	30,937	28,006	2,569
Barking and Dagenham	35	30	259	0
Barnet	0	41	40	0
Bexley	0	0	45	0
Brent	0	750	50	0
Bromley	0	170	171	0
Camden	364	311	222	3
City of London	1	0	0	0
Croydon	0	450	450	0
Ealing	25	335	50	0
Enfield	0	1,314	0	0
Greenwich	10	205	273	186
Hackney	179	121	490	340
Hammersmith and Fulham	0	327	41	10
Haringey	120	50	430	4
Harrow	0	300	0	0
Havering	0	0	0	0
Hillingdon	0	432	0	0
Hounslow	146	257	48	0
Islington	188	171	481	0

Spring 2001

LEA name	*LEA maintained*	*Private*	*Voluntary*	*Independent*
Kensington and Chelsea	150	180	0	0
Kingston upon Thames	0	35	0	0
Lambeth	153	550	497	200
Lewisham	0	430	448	0
Merton	0	15	10	2
Newham	250	100	250	0
Redbridge	26	400	400	87
Richmond upon Thames	41	0	0	0
Southwark	128	51	419	0
Sutton	0	23	23	0
Tower Hamlets	0	0	275	0
Waltham Forest	1,110	282	541	5
Wandsworth	297	629	265	366
Westminster	107	188	251	60

[1] Estimates based upon an analysis of Early-Years Development and Childcare Partnership Plans

Ms Kelly: To ask the Secretary of State for Education and Employment (1) how much his Department has spent on the provision of nursery places; and what estimate he has made of the number of nursery places created by this funding in each year since 1997 and in 2000–01; [122529]

(2) how much has been spent by his Department on the provision of nursery places since 1997; [122605]

(3) what estimate his Department has made of the number of nursery places in each year since 1997. [123021]

Ms Hodge *[holding answers 17 May 2000, 18 May 2000 and 22 May 2000]:* The following table shows the number of early education places for three and four-year-olds that have been taken up in each year since 1997. It also shows the amount of funding the Government have made available to fund these places through either Nursery Education Grant or the Under Five's Education Standard Spending Assessment (SSA) sub block, which has been increased by £253 million from £1,089 million in 1997–98 to £1,342 million in 2000–01, and on current plans is estimated to increase to £1,430 million in 2001–02. The 1998 figure represents an increase of 25 per cent. in the number of free, early education places taken up in 1992.

Estimated take up of 3 and 4-year-old places for each year between 1997–98 and 2001–02 with associated funding

	Funding £ million	*Places*
1997–98	1,189	787,976
1998–99	1,299.7	800,560
1999–2000	1,441.9	858,944
2000–01	1,567.4	908,085
2001–02	1,805	1,015,000

Mr. Kidney: To ask the Secretary of State for Education and Employment how many pre-school learning places have *(a)* ceased to exist and *(b)* been created in each year since April 1997. [123100]

Ms Hodge: Information is not available in the form requested. The Department does collect information on playgroups and other day care facilities, which is published in Statistical Volume "Children's Day Care Facilities" (as at 31 March) which is available from the Library. This shows that the total number of places in pre-schools and playgroups fell from 383,700 in 1997 to 347,200 in 1999, a reduction of 36,500. This was due to the introduction of vouchers by the previous Administration. However, since 1999, information from Early Years Development Plans indicates that an extra 33,000 places will have been created in playgroups and the voluntary sector by Spring 2001 as a result of the introduction of early years development partnerships.

The number of funded early education places for three and four year olds that have been taken up in each year since 1997 are as follows:

Year	*Number*
1997–98	787,976
1998–99	800,560
1999–00	858,944
2000–01	908,085

Mr. Kidney: To ask the Secretary of State for Education and Employment what reviews he has *(a)* commissioned and *(b)* evaluated of the funding mechanism for the provision of pre-school learning places. [123103]

Ms Hodge: The independent review of pre-schools and playgroups, commissioned by the Government last year, included several recommendations concerning funding for early years. The main recommendation called for consultation on the feasibility of a funding system to replace the nursery grants and child care grant, which would allow greater flexibility to meet local needs, and greater stability for pre-schools and playgroups. The progress report, published last week, set out the current position: the Department will, as part of its own spending review, evaluate whether changes can be made to the current arrangements to further assist those nursery settings outside the maintained sector. We expect to complete this by the end of the year.

In response to other funding recommendations in the report, we have announced funding of £500,000 for a further scheme to assist pre-schools and playgroups facing financial difficulties, to give them a further breathing space as policy initiatives work through to individual groups, and £250,000 for projects to help pre-schools and playgroups develop, in partnership with others, as the early education and care places expand.

Further Education

Mrs. Organ: To ask the Secretary of State for Education and Employment what is the average length of a post vacancy for a further education college lecturer in England; and how many posts are vacant in further education colleges in England. [124176]

Mr. Wicks: Each college in the further education sector is responsible for the recruitment of its staff. Information on vacancies and the duration of posts for further education lecturers in England is not held centrally.

Mrs. Organ: To ask the Secretary of State for Education and Employment if he will make a statement on the reasons why the further education sector has been excluded from the South-West transition group for the local learning and skills councils; and if this is the case in other regions. [124174]

Mr. Wicks: The role of the South West task groups is to collect information from current funding bodies (such as TECs, FEFC, and local education authorities) on the range and volume of provision currently being funded in each Learning and Skills Council area. The aim is to ensure that sufficient funds will be available in each area to at least maintain current levels of provision and to avoid any disruption to learners from the introduction of the new arrangements.

There is no requirement for further education colleges to be represented on task groups since they are not funding bodies. However, a representative of the Association of Colleges is a member of the Regional Transition Steering Group, which oversees the transition to the new arrangements in the South West. Similar arrangements apply in other regions.

National Curriculum (History)

Mr. Clappison: To ask the Secretary of State for Education and Employment if the textbook entitled Minds and Machines—Britain 1750–1900, published by Longman, is an approved text for Key Stage 3 of the National Curriculum. [122348]

Jacqui Smith: It has always been for governing bodies and teachers to decide which books best meet the requirements of the National Curriculum in their school. In history at Key Stage 3, the curriculum requires the study of Britain 1750–1900 including how worldwide expansion, industrialisation and political developments combined to shape modern Britain.

Child Care

Ms Kelly: To ask the Secretary of State for Education and Employment what has been the annual cost of the National Child Care Strategy to date; and what his estimate is of the annual impact of this policy on the provision of child care places in each year since its establishment and in 2000–01. [122530]

Ms Hodge *[holding answer 16 May 2000]:* The annual costs of the National Child Care Strategy in England and related new child care places are as follows:

In 1998–99 £46 million was spent and 66,000 new child care places were created; this includes £5 million to the Further Education Funding Council who created 11,000 places for students in Further Education.

In 1999–2000 a total of £58.25 million was spent, £17 million of which was from the New Opportunities Fund (NOF) on out of school hours care, and £5 million was through the Further Education Funding Council on places for 0–4 year olds. Forecasts indicate that at the end of March 2000, 120,000 new places will have been created; this includes 5,000 through the FEFC.

In 2000–2001 £63 million has been allocated to provide 135,000 new child care places; this includes £5 million for FEFC to provide 5,000 new places for 0–4 year olds. NOF do not allocate resources on an annual basis as this is a rolling programme, but £170 million is available from 1999–2003 to support the creation of new out of school places.

Unemployment Benefit

Mr. Fallon: To ask the Secretary of State for Education and Employment how many claimants were refused unemployment benefit because they declined to take an available job in 1997, 1998 and 1999. [122389]

Ms Jowell *[holding answer 16 May 2000]:* Unemployment Benefit was replaced by Jobseeker's Allowance (JSA) in October 1996. The following figures, which we collect on a quarterly basis within operational years, include JSA sanctions imposed as a result of jobseekers refusing offers of employment, and a small number of Unemployment Benefit disqualifications relating to refusal of employment doubts arising before JSA was introduced.

Operational year	*Refusal of employment disqualifications/sanctions*
1 April 1997 to 31 March 1998	22,738
1 April 1998 to 31 March 1999	11,442
1 April 1999 to 31 December 1999	13,530

Figures for the final quarter of the 1999–2000 operational year, from 1 January 2000 to 31 March 2000, have not yet been published. Information on the numbers and types of decisions given by Employment Service Decision Makers on JSA labour market questions are published in the "Analysis of Sector Decision Making" (formerly known as the "Analysis of Adjudication Officers' Decisions"), copies of which are held in the House of Commons Library. The figures for the quarter ending March 2000 will be published by the end of May and placed in the Library.

PGCE Courses

Mr. Clappison: To ask the Secretary of State for Education and Employment, pursuant to the oral statement of the Parliamentary Under-Secretary of State for Education and Employment of 16 May 2000, *Official Report*, columns 252–53, how many applications for PGCE courses in secondary teaching in *(a)* maths, *(b)* modern foreign languages, *(c)* science and *(d)* technology have been received since 30 March; and how many were received in the corresponding period in the previous year. [123037]

Ms Estelle Morris: The Government announced on 30 March that training salaries would be introduced for postgraduate trainees starting initial teacher training courses from September 2000. Applications for PGCE courses in England and Wales for secondary teaching in

maths, modern foreign languages, science and technology received since 30 March together with comparative figures for the previous year are given in the table.

	Applications from 1 April 2000 to 13 May 2000	*Applications from 3 April 1999 to 15 May 1999*
Mathematics	208	209
Science	467	460
Modern Languages	385	268
Technology	202	175

Note:

The above figures are for applications as entered on the GTTR computer system.

Source:

Graduate Teacher Training Registry (GTTR).

Mr. Clappison: To ask the Secretary of State for Education and Employment how many applications have been received for PGCE courses in *(a)* primary teaching and *(b)* secondary teaching, broken down by subject, commencing in September 2000 according to the most recent figures available; and how many were received at the same stage the previous year for commencement in September 1999. [123052]

Ms Estelle Morris: Numbers of applications for postgraduate initial teacher training courses in England and Wales at primary level and secondary level by subject, together with comparative figures for last year are given in the following table.

	13 May 2000	*15 May 1999*
Primary	11,953	12,912
Mathematics	822	966
English and Drama	2,033	2,285
Science	1,838	2,060
Modern Languages	1,529	1,529
Technology	694	822
History	1,290	1,425
Geography	707	796
PE	1,392	1,313
Art	842	906
Music	416	462
RE	491	589
Other	362	452
Total Secondary	12,416	13,605
Total	24,369	26,517

Notes:

1. For the first time, applications for PGCE primary courses in 1999–2000 had a deadline of 15 December 1998 for guaranteed consideration by their first choice institution. The 15 December deadline has continued for 2000–01.

2. The above figures are for applications as entered on the GTTR computer system.

3. Primary includes Middle (Key Stage 2/3).

Source:

Graduate Teacher Training Registry (GTTR).

The Government announced on 30 March that training salaries would be introduced for postgraduate trainees starting initial teacher training courses from September 2000. Since that date 502 (22 per cent.) more applications have been input on the Graduate Teacher Training Registry computer system than for the equivalent period last year.

Public Bodies (Relocation)

Mr. Steinberg: To ask the Secretary of State for Education and Employment if he will list the executive agencies, non-departmental public bodies and local public spending bodies for which his Department is responsible that *(a)* have been transferred since 1992 and *(b)* are planned to be transferred (i) to and (ii) from the Northern Region. [123409]

Mr. Wills: There has not been any transfer of executive agencies, non-departmental public bodies or local public spending bodies for which the Department is responsible to, or from, the Northern Region since 1992. Similarly, there are no plans for any transfer.

Skills Shortages

Mrs. Curtis-Thomas: To ask the Secretary of State for Education and Employment what additional help has been provided to small and medium-sized enterprises since May 1997 to help them tackle skills shortages. [123460]

Mr. Wicks *[holding answer 23 May 2000]:* Much of the support provided to help small and medium-sized enterprises tackle skills shortages is distributed through Training and Enterprise Councils. In particular, the Department provides the Councils with a flexible local competitiveness budget to help support local firms. In the last three financial years this budget has totalled £180 million.

In autumn this year, I expect the Government's plans for a university for industry to come to fruition, when learndirect becomes fully operational. Small and medium-sized enterprises are a priority for learndirect, and it will introduce new and more flexible ways for small firms to meet their skills needs, through the internet and a range of high quality on-line learning materials. Last year the Government made some £50 million available to develop this important new initiative and have just announced funding of £84 million for this year.

The Department also funds the Small Firms Enterprise Development Initiative (SFEDI) to share good business practice and to help small firms survive and thrive. It provides support to small businesses from sole traders to companies with up to 20 employees.

The Secretary of State for Trade and Industry is in the process of establishing a new Small Business Service to provide comprehensive support to small and medium-sized enterprises, including support for the development of their workforces. The full local network is expected to be in place by April 2001.

Sixth Forms

Mr. Chaytor: To ask the Secretary of State for Education and Employment what recent research he has commissioned on pupil performance in small sixth forms; and if he will make a statement. [123508]

Mr. Wicks: Our most recent statistics show that, in 1998–99, average GCE A-level points scores for 17-year-olds attempting 1+ A/AS level (excluding General Studies) in maintained school sixth forms were as follows:

	Points scores
Average	15.3
50 pupils or less	9.2
201 pupils or more	16.6

Socrates Programme

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the objectives of the youth element of the Socrates Programme in the UK concerning the Building of Europe and Strengthening of Sense of Solidarity; what specific European *(a)* social and *(b)* political model is envisaged; and if he will make a statement. [123603]

Ms Jowell: The EU Socrates Programme supports education co-operation between member states and does not support youth activities. These are covered by the EU Youth Programme which principally supports exchanges of young people between member states. Article 2.1 (a) and (b) of the European Council Decision[1] under which the Youth Programme operates states that the objectives of the programme are:

(a) "to promote an active contribution by young people to the building of Europe through their participation in transnational exchanges within the Community or with third countries so as develop understanding of the cultural diversity of Europe and its fundamental common values, thus helping to promote respect for human rights and to combat racism, anti-semitism and xenophobia;

(b) to strengthen their sense of solidarity through more extensive participation by young people in transnational community-service activities within the Community or with third countries, in particular those with which the Community has concluded co-operation agreements".

The Council Decision does not envisage or promote any specific European social or political model.

[1] Decision No. 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the "Youth" Community action programme (Official Journal L 117, 18.5.2000, p. 1).

Education and the Euro

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the *(a)* mandate and *(b)* activities to date of the European Community Working Group on Education and the Euro, with particular reference to its planned activities in the UK. [123614]

Ms Jowell: This Commission working group was set up to exchange experience and good practice about euro information activities for schools. It has met three times to date. The group does not have the power to propose activity in the UK or any other member state.

Laptops

Mr. Keith Simpson: To ask the Secretary of State for Education and Employment how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123734]

Mr. Wills *[holding answer 25 May 2000]:* Since May 1997, 17 laptop computers have been reported as stolen in the Department for Education and Employment. None has been reported as lost. In order to counter future incidents of theft, laptop computers are now electronically tagged.

Student Financial Support

Mr. Andrew George: To ask the Secretary of State for Education and Employment what financial support is available to students in the first 28 weeks of leave of absence for the purpose of medical treatment or therapy. [123761]

Mr. Wicks: Under the Education (Student Support) Regulations, full-time students in England and Wales who are absent from their course because of illness are entitled to continue to receive student support for the first 60 days of absence. Before academic year 1998–99 this was only 28 days. Local education authorities have the discretion to decide whether such students continue to receive support after the first 60 days' absence. Among the factors they will consider in coming to a decision is the possibility of financial hardship.

Additional assistance for students studying in the UK who are absent from their course due to illness may be available through the Access Funds. These allow universities and colleges to provide discretionary support for students in particular need; and a total of £76.4 million has been made available in England for the 1999–2000 academic year.

British Sign Language

Mr. Coaker: To ask the Secretary of State for Education and Employment (1) what representations he has received calling for the official recognition of British Sign Language; and if he will make a statement; [123770]

(2) what plans he has to grant official recognition to British Sign Language. [123783]

Ms Hodge: The Government have received a number of representations about recognition of British Sign Language, particularly since they announced their intention to ratify the Council of Europe's "European Charter for Regional or Minority Languages". The Charter contains what appears to be a fairly specific definition of what constitutes a regional or minority language. It is clear that those who drafted the Charter did not intend that sign languages come within its terms. We understand that of the 22 member states which have signed the Charter, nine have ratified it and none of these countries has specified their indigenous sign language. We have concluded that consideration of sign languages should not impede signature and ratification but the issue should be explored with other parties once we have ratified the Charter. The Charter has been signed and ratification is currently subject to Parliamentary procedures. Our understanding is that, after ratification, representations on sign languages could be considered by the Charter's Committee of Experts in about 18 months' time when the UK would be submitting its report on the implementation of its obligations under the Charter.

Deaf Children

Mr. Coaker: To ask the Secretary of State for Education and Employment what assessment he has made of the adequacy of specialist nursery provision for children who are deaf; and if he will make a statement. [123772]

Jacqui Smith: Inspection of specialist and mainstream early education provision is carried out by Ofsted. The inspectors check whether staff in the settings are following the Desirable Learning Outcomes (to be replaced with the new Early Learning Goals in September 2000) and are having regard to the Code of Practice on the identification and assessment of special educational needs (SEN).

Where settings cater mainly for children with SEN, the inspection is undertaken by an inspector who is specially trained by Ofsted to inspect SEN provision, using additional guidance developed by Ofsted for this purpose.

Opinion Research

Mr. Don Foster: To ask the Secretary of State for Education and Employment if he will place copies of the results of all market and opinion research carried out by his Department, agencies and non-departmental public bodies since May 1997, in the Library. [123806]

Mr. Wicks *[holding answer 25 May 2000]:* Results of some of the market and opinion research projects commissioned by the Department since May 1997 are already held in the House of Commons Library. I will arrange for the results of the other projects commissioned in this period to be sent to the Library.

New Deal for Schools

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment, pursuant to his answer of 8 May 2000, *Official Report*, columns 291–93W, if he will list those New Deal for Schools allocations, about which information is held by Shropshire LEA, which do not relate wholly to Shrewsbury and Atcham; and if he will make a statement. [123911]

Jacqui Smith: The following table shows all allocations made to Shropshire local education authority through the New Deal for Schools programme.

Table of New Deal for Schools allocations—Shropshire local education authority

£

Project	*NDS 1 1997–98*	*NDS 2 1998–99*	*NDS 3 1999–2000*	*NDS 4 2000–01*
LEA wide ICT package to provide fibre optic spines in 39 schools	185,000	—	—	—
Wilfred Owen County Primary School—Replacement of classroom	—	37,950	—	—
West Felton CE Primary School—Replacement of classroom	—	37,950	—	—
Shrewsbury Severndale Special School—Replacement of classrooms	—	89,980	—	—
Bridgnorth Oldbury Wells School—Repairs to concrete framing	—	264,000	—	—
Adderley CE Primary School—Recovering of roof to demountable classroom	—	1,908	—	—
Broseley the John Wilkinson CE Primary School—Recovering of roof to demountable classroom	—	1,908	—	—
Market Drayton Junior School—Recovering of roof to demountable classroom	—	1,908	—	—
Shrewsbury Harlescourt Junior School—Recovering of roof to demountable classroom	—	7,632	—	—
Woodfield Infant School—Recovering of roof to demountable classroom	—	1,906	—	—
Cleobury Mortimer Lacon Childe School—Recovering of roof to demountable classroom	—	3,816	—	—
Ellesmere Lakelands—Recovering of roof to demountable classroom	—	1,908	—	—
Rhyn Park School—Renewal of roof coverings to demountable classroom	—	4,368	—	—
Belvedere School—Renewal of roof coverings to demountable classroom	—	3,816	—	—
Meole Brace School—Renewal of roof coverings to demountable classroom	—	1,908	—	—
Adams Wren School—Renewal of roof coverings to demountable classroom	—	1,908	—	—
Clunbury CE School—Replace outside toilets	—	81,186	—	—
Farlow CE Primary School—External WC replacement	—	63,250	—	—
Bridgnorth St. Leonards Junior School—Repairs to SCOLA building	—	343,750	—	—
Broseley CE Primary School—Repairs to SCOLA system building	—	233,200	—	—
Shropshire Music and Arts Centre—Replacement of demountable	—	—	71,991	—
Lakelands School—Replacement of dilapidated demountable	—	—	39,176	—
Barrow CE School—Replacement of dilapidated demountable	—	—	44,263	—
Caynham CE School—Replacement of dilapidated demountable	—	—	45,678	—
St. Oswalds School—Replacement of dilapidated demountable	—	—	45,067	—
Meole Brace School—Replace leaking roof	—	—	66,000	—
Sir John Talbot School—Upgrade specialist accommodation	—	—	49,960	—
Package of 4 schools—Improve inadequate fire precautions	—	—	517,200	—
Package of 165 schools—Asbestos identification	—	—	317,002	—
Condover CE Primary School—Replacement of HORSA building	—	—	—	265,299
The Corbet School—Replacement of temporary classroom	—	—	—	55,780
Holy Cross CE Junior School—Replacement of temporary classroom	—	—	—	38,700
Ludlow School—Fire Precautions	—	—	—	123,557
Community College, Bishops Castle—Replacement roof	—	—	—	175,974
The Grove School—Replacement roof	—	—	—	120,765
Shifnal Primary School—Refenestration	—	—	—	170,089
Albrighton St. Mary's School—Refenestration	—	—	—	138,024
Severndale School—Refenestration	—	—	—	119,148
Radbrook Primary School—Replacement of hard play area	—	—	—	32,943
Oldbury Wells School—Replacement of curtain walling	—	—	—	371,884

Table of New Deal for Schools allocations—Shropshire local education authority

£

Project	*NDS 1 1997–98*	*NDS 2 1998–99*	*NDS 3 1999–2000*	*NDS 4 2000–01*
The Grove School—Replacement of curtain walling	—	—	—	44,053
Package—Community College, Bishops Castle and William Brookes School—Replacement of curtain walling	—	—	—	89,426
The Grove School—Refurbishment of CDT areas	—	—	—	245,338
Package—Albrighton Junior School, Wilfred Owen School, The Grange School, Bridgnorth Endowed School—Roofing repairs	—	—	—	216,889
Bridgnorth St. Mary's School—Roofing repairs	—	—	—	35,398
Shifnal St. Andrews School—Roofing repairs	—	—	—	159,584
Package—Shifnal Primary School, Shawbury St. Mary's School, Springfield Infants School—Roof repairs and fire breaks	—	—	—	184,694
Package—Buntingsdale Infants School, Ludlow Infants School—Roofing repairs to demountables	—	—	—	18,865
Package—Beech Grove School, Springfield Infants School—Refenestration to Mk1 SCOLA buildings	—	—	—	143,106
Severndale School—Replacement heating system	—	—	—	65,789
Worfield Endowed School—Replace boiler	—	—	—	11,220
Corvedale CE School—Replace boiler	—	—	—	11,715
Bridgnorth St. Mary's—Replace boiler controls	—	—	—	3,300
Bridgnorth St. John's School—Replace heating system	—	—	—	11,154
The Corbett School—Replace heating boilers	—	—	—	60,537
Worfield Endowed School—Replace fire alarm system	—	—	—	13,298
St. Oswald's RC School—Replace electrical switchgear	—	—	—	4,660
Package—Shawbury Primary School, Bomere Heath Primary School, Newtown School, Bishops Castle Primary School, Whitchurch Infant School, Kinnerley School, Bayston Hill Longmeadow School—Improvement to IT/GP areas	—	—	—	180,983
Totals	£185,000	£1,184,252	£1,196,337	£3,112,172

Forms

Mrs. Lait: To ask the Secretary of State for Education and Employment what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123950]

Mr. Wicks: In its monitoring of regulatory impact, DfEE does not distinguish the numbers of forms issued exclusively to charities and voluntary organisations which they are required to complete. The collation of this data could be done only at disproportionate cost. However, I am unaware of any requirement placed on charities or voluntary organisations as such, over and above what applies equally to any other providers of education, training or employment.

Part-time Employees (Pension Rights)

Mr. Boswell: To ask the Secretary of State for Education and Employment what assessment he has carried out of the costs to the further education sector of the recent European Court judgment retrospectively extending pension rights to part-time employees. [123976]

Mr. Wicks: This is a complex ruling which needs careful consideration. It also has to be referred back to the House of Lords for their judgment.

College Fees

Mr. Boswell: To ask the Secretary of State for Education and Employment what recent representations he has received in connection with the funding of college fees for graduates in receipt of financial support from a research council. [124538]

Mr. Wicks: The Secretary of State has received no recent representations on this issue.

Higher Education Research

Mr. Boswell: To ask the Secretary of State for Education and Employment what guidance he has issued to those conducting the current review of the higher education research assessment exercise in connection with reduction of the administration requirements of the system. [124539]

Mr. Wicks: The Higher Education Funding Council for England, in collaboration with the other funding bodies in the United Kingdom, is carrying out its own fundamental review of research policy and funding. This includes an examination of the research assessment exercise and its continuing fitness for purpose. My right hon. Friend the Secretary of State for Education and Employment has given no guidance to the Funding Council on how to carry out this review, which is expected to result in a report for consultation later this summer.

Investors in People

Mr. Willis: To ask the Secretary of State for Education and Employment which Careers Service contractors hold *(a)* a Charter Mark, *(b)* an Investors in People award and *(c)* an International Standards Organisation registration. [120779]

Mr. Wicks *[pursuant to his reply, 5 May 2000, c. 218–20W]:* Three of the careers companies were inadvertently omitted. The correct response is as follows.

The Careers Service accreditations, according to the best information I have available, are contained in the following table.

Careers services	*Charter mark*	*Investors in people*	*International standards organisation*
North East			
Future steps	No	Yes	Yes
County Durham Careers	No	Yes	No
Northumberland Guidance	No	Yes	No
City of Sunderland Careers	No	Yes	Yes
Tyneside Careers	No	Yes	No
North West			
Lifetime Careers (Bolton, Bury and Rochdale)	Yes	Yes	No
Cheshire Guidance	Yes	Yes	Yes
Cumbria Careers	Yes	No	No
East Lancashire Careers	Yes	No	No
Career Decisions	Yes	No	No
Careers Partnership	Yes	No	Yes
Oldham Careers	Yes	Yes	No
St. Helens Careers Services	Yes	No	No
Lifetime Careers (Stockport and High Peak)	Yes	No	No
CareerLink	Yes	Yes	No
Wigan Careers	Yes	Yes	Yes
Career Connections	Yes	No	No
Yorkshire and The Humber			
Lifetime Careers (Barnsley, Doncaster and Rotherham)	No	Yes	No
Careers Bradford	No	Yes	No
Calderdale and Kirklees Careers	Yes	Yes	Yes
Humberside Partnership	No	Yes	No
Leeds Careers	No	Yes	No
Guidance Enterprises (York and North Yorkshire)	Yes	Yes	Yes
Sheffield Careers	No	Yes	No
Guidance Enterprises (Wakefield)	Yes	Yes	No
West Midlands			
Careers and Education Business Partnership	No	Yes	No
Prospects Careers (Black Country)	No	Yes	No
Quality Careers	Yes	Yes	No
Hereford and Worcester Careers	No	Yes	No
Shropshire Careers	No	Yes	No
Central Careers	No	Yes	No
3S Strategies	No	Yes	Yes
Warwickshire Careers	No	Yes	No
East Midlands			
Derbyshire Careers	No	Yes	No
Leicestershire Careers	No	Yes	No
Lincolnshire Careers	No	Yes	No
Career Path (Northamptonshire)	No	Yes	No
GuideLine Careers	No	Yes	No
Eastern			
CfBT Bedfordshire	No	Yes	No
Cambridgeshire Careers	No	Yes	No
Essex Careers and Business Partnership	Yes	Yes	Yes
Hertfordshire Careers	No	Yes	Yes
Norfolk Careers	No	Yes	No
Suffolk Careers	No	Yes	No
South West			
Learning Partnership West (Avon)	No	Yes	No
Cornwall and Devon Careers	Yes	Yes	No
Dorset Careers	No	Yes	No
Learning Partnership West (Gloucestershire)	No	Yes	No
Somerset Careers	Yes	Yes	No
Lifetime Careers Wiltshire	Yes	Yes	No
South East			
CfBT Thames Careers	No	Yes	No
Buckingham Careers	Yes	Yes	No
Sussex Careers	No	Yes	No
VT Southern Careers	No	Yes	No
Kent Careers	No	Yes	No
Surrey Careers	No	Yes	No
VT West Sussex Careers	No	Yes	No

Careers services	Charter mark	Investors in people	International standards organisation
London			
Lifetime Careers Brent and Harrow	No	Yes	No
Prospects Careers (North London)	No	Yes	No
Enterprise Careers	No	Yes	No
Futures Careers	No	Yes	No
London South Bank Careers	No	Yes	No
Prospects Careers (South London)	No	Yes	No
Search	No	Yes	No
CfBT West London Careers	No	Yes	No
Capital Careers	No	No	Yes

Connexions Service

Mr. Clappison: To ask the Secretary of State for Education and Employment what proposals he has for the remuneration of learning mentors and Personal Advisers in the Connexions Service. [119266]

Mr. Wicks: Connexions Service Personal Advisers will be employed by partner organisations. Appropriate professional structures are being developed to support this emergent profession. As the role develops full account will be taken of the relevant structures, terms and conditions and labour market conditions in allied professions.

LORD CHANCELLOR'S DEPARTMENT

Northern Ireland Bar

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to the answer of 2 February 2000, *Official Report*, column 639W, on the Northern Ireland Bar, if he will *(a)* make a statement on dates of correspondence with the Lord Chief Justice and *(b)* place copies in the Library. [124104]

Mr. Lock: Since January 1997 there have been 16 letters between the Lord Chancellor and the Lord Chief Justice about appointments to the Northern Ireland Senior Bar.

Two letters between the Lord Chancellor and the Lord Chief Justice relating to appointments to the Senior Bar have already been disclosed in proceedings before the High Court in Northern Ireland (in the matter of an application by Seamus Treacy and Barry Macdonald) and will be placed in the Library. All of the remaining correspondence was conducted on a confidential basis and much of it relates to individuals' suitability for appointment to the Senior Bar or ministerial responsibility for such appointments. It will not, therefore, be placed in the Library.

Mr. McNamara: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to the answer of 2 February 2000, *Official Report*, column 640W, on the Northern Ireland Bar, if he will make a statement on *(a)* consultation procedures, *(b)* responses made and *(c)* conclusions reached. [124103]

Mr. Lock: This related to the Report of the Committee (the Elliott Committee) established by the Bar Council in November 1996 to investigate and report on all aspects of the appointment of Senior Counsel in Northern Ireland. That Committee reported to the Bar Council the following year and a copy of the Report was provided to the Lord Chief Justice of Northern Ireland in May 1997. The Bar Council did not, however, provide a copy of the Report to the Secretary of State for Northern Ireland (who was responsible for matters relating to Queen's Counsel at that time) nor to the Lord Chancellor who subsequently assumed those responsibilities. Copies of the Report were, however, provided to the Northern Ireland Office and the Lord Chancellor by the Lord Chief Justice.

I am not in a position to know what responses the Bar Council received following publication of the Elliott Report. Although the Secretary of State and the Lord Chancellor had been invited to comment by the Elliott Committee as part of the Committee's original consultations, neither of them were invited to comment on the recommendations of the final report.

The Lord Chancellor is presently considering the effect of the judgment in the case brought by Seamus Treacy and Barry Macdonald. It would be premature to comment on the Declaration to be made by new Queen's Counsel and the Lord Chancellor's conclusions concerning the Elliott Report until final decisions have been reached concerning the issues raised in that case.

Special Advisers

Mr. Tyrie: To ask the Parliamentary Secretary, Lord Chancellor's Department on how many occasions since 24 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124120]

Mr. Lock: The Special Adviser in the Lord Chancellor's Department has not travelled overseas in an official capacity since being appointed.

Young Offenders

Mr. Tony Lloyd: To ask the Parliamentary Secretary, Lord Chancellor's Department what was the length of time taken to bring young offenders before the courts in each Metropolitan police authority area; and what were the corresponding figures for 1997. [123802]

Jane Kennedy: Information on the time taken in magistrates courts proceedings is collected by the Lord Chancellor's Department's Time Intervals Survey. The accompanying table shows the average number of days from charge or laying of information to first listing for Youth Court defendants in June 1997, June 1999 and February 2000. The only survey to cover all Youth Court defendants in 1997 was the June survey, and the most recent results available are from the February 2000 survey.

Average number of days from charge or laying of information to first court listing for all criminal defendants dealt with at Youth Courts in Metropolitan police authority areas[1]

	June 1997[2]	*June 1999*	*February 2000*
Greater Manchester	30	23	12
Merseyside	30	23	8
Metropolitan[3]	38	20	18
Northumbria	31	20	13
South Yorkshire	29	14	9
West Midlands	29	16	13
West Yorkshire	29	24	18

[1] From the start of 1999 analysis of the Time Intervals Survey has included certain longer cases than were previously excluded. In this table however the results presented are calculated on the pre-1999 basis for comparability. On the new basis of calculation the only figure in the table that would be different is the February 2000 figure for Merseyside which would be 9 days.

[2] In the June 1997 survey the sample sizes for Youth Court cases were less than 100 in Merseyside, South Yorkshire, the West Midlands and West Yorkshire and due to these small sample sizes these figures should be treated with added caution.

[3] Includes youths apprehended by City of London Police and proceeded against in London Youth Courts. Youth Courts are not held at the magistrates court in the City of London.

Source:

Lord Chancellor's Department Magistrates Courts Time Intervals Survey

Judges

Ms Keeble: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to her answer of 12 April 2000, *Official Report*, column 222–23W, when she will make a further statement on part-time judicial appointments to tribunals. [124542]

Jane Kennedy: On 12 April 2000, the Lord Chancellor announced that he and the Chancellor of the Exchequer and the Secretary of State for Social Security had agreed with the Lord Chief Justice of England and Wales and the Lord Chief Justice of Northern Ireland, new arrangements for part-time judicial appointments. Similar arrangements have now been put in place for an additional range of part-time Tribunal appointments for which the Lord Chancellor is responsible and for appointments made by the Secretary of State for the Environment, Transport and the Regions, the Secretary of State for Education and Employment, the Secretary of State for Health, the Secretary of State for Northern Ireland, the President of the Council and the Home Secretary.

The Lord Chancellor has also agreed with the Lord President of the Court of Session that for those Tribunals which sit in Scotland, but where appointments remain wholly or partly the responsibility of Westminster Ministers, the Lord President will assume the role that the Lord Chief Justices have already agreed to for appointments in England, Wales and Northern Ireland. In practice, this will mean that the Lord President will have to concur in all decisions to remove or not to renew an appointment.

Where Scottish Ministers and the National Assembly for Wales are now consulted on appointments to Tribunals in accordance with the relevant Statutory provisions or Devolution Concordats, they will also be consulted on removals from office, and decisions not to renew appointments.

These changes will come into effect immediately.

I am placing in the Library of the House a joint statement signed by the Lord Chancellor and the Lord President setting out the arrangements for the following Tribunals, which may sit in Scotland:

Part-time Immigration Adjudicators

Part-time members of the Immigration Appeal Tribunal

Part-time members of the Income and Corporation Taxes Tribunal

Deputy Special Commissioners for Income Tax Commissioners

Part-time members of the unified appeals service

Deputy Social Security and Child Support Commissioners

Part-time President and Chairmen of the Transport Tribunal

Deputy Traffic Commissioners.

I am also placing in the Library of the House joint statements signed by the specified Minister and by the Lord Chief Justice of England and Wales covering the following fixed-term appointments to Tribunals:

Lord Chancellor

Part-time President and Chairman of the Transport Tribunal

Part-time President and Vice President and Chairmen of the Rent Assessment Panels

Part-time Commons Commissioners

Arbitrators for the Motor Insurance Bureau

Part-time Agricultural Arbitrators

Part-time members of the Agricultural Land Tribunals

Part-time members of the Mental Health Review Tribunals

Part-time President and Chairmen of the Special Educational Needs Tribunal

Part-time Chairman and Deputy Chairmen National Health Service Tribunal

Legal panel Registered Homes Tribunal

Part-time Chairmen of the Betting Levy Appeal Tribunal

Part-time Chairmen of the Misuse of Drugs Tribunal

Secretary of State for Environment, Transport and the Regions

Part-time members of the Transport Tribunal

Part-time members of Rent Assessment Committees

Deputy Traffic Commissioners

Secretary of State for Education and Employment

Part-time members of the Special Educational Needs Tribunal

Secretary of State for Health

Part-time members of the National Health Service Tribunal

President of the Council

Part-time members of the Registered Homes Tribunal

Home Secretary

Part-time members of the Betting Levy Appeal Tribunal

Part-time members of the Misuse of Drugs Tribunal.

I am also placing in the Library of the House joint statements signed by the specified Minister and by the Lord Chief Justice of Northern Ireland covering the following fixed-term appointments to Tribunals:

Lord Chancellor

Part-time Chairmen and members of the Appeal Tribunals

Part-time Chairmen of the Fair Employment Tribunal

Part-time members of the Tribunal established under Section 91 of the Northern Ireland Act 1998

Part-time members of the Reserve Forces Appeal Tribunal

Part-time Chairmen and members of the Mental Health Review Tribunal

Part-time Chairmen of the Registered Homes Tribunal

Part-time President and Chairmen of the Special Needs Tribunal

Secretary of State for Northern Ireland

Part-time Chairmen and Commissioners of the Sentence Review Commission.

The First and Deputy First Ministers of the New Assembly for Northern Ireland are being invited to agree that the new arrangements be brought before the Executive Committee with a view to an announcement being made to the Assembly by the relevant Northern Ireland Ministers.

Kenneth Noye

Mr. Fallon: To ask the Parliamentary Secretary, Lord Chancellor's Department for what reason the Lord Chancellor has not replied to the letter of 30 April from the parents of the late Stephen Cameron about the award of legal aid to Kenneth Noye; when he plans to do so; and what the circumstances are in which such an award can be made. [124033]

Mr. Lock: The Lord Chancellor replied to Mr. and Mrs. Cameron on 1 June. An award of legal aid is made in a criminal case where the court considers that it is in the interests of justice to do so and that the defendant needs help to meet his or her legal costs.

HOME DEPARTMENT

Errol Flynn

Mr. Cohen: To ask the Secretary of State for the Home Department, pursuant to his answer of 2 May 2000, *Official Report*, columns 76–77W, on intelligence records, if he will make a statement on the timetable for reviewing and releasing historical records relating to the *(a)* inter-war period and *(b)* Second World War, with special reference to film stars of that era. [123825]

Mr. Straw: As stated in my reply of 2 May 2000, *Official Report*, columns 76–77W, the Security Service is currently reviewing and releasing records from its archive covering the Second World War. The next period to be covered by the review will be the inter-war period.

This is a systematic process of review and there are no specific procedures for particular categories of people such as film stars.

Economic Migration

Mr. Cohen: To ask the Secretary of State for the Home Department what his policy is on ending specific skill shortages by permitting economic migration; and if he will make a statement. [123728]

Mrs. Roche: Equipping people in the United Kingdom through education and training is key to addressing specific skill shortages. Enhancing access for skilled people from overseas is also important. The Home Office's formal aim for immigration explicitly recognises regulation of entry to and settlement in the United Kingdom in the interests of social stability and economic growth. Within the European Union, freedom of movement means that there is in effect a free market for employment. For non-European Economic Area nationals, the Immigration Rules provide for people seeking to enter or remain in the United Kingdom for specified employment and business purposes, subject to the conditions in the Rules. My right hon. Friend the Secretary of State for Education and Employment has responsibility for the work permit service which is specifically designed to enable employers in the United Kingdom to recruit skilled people from abroad, and recently announced measures aimed at further developing this service.

Criminal Cases Review Commission

Dr. Iddon: To ask the Secretary of State for the Home Department what is the backlog of cases awaiting examination at the Criminal Cases Review Commission; and what was the backlog on the same date in each year since its establishment. [123602]

Mr. Charles Clarke: I understand that, at the end of April this year, the Criminal Cases Review Commission had 921 cases awaiting review. The number of cases awaiting review at the end of April in 1997, 1998 and 1999 were 412, 860 and 1,198 respectively.

Criminal Assets

Mr. Lidington: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Newcastle upon Tyne, Central (Mr. Cousins) of 2 February 2000, *Official Report*, columns 599–600W, on criminal assets, when he plans to publish the White Paper on financial crime. [123774]

Mr. Charles Clarke: We will announce our plans when the Performance and Innovation Unit report is published.

ACPO Crime Committee Survey

Mrs. Curtis-Thomas: To ask the Secretary of State for the Home Department if he will list the forces which responded to the survey by the Association of Chief Police Officers Crime Committee, indicating those which *(a)* (i) had carried out or (ii) were then carrying out investigations into institutional child abuse during the period covered by the questionnaire and *(b)* had previously been involved in similar investigations. [123292]

Mr. Charles Clarke: For operational reasons the information was sought and supplied in confidence and I am therefore not in a position to answer the question to the level of detail requested. The information is now 12 months old and will be out of date because the situation is changing on a daily basis.

Alcohol Abuse

Mr. Woodward: To ask the Secretary of State for the Home Department how much funding his Department allocated to measures for informing people of the dangers of alcohol abuse in the last three years. [123433]

Mr. Charles Clarke: The Home Office has had no specific funding allocated to informing people of the dangers of alcohol abuse.

However, the Home Office is active in tackling alcohol-related crime and has in place several measures to do so. A series of seminars on Alcohol and Crime have been established by the Home Office which draw together representatives from other Government Departments, the

licensed industry, the voluntary sector and the academic community with the aim of establishing the nature of the problem and developing good practice.

There is also a programme of research under way examining the policing of alcohol-related crime in city centres, the potential of alcohol interventions in the criminal justice system and the alcohol consumption of young people.

The Targeted Policing Initiative within the Crime Reduction Programme has funded one project to tackle alcohol-related crime in Cardiff and is expected to fund a further three in its current funding round.

Kenneth Noye

Mr. Fallon: To ask the Secretary of State for the Home Department for what reason he has not replied to the letter of 30 April from the parents of the late Stephen Cameron about the award of legal aid to Kenneth Noye; and when he plans to do so. [124034]

Mr. Straw: The reason for not having replied to Mr. and Mrs. Cameron's letter of 30 April was because either the letter was not received in the Home Office or it was received and mislaid. I was grateful to the hon. Member for sending me a copy of Mr. and Mrs. Cameron's letter under cover of his own of 23 May.

My reply to Mr. and Mrs. Cameron will be despatched on 5 June, and will be copied to the hon. Member.

Asylum Seekers (Voucher Scheme)

Mr. Gerrard: To ask the Secretary of State for the Home Department if he will list those retail firms which have agreed to accept asylum seekers' vouchers as payment. [123901]

Mrs. Roche: As of 25 May 2000, in excess of 19,000 retail firms have agreed to take part in the asylum seeker support voucher scheme. This number includes both large retail chains and smaller retailers.

Forms

Mrs. Lait: To ask the Secretary of State for the Home Department what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123945]

Mr. Straw: Charities and other voluntary organisations make an important contribution to many aspects of Home Office work. No central record is kept of all the Home Office's contacts with those bodies and the information sought could be collected only at disproportionate cost. The Home Office remains committed to modernising administration, including making greater use of electronic transfers and seeking to minimise the burdens on charities and voluntary organisations.

Metropolitan Police

Mr. McNamara: To ask the Secretary of State for the Home Department how many officers currently serving in the Special Branch of the Metropolitan police have served on the force for *(a)* less than five years, *(b)* more than five and less than 10 years, *(c)* more than 10 and less than 15 years, *(d)* more than 15 and less than 20 years and *(e)* more than 20 years. [123959]

Mr. Charles Clarke: The information requested is given in the table provided by the Commissioner of Police of the Metropolis.

Length of service profile—Special Branch

	Number
(a) Less than five years	19
(b) More than five years and less than 10 years	71
(c) More than 10 years and less than 15 years	159
(d) More than 15 years and less than 20 years	126
(e) More than 20 years	180

Mr. McNamara: To ask the Secretary of State for the Home Department how many officers currently serving in the Criminal Investigation Department of the Metropolitan police have served on the force for *(a)* less than five years, *(b)* more than five and less than 10 years, *(c)* more than 10 and less than 15 years, *(d)* more than 15 and less than 20 years and *(e)* more than 20 years. [123958]

Mr. Charles Clarke: The information requested is given in the table, provided by the Commissioner of Police of the Metropolis.

Length of service profile—serving criminal investigation department officers

	Number
(a) Less than 5 years	17
(b) More than 5 years and less than 10 years	410
(c) More than 10 years and less than 15 years	960
(d) More than 15 years and less than 20 years	1,067
(e) More than 20 years	1,441

Europol

Mr. Mitchell: To ask the Secretary of State for the Home Department what are the functions of the *(a)* board of management and *(b)* joint supervisory body of Europol; what representation the United Kingdom has on both bodies; and how many of its staff are seconded from United Kingdom police forces. [123893]

Mr. Charles Clarke: The functions of the Europol Management Board and the Joint Supervisory Body are set out in Articles 28 and 24 of the Europol Convention, a copy of which has been placed in the Library. The United Kingdom is represented on the Management Board by the Director General of the National Criminal Intelligence Service, and on the Joint Supervisory Body by the Director and Deputy Director of the Office of the Data Protection Registrar.

Four members of the National Criminal Intelligence Service are at present on secondment to Europol as Liaison Officers under Article 5 of the Convention. 17 other United Kingdom nationals are employed by Europol on contract terms under Article 1 of the Staff Regulations applicable to Europol Employees.

Mr. Mitchell: To ask the Secretary of State for the Home Department if he will list the proposed contributions of each member state of the European Union

to Europol for *(a)* 2000 and *(b)* 2001, indicating the basis for such payments, and the main items of planned expenditure in each year. [123894]

Mr. Charles Clarke: Europol's draft budgets for the years 2000 and 2001 are in European Union Council documents EUROPOL 41, 11030/99 and EUROPOL 8, 7695/00, copies of which are in the Library. These show that member states' contributions are as follows.

Euro

	2000	*2001*
Austria	620,254	754,533
Belgium	759,021	896,461
Denmark	496,349	594,996
Finland	352,936	431,912
France	4,394,707	5,090,100
Germany	6,552,284	7,571,678
Greece	373,967	426,457
Ireland	190,975	242,432
Italy	3,565,922	4,179,684
Luxembourg	54,271	63,792
Netherlands	1,135,079	1,357,330
Portugal	316,943	377,098
Spain	1,668,231	1,992,532
Sweden	681,903	823,762
United Kingdom	4,130,107	5,134,443
Total[1]	25,292,950	29,937,207

[1] The differences in the totals in the two tables reflect other revenues and adjustments made to the contributions to finance the proposed expenditures.

The contributions are based on member states' gross national products.

The items of proposed expenditure as set out in the budget are as follows.

Euro

	2000	*2001*
Personnel	15,254,000	18,737,800
Bodies and organs[1]	2,007,000	2,155,000
Europol Computer System	7,000,000	10,724,000
Other expenditure[2]	4,185,000	4,995,000
Total[3]	28,446,000	36,611,800

[1] Including the Joint Supervisory Board

[2] The building; information and communications technology; vehicles; communications; other acquisitions and other running costs.

[3] The differences in the totals in the two tables reflect other revenues and adjustments made to the contributions to finance the proposed expenditures.

Children and Young Persons Act 1933

Ms Julie Morgan: To ask the Secretary of State for the Home Department how many persons were sentenced under section 53(2) of the Children and Young Persons Act 1933 in each year since 1997; and what were their *(a)* ages and *(b)* gender. [123936]

Mr. Charles Clarke: The information is given in the table.

Number of persons sentenced, at the Crown court, under section 53(2) of the Children and Young Persons Act 1933 by sex and age, England and Wales, 1997–99[1]

	1997		*1998*		*1999*[1]	
Age	*Males*	*Females*	*Males*	*Females*	*Males*	*Females*
10	1	—	—	—	—	—
11	1	—	1	—	3	—
12	10	—	6	—	3	3
13	21	3	19	—	27	1
14	89	3	61	2	77	5
15	121	6	84	6	70	7
16	166	7	157	8	133	5
17	283	11	245	4	262	5
Total	692	30	573	20	575	26

[1] Provisional

Ms Julie Morgan: To ask the Secretary of State for the Home Department what plans he has to reduce the number of offences which may attract a sentence under section 53(2) of the Children and Young Persons Act 1933. [123938]

Mr. Charles Clarke: It is essential the courts have the powers they need to deal with children and young persons convicted of serious offences. The Government have no current plans to reduce the number of offences contained in section 53(2) of the Children and Young Persons Act 1933.

Correspondence

Mr. Whittingdale: To ask the Secretary of State for the Home Department, pursuant to his answer of 20 April 2000, *Official Report*, column 592W, when a reply will be sent to the letter from the hon. Member for Maldon and East Chelmsford to the Minister of State, the hon. Member for Hornsey and Wood Green (Mrs. Roche), of 24 January. [124142]

Mrs. Roche: A full reply to the letter of 24 January from the hon. Member for Maldon and East Chelmsford was sent on 23 May.

Mr. Tony Lloyd: To ask the Secretary of State for the Home Department when he will reply to the letter from the right hon. Member for Manchester, Central of 9 May concerning issuing of letters to asylum seekers notifying refusal but delaying the issue of the removal notice; what consultation he has had with the Secretary of State for Social Security regarding its impact on benefits; if he will make it his policy to discontinue the practice; and if he will make a statement. [123865]

Mrs. Roche: I replied to my hon. Friend on 23 May. There was no need to consult the Secretary of State for Social Security about the content of the interim letters to asylum seekers, because the relevant paragraphs were concerned with support from the National Asylum Support Service (NASS) which is part of the Home Office. There was never any intention to cut off support before the asylum seekers had the opportunity to appeal against the refusal of their claims, but I accept that the wording used in the interim letters may have caused some confusion. In order to avoid this in future, the paragraphs about NASS support have now been removed from the interim letter. Where appropriate, they are now included in the letter which provides full reasons for the refusal of the asylum claim.

Fire Service

Mr. Paul Marsden: To ask the Secretary of State for the Home Department if he will list for each fire authority, grouped into *(a)* London area, *(b)* metropolitan areas, *(c)* shire counties and *(d)* shire unitary authorities for each year from 1992 to date, (i) the number of fire call-outs, (ii) the average call out time for urban areas and rural areas, (iii) the number of fatalities and injuries, (iv) the number of fatalities and injuries per head of population and (v) the totals of (i) to (iv) for each grouped fire authority *(a)* to *(d)*; and if he will make a statement. [123903]

Mr. Mike O'Brien: Information is not available in the exact form requested as statistics are compiled by brigade area. Tables showing the following information for fires attended by local authority fire brigades in England and Wales during the period 1992 to 1998: (i) the total number of fires and the number of fires involving property and/or casualties (primary fires). The figure for total fires (comprises property fires and those involving casualties (i.e. primary fires), small outdoor fires (i.e. secondary fires) and chimney fires); (ii) the average response time in minutes from receipt of the first call to the brigade to time of arrival, split by urban and rural areas within the brigade; and (iii) the number of fatal and non-fatal casualties involved in fires and rates per million head of the population have been placed in the Library.

Water Cannon

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his oral statement of 22 May 2000, *Official Report*, column 656, if he will make a statement on his policy in respect of the use of water cannon against crowds *(a)* comprised entirely of adult males, *(b)* comprised of adult males and adult females and *(c)* comprised entirely of adult females. [124361]

Mr. Straw: Water cannon are not currently in use for public order purposes in England and Wales.

The possibility of providing the police with water cannon to deal with serious public disorder was carefully considered by a joint police and Home Office working party in the 1980s. Tests were conducted into all aspects of the water cannon's operational capabilities. Models in use on the continent were examined and a wide range of tests were carried out using custom-built British prototypes, as a result of which a number of operational problems emerged.

Water cannons cannot be mobilised quickly in order to deal with spontaneous disorder and when mobilised are slow and difficult to manoeuvre, particularly in narrow streets. When water cannon were used in Northern Ireland in the early 1970s they were not found to be effective and, in fact, they became prize targets for rioters.

For these reasons, chief police officers in England and Wales have not been persuaded that water cannon would be of operational value in dealing with public disorder in this country.

Police Service Strength

Mr. Clappison: To ask the Secretary of State for the Home Department what is the most recent breakdown of the Police Resources Unit projections of total police service strength in England and Wales from 31 March 1999 to 31 March 2003. [123975]

Mr. Charles Clarke: There were 126,096 police officers on 31 March 1999. On the basis of projections made by police forces earlier this year, total police numbers for 31 March 2000 were estimated at 124,800. Actual figures should be available by the end of June. For projections for 2000–01 and 2001–02, I would refer the hon. Member to the reply my right hon. Friend the Home Secretary gave to the hon. Member for North Shropshire (Mr. Paterson) on 22 May 2000, *Official Report*, columns 655–58W.

Police force projections indicate that for 31 March 2003 there would be 125,900 police officers, as cited in the reply I gave to the hon. Member for Southwark North and Bermondsey (Mr. Hughes) on 15 March 2000, *Official Report*, columns 177–79W. Chief Officer's projections were made on the basis of the Comprehensive Spending Review settlement which extends to 2001–02, but in the absence of any information about funding levels for the police service in 2002–03. Funding levels from 2002–03 will only be known when the outcome of the 2000 Spending Review is announced in the summer, when more realistic projections can be made.

Child Curfew Orders

Mr. Fraser: To ask the Secretary of State for the Home Department how many local child curfew orders have been issued in Dorset. [124514]

Mr. Charles Clarke: No applications have been received from local authorities to establish child curfew schemes under the Crime and Disorder Act 1998. Local authorities should consider the contribution such schemes could make to tackling problems of anti-social behaviour by children identified in their local crime and disorder reduction strategy.

Police Recruitment (Dorset)

Mr. Fraser: To ask the Secretary of State for the Home Department (1) what discussions he has had with the Chief Constable of Dorset regarding police recruitment; [124527]

(2) what share of the Crime Fighting Fund for Police recruits will be allocated to Dorset. [124517]

Mr. Charles Clarke: I have not had any discussions with the Chief Constable of Dorset Police regarding police recruitment.

Dorset Police were allocated 46 police officers (29 officers in 2000–01 and 17 in 2001–02) under the accelerated recruitment scheme of the Crime Fighting Fund. The funding for each force will be determined once we have received a profile of their planned recruitment during the first year.

Persistent Young Offenders

Mr. Fraser: To ask the Secretary of State for the Home Department what progress has been made in reducing the time taken between arrest and sentence for persistent young offenders. [124516]

Mr. Charles Clarke: I would refer the hon. Member to the reply given by my right hon. Friend the Minister of State, Home Office, to the right hon. Member for Maidstone and The Weald (Miss Widdecombe) on 12 May 2000, *Official Report*, column 523W.

Drug Treatment and Testing Orders

Mr. Fraser: To ask the Secretary of State for the Home Department how many drug treatment and testing orders have been issued in Dorset. [124515]

Mr. Charles Clarke: None: the order was piloted in three areas: Croydon, Liverpool and Gloucestershire.

As announced by my right hon. Friend the Home Secretary, in a reply to my hon. Friend the Member for Brent, North (Mr. Gardiner) on 15 May 2000, *Official Report*, columns 63–64W, Drug Treatment Testing Orders (DTTOs) will be rolled-out to all areas in England and Wales from 1 October 2000.

Dogs (Scientific Tests)

Mr. Gale: To ask the Secretary of State for the Home Department, pursuant to the oral statement made by the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food, the hon. Member for Scunthorpe (Mr. Morley) on 14 December 2000, *Official Report*, columns 250–54, on animals, when the Government introduced a ban on the use of dogs in scientific tests; and how this ban was announced. [124422]

Mr. Mike O'Brien: Dogs are used in regulated procedures where their use is justified under the Animals (Scientific Procedures) Act 1986. There are no current plans to change the legislation.

The oral statement made by the Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food on 14 December 1999, *Official Report*, columns 250–54, stemmed from a misleading newspaper report in the Sunday Times on 12 December 1999. This report appeared to be based on a misreading of the Breeding and Sale of Dogs (Welfare) Act 1999, which came into force on 30 December 1999. The Act tightens controls over commercial breeding establishments supplying dogs for the pet trade. It is designed to raise standards of care in puppy farms and stipulates tighter controls on the sale of dogs by dealers and pet shops and stiffer penalties for breeders who flout the law.

Establishments breeding animals for laboratory use are exempt from the Breeding and Sale of Dogs (Welfare) Act 1999 and will continue to be regulated by the provisions of the Animals (Scientific Procedures) Act 1986 which requires Home Office inspection and close veterinary supervision.

The Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food wrote on 2 February 2000 to the hon. Member for Lewes (Mr. Baker) about correcting the error. A copy of his letter was placed in the Library.

Police Helicopters

Ms Julie Morgan: To ask the Secretary of State for the Home Department, pursuant to his answer of 15 May 2000, *Official Report*, column 62W, on police helicopters, and his letter of 18 May, what is the total cost of the air package; and what items it covers. [124658]

Mr. Charles Clarke: The total contract cost to South Wales Police for the air support package is £542,988 for the financial year 2000–01. The contract is placed with Veritair Ltd. and covers the costs of the provision of a role-equipped helicopter, maintenance, fuel, four pilots, pilot training and base facilities.

Hunting with Dogs

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department, pursuant to his answer of 18 May 2000, *Official Report*, column 217W, on hunting with dogs, what steps the Government plan to take to assist the passage through both Houses of Parliament of a Private Members' Bill designed to secure a ban on hunting with dogs. [124074]

Mr. Mike O'Brien: The precise steps which may be needed in terms of Government time and assistance to secure the opportunity of a free vote on a hunting Bill will depend upon the circumstances at the time. My right hon. Friend the Home Secretary has already indicated our broad approach on it.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for the Home Department on how many occasions since 27 April 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124118]

Mr. Straw: During the period 27 April 1999 to the end of March 2000, special advisers in this Department have not travelled overseas in an official capacity.

2 Marsham Street

Mr. Loughton: To ask the Secretary of State for the Home Department for what purposes the former Environment Department building in Marsham street is now used. [124241]

Mr. Straw: Pursuant to my reply to the hon. Member for West Worcestershire (Sir M. Spicer) of 6 December 1999, *Official Report*, column 391W, the only occupier of this otherwise vacant building is a temporary shelter for the homeless, currently scheduled to close on 31 July. Other casual issues are permitted on a short term basis from time to time.

Mr. Loughton: To ask the Secretary of State for the Home Department what is the annual cost of maintaining the former Environment Department offices in Marsham street. [124239]

Mr. Straw: Pursuant to my reply to the hon. Member for West Worcestershire (Sir M. Spicer) of 6 December 1999, *Official Report*, column 391W, the budgeted figure for the financial year 2000–01 is £392,000 excluding VAT.

Mr. Loughton: To ask the Secretary of State for the Home Department if he will make a statement regarding the future of the former Environment Department offices in Marsham street. [124238]

Mr. Straw: I refer the hon. Member to the reply I gave to the hon. Member for Gainsborough (Mr. Leigh) on 20 January 2000, *Official Report*, column 558W.

Mr. Loughton: To ask the Secretary of State for the Home Department what is the estimated value of the former Environment Department site in Marsham Street. [124240]

Mr. Straw: The site belongs to Property Advisers Civil Estate (PACE). As it is the subject of disposal action through my Department's Central London Accommodation Strategy disclosure of the current valuation could be prejudicial until the sale is completed.

Crime (Greater Manchester)

Mr. Tony Lloyd: To ask the Secretary of State for the Home Department what data he has collated on recent crime trends in respect of *(a)* Greater Manchester and *(b)* the centre of Manchester for (i) robbery, (ii) theft from persons, (iii) theft from cars, (iv) theft of cars, (v) total crime, (vi) violent crime and (vii) sexual assaults. [123800]

Mr. Charles Clarke: The latest available data on crime trends in the centre of Manchester and Greater Manchester compare the periods April 1998 to September 1998 and April 1999 to September 1999 and are shown in the table.

	North and South Manchester			*Greater Manchester*		
	1 April 1998 to 30 September 1998	*1 April 1999 to 30 September 1999*	*Percentage change*	*1 April 1998 to 30 September 1998*	*1 April 1999 to 30 September 1999*	*Percentage change*
Total crime	45,676	46,954	2.8	182,433	185,955	1.9
Violent crime	7,009	8,540	21.8	23,114	26,428	14.3
Violence against the person	4,897	6,142	25.4	18,368	21,039	14.5
Robbery	1,781	2,022	13.5	3,611	4,095	13.4
Sexual offences	331	376	13.6	1,135	1,294	14.0
Theft from the person	1,044	1,099	5.3	2,232	2,266	1.5
Theft from a vehicle	5,706	5,105	−10.5	23,477	22,317	−4.9
Theft/unauthorised taking of a vehicle	4,653	4,599	−1.2	19,237	19,698	2.4

Notes:
Violent crime comprises violence against the person, robbery and sexual offences.

Mr. Tony Lloyd: To ask the Secretary of State for the Home Department what discussions he has had with Greater Manchester Police on the setting of operational targets with respect to *(a)* crimes of violence and *(b)* overall crime. [123801]

Mr. Charles Clarke: All police authorities in England and Wales have been provided with statutory guidance under the Best Value regime (Section 5 of the Local Government Act 1999) which requires that specific five year targets should be set by all police authorities for domestic burglary and for vehicle crime. In addition, five police authorities, including Greater Manchester, are required to set a target for robbery. The targets are a matter for individual police authorities and those set by each police authority are contained in their Best Value Performance Plan which they were required to publish before 31 March 2000.

The five year targets set by the Greater Manchester Police Authority are:

to reduce domestic burglary by 25 per cent.;
to reduce vehicle crime by 34 per cent.; and
to reduce robbery by 10 per cent.

Pedlars Act 1871

Dr. Brand: To ask the Secretary of State for the Home Department when he will publish the outcome of his review of the Pedlars Act 1871. [123582]

Mr. Mike O'Brien: The Home Office has considered the scope for reforming street trading and pedlars legislation in the light of the previous Government's deregulation reviews. We intend to discuss shortly with interested parties the deregulatory possibilities for street trading. Reform or repeal of the Pedlars Acts would, we believe, require primary legislation. We are ready to listen to views on pedlars but have no present plans to change the law.

Written Answers to Questions

Tuesday 6 June 2000

AGRICULTURE, FISHERIES AND FOOD

Salmon

Mr. Ronnie Campbell: To ask the Minister of Agriculture, Fisheries and Food what advice he has received from the Environment Agency on a possible extension of the salmon netting season in North-East England. [124985]

Mr. Morley: Following a debate in the House on 10 November 1999, I undertook to obtain advice from the Environment Agency on the implications of extending the salmon netting season by 20 days in North-East England. I emphasised that I would not wish to proceed with any measure that was not in the interests of salmon conservation. I also sought the Agency's advice on whether additional measures were needed to conserve large salmon in river fisheries in the autumn, particularly in the North-East.

I have now received the Agency's advice, which I have accepted. I am placing a copy in the Library of the House. In summary, the Agency has advised that such an extension would substantially increase the level of exploitation of both multi-sea-winter salmon and grilse and would not be in the interests of salmon conservation. The Agency does not believe at present that there is an immediate need for further measures to restrict exploitation by either rods or nets in North-East England, and notes that half of the rod catch in North-East England in 1999 was released. Nevertheless, it will continue to keep the position under review.

Farming (Financial Assistance)

Mr. Dobson: To ask the Minister of Agriculture, Fisheries and Food how much financial assistance has been given to the farming industry from European and UK sources in each year since 1990–91. [123988]

Ms Quin: The figures are set out in the table. Most but not all will be transferred to the farming industry. The farming industry also benefits from higher food prices as a result of the CAP, which are paid for by consumers.

EU and UK expenditure under the CAP and on national grants and subsidies, 1990–91 to date

£ million

Year (April/March)	Public expenditure under the CAP and on national grants and subsidies
1990–91	1,910
1991–92	1,977
1992–93	2,028
1993–94	2,905
1994–95	2,512
1995–96	2,897
1996–97	4,318
1997–98	3,583
1998–99	3,482
1999–2000[1]	3,172

[1] Forecast

Over-30-months Scheme

Mr. Simon Thomas: To ask the Minister of Agriculture, Fisheries and Food what percentage of claims under the over-30-months slaughter scheme for the period between 29 April and 25 May 1996 remain unresolved. [123435]

Ms Quin: In July 1999, the Agricultural Departments put in place arrangements for the Intervention Board Executive Agency to make ex gratia payments in respect of certain bovine animals, referred to as "Early Casualty Cases". These were casualty animals requiring emergency slaughter on welfare grounds, and which could not be presented onto the Over-30-months Slaughter Scheme between 29 April and 24 May (9 June in Scotland) 1996 solely due to the limited casualty processing facilities then available under the scheme.

Applications for Early Casualty Case payment were invited during the period 23 July to 31 August 1999. The Intervention Board received claims for payment on 132 animals put down during the relevant period in 1996, and a written response has been provided to each of these. Therefore, no cases remain unresolved.

Payment was made in respect of 115 animals. Eleven were found to be not payable, and six did not respond to requests for further information.

Mr. Hurst: To ask the Minister of Agriculture, Fisheries and Food what payments were made under the over-30-months scheme in each month during the past two years. [123411]

Ms Quin: The number of animals slaughtered under the OTMS and the amounts of compensation paid in each month over the period are set out in the table. It is not possible to relate directly the compensation paid to the number of animals slaughtered in any month mainly because payments are generally made up to five weeks after the date of slaughter. Apart from the compensation payments, expenditure totalling about £115 million in 1998–99 and £130 million in 1999–2000 was incurred for services such as slaughtering, rendering, incineration, storage and transport.

Year	Animals slaughtered	Compensation paid (£000)
1998–99		
April	63,154	17,058
May	66,980	18,593
June	46,422	17,469
July	53,341	15,030
August	59,063	13,705
September	84,996	21,280
October	100,665	23,282
November	110,831	26,500

Year	Animals slaughtered	Compensation paid (£000)
December	99,073	33,030
January	94,287	22,972
February	70,958	28,938
March	70,092	25,948
1999–2000[1]		
April	70,658	16,769
May	60,347	18,489
June	64,213	17,835
July	60,981	16,007
August	65,758	17,723
September	84,743	15,662
October	104,612	25,504
November	127,187	27,391
December	96,509	23,454
January	99,637	26,471
February	88,452	30,988
March	83,247	28,626

[1] Provisional

Beef Exports

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what contact Ministers or officials have had during the last 12 months with the United States Department of Agriculture with the aim of lifting the ban on UK beef exports. [123136]

Ms Quin *[holding answer 22 May 2000]:* My right hon. Friend the Minister raised the issue of the lifting of the US import ban on UK beef during his visit to the USA in February. The Chief Veterinary Officer and officials from our Embassy in Washington DC have also lobbied for the lifting of the US ban. The USA currently bans the import of beef from all European Union countries.

Pig Industry

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food when he expects to introduce the outgoer and ongoer elements of the pig industry restructuring scheme; and what projection has been made of the funds to be allocated to each element in each of the three years of the overall scheme. [122990]

Mr. Nick Brown *[holding answer 22 May 2000]:* Under state aid rules, the European Commission must approve the Pig Industry Restructuring Scheme (PIRS) before it can be introduced. To begin that process, the scheme was formally notified to the Commission on 30 March. The Commission has since carried out its initial study of the scheme and raised a number of questions; my officials have already answered these. The outgoers element of the scheme will be introduced as soon as possible following Commission approval. At present we are working towards introducing the ongoers element in early autumn. The outgoers scheme will operate using a sealed bid system, with the expectation that a good proportion of the £26 million plus the additional funds for which bids have been made will be available for the ongoers element.

GMOs

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his oral statement on GMOs and conventional crops of 18 May 2000, *Official Report*, column 473, whether any of the genetically-modified seeds contained the terminator gene. [123543]

Ms Quin *[holding answer 24 May 2000]:* The genetically modified oilseed rape variety in question (RT73) does not contain the terminator gene.

Correspondence

Mr. Kidney: To ask the Minister of Agriculture, Fisheries and Food when he will reply to the letter dated 21 February from the hon. Member for Stafford concerning Alex Nixon. [123773]

Ms Quin: I replied to the letter from my hon. Friend on 11 May 2000.

Farm Incinerators

Mrs. Brinton: To ask the Minister of Agriculture, Fisheries and Food what estimate he has made of the number of small incinerators used on farms. [123653]

Mr. Morley: My Department has made no such estimate. I understand that the National Farmers' Union considers the number to be somewhere between 2,000 and 3,000, but precise information is not available.

Bovine TB

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what studies his Department is conducting into the relationship of cattle movements to the possible spread of bovine TB. [123909]

Ms Quin: The risk factors which may increase the likelihood of TB infection in cattle herds, including any relationship between cattle movements and the spread of the disease, is being studied through the analysis of epidemiological data. These data are being collected by MAFF through a detailed survey of farms with TB outbreaks.

Statistics

Mr. Simon Hughes: To ask the Minister of Agriculture, Fisheries and Food what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123841]

Ms Quin *[holding answer 25 May 2000]:* Statistics from the annual June Census of Agriculture and Horticulture have recently been collated by parliamentary constituency. Our intentions are to place the information in the House of Commons data library.

Staffing

Mr. Cousins: To ask the Minister of Agriculture, Fisheries and Food what conclusions he has reached about the future of the regional service centres and the Intervention Board Agency; and what are the resulting changes in location and employment. [123897]

Ms Quin: No decisions have been made on the future of the Ministry's Regional Service Centres (RSCs) or the Intervention Board Executive Agency (IBEA) following the recent review of CAP scheme administration.

The review concluded that we could offer a radically improved service to farmers and significant savings to taxpayers by merging the payment functions of MAFF's RSCs and IBEA and making better use of available technology. The case for restructuring, which will require new funding, is being considered in the context of the Spending Review 2000.

My right hon. Friend the Minister has made it clear that he will not implement the recommendations of the review unless he is satisfied that we will be able to deliver clear benefits to public administration and to our client groups.

Aspartame

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food what monitoring the Food Standards Agency has undertaken of the number of people suffering an adverse reaction to aspartame; and how many cases have so far been reported of such a reaction, broken down by symptoms suffered. [124085]

Ms Stuart: I have been asked to reply.

The Committee on Toxicity of Chemicals in Food, Consumer Products, and the Environment will be publishing shortly a review of adverse reactions to food and food ingredients, including food additives. Their report discusses the difficulties in establishing the true incidence and prevalence of these reactions and attributing an adverse reaction to a specific food or food ingredient. Additionally, the Food Standards Agency has recently commissioned a feasibility study of methods to monitor potential adverse reactions to novel foods and the outcome of this will help to establish whether, and if so in what form, a practical monitoring system might be established. A copy of the COT's report will be placed in the Library as soon as it becomes available.

DEFENCE

Departmental Estate

Ms Christine Russell: To ask the Secretary of State for Defence when he plans to publish his Department's Estate Strategy. [124931]

Dr. Moonie: "In Trust and On Trust", the Strategy for the Defence Estate, will be published tomorrow, meeting the commitment made by my Department following the outcome of the Strategic Defence Review (SDR). Copies will be placed in the Libraries of both Houses and it will also be placed on the worldwide web.

The Ministry of Defence has consulted closely with voluntary sector organisations who have an interest in the defence estate and with the Government's statutory advisers. The Strategy will deliver a more efficient and effective estate and will serve to ensure that Ministry of Defence targets resources to the estate in the most effective way. This is a far-reaching document which will be of benefit to all those with an interest in Ministry of Defence's estate.

CHOTS Project

Mr. Keetch: To ask the Secretary of State for Defence, pursuant to his letter of 25 January, D/US of S/PK PQ0057K/00/M, what are the total life revenue and capital costs of the CHOTS project since conception, including upgrades one through eight; what further upgrades have been planned since March 1999; what are their estimated costs and completion dates; and if he will make a statement. [123647]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Communication Services Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from A. J. Roper to Mr. Paul Keetch, dated 6 June 2000:

I am replying to your recent Parliamentary Question concerning the costs of the Corporate Headquarters Office Technology System (CHOTS) programme. As Chief Executive of the Defence Communication Services Agency, the CHOTS programme falls within my area of responsibility.

The total life costs of the CHOTS programme since its conception in 1984, including upgrades, is estimated at £848.8M at current prices. This cost remains within existing Treasury approvals which cover the period until 2006.

The last upgrade, known as CSV8 (CHOTS System Version 8), was completed on schedule in March 1999. Whilst no further major upgrades are currently planned, estimates include an assessment for ongoing technology refreshment of the system and a likely enhancement to cover the introduction of the Windows 2000 operating system. Beyond this, it is anticipated that CHOTS will form part of the Department's wider requirements for information delivery, to be met under a new Defence Information Infrastructure project managed by the Defence Procurement Agency under smart procurement principles.

Iraq (No-fly Zones)

Mr. Menzies Campbell: To ask the Secretary of State for Defence on how many occasions coalition aircraft patrolling the northern no-fly zone in Iraq released ordnance between 1 April 1991 and 16 December 1998 and (b) 20 December 1998 to date, stating in percentage terms (i) the nature of the threat, (ii) the category of the target attacked and (iii) the tonnage of ordnance released on each category of target in proportion to the overall tonnage released in those periods. [122846]

Mr. Hoon *[holding answer 23 May 2000]:* I am withholding detailed information on the activities of other allies in accordance with Part II Section 1.c of the Code of Practice on Access to Government Information.

The UK has never released ordnance over the northern no-fly zone.

Mr. Menzies Campbell: To ask the Secretary of State for Defence on how many occasions coalition aircraft patrolling *(a)* the northern and *(b)* the southern no-fly zone in Iraq hit targets other than the intended target between (i) 1 April 1991 and 16 December 1998 and (ii) 20 December 1998 to date, stating what percentage this formed of overall attacks during those periods. [122848]

Mr. Hoon *[holding answer 23 May 2000]:* The coalition only ever targets, in self-defence, Iraqi military facilities that pose a threat to its forces carrying out legitimate patrols of the no-fly zones. The coalition goes to exceptional lengths to ensure that the right target is hit, including the employment of very strict target clearance procedures and precision guided munitions. We conduct painstaking battle damage assessment after every bomb is dropped. For these reasons we are confident that, in the vast majority of cases, released ordnance by coalition aircraft lands on, or very close to, its intended target.

I am withholding detailed information on the activities undertaken by other allies in accordance with Part II Section 1.c of the Code of Practice on Access to Government Information.

The UK has never released ordnance over the northern no-fly zone.

Between 1 April 1991 and 16 December 1998 UK aircraft released ordnance on two occasions. On both occasions all of the ordnance hit the intended targets. Since 20 December 1998, there have been two occasions when ordnance from UK aircraft appears to have hit unintended targets. The weapons released on these occasions represent 1 per cent. of the total tonnage of ordnance released by the UK over this period.

Mr. Menzies Campbell: To ask the Secretary of State for Defence what was the total tonnage of ordnance released by coalition aircraft in operations to maintain *(a)* the southern and *(b)* the northern no-fly-zones in Iraq between (i) 1 August 1992 and 16 December 1998 and (ii) 20 December 1998 to date; and what is the monthly average in each of these periods. [122844]

Mr. Hoon *[holding answer 23 May 2000]:* I am withholding detailed information on the activities of other allies in accordance with Part II Section 1.c of the Code of Practice on Access to Government Information.

Between 1 August 1992 and 16 December 1998, UK aircraft released 2.5 tons of ordnance over the southern no-fly zone at an average of 0.025 tons per month. We do not have sufficiently detailed records of coalition activity over this period to estimate what percentage of the coalition total this represents.

Between 20 December 1998 and 17 May 2000, UK aircraft released 78 tons of ordnance over the southern no-fly zones, at an average of 5 tons per month. This figure represents approximately 20 per cent. of the coalition total for this period.

The UK has never released ordnance over the northern no-fly zone.

Mr. Menzies Campbell: To ask the Secretary of State for Defence what estimate he has made of the number of Iraqi civilians killed as a result of coalition aircraft responding to threats in *(a)* the northern and *(b)* the southern no-fly-zone in Iraq between (i) 1 April 1991 and 16 December 1998 and (ii) 20 December 1998 to date through (A) collateral damage, (B) attack on an unintended target and (C) malfunction of ordnance; and what percentage of attacks in the no-fly-zones resulted in civilian casualties in those periods. [122845]

Mr. Hoon *[holding answer 23 May 2000]:* The coalition only ever targets, in self-defence, Iraqi military facilities that pose a threat to its forces carrying out legitimate patrols of the no-fly zones. The coalition goes to exceptional lengths to ensure civilian casualties are kept to the absolute minimum possible, including the employment of very carefully controlled targeting procedures and precision guided munitions.

In practice, it is extremely difficult to give estimates of civilian casualties, despite the painstaking battle-damage assessment (BDA) that the coalition routinely carries out every time ordnance is released. However, we can demonstrate categorically that many of the Iraqi claims of civilian casualties are either exaggerated or wholly untrue. On a number of occasions the Iraqis have claimed that coalition aircraft have caused civilian casualties when allied aircraft have not released any munitions, or even been flying. The most recent example of this was on 17 May this year, when it seems very probable that the civilian casualties which the Iraqis claimed were caused by coalition activities, were in fact caused by an Iraqi air defence weapon. There have also been many instances when the Iraqis claimed civilians have been killed, where our BDA has clearly indicated that only military facilities were attacked.

Mr. Menzies Campbell: To ask the Secretary of State for Defence on how many occasions coalition aircraft patrolling the southern no-fly-zone in Iraq released ordnance between *(a)* 1 August 1992 and 16 December 1998 and *(b)* 20 December 1998 to date, stating in percentage terms (i) the nature of the threat, (ii) the category of the target attacked and (iii) the tonnage of ordnance released on each category of target in proportion to the overall tonnage released in those periods. [122847]

Mr. Hoon *[holding answer 23 May 2000]:* I am withholding detailed information on the activities undertaken by allies under Part II Section 1.c of the Code of Practice on Access to Government Information.

Between 1 August 1992 and 16 December 1998, UK aircraft released ordnance over the southern no-fly zone on two occasions. The nature of the threat on both occasions was hostile electronic activity. In both cases, ordnance was directed against elements of Iraq's Ground Based Air Defence Systems, posing a direct threat to coalition forces.

Between 20 December 1998 and 17 May 2000 coalition aircraft were directly threatened by the Iraqi air defence forces on over 320 occasions. Aircraft responded in self-defence on 74 occasions against Iraqi military facilities posing a direct threat to coalition forces. Details of these threats, broken down by percentage, are as follows:

	Percentage
Nature of threat	
Aircraft violations of southern no-fly zone	51
Anti-aircraft artillery/surface to air missile firings	45
Hostile electronic activity	4
Category of target attacked	
Ground based air defence system	95
Other military systems posing a direct threat to coalition forces	5
Tonnage of weapons released	
Ground based air defence system	92
Other military systems posing a direct threat to coalition forces	8

Mr. Menzies Campbell: To ask the Secretary of State for Defence on how many occasions the Commander for British Forces in charge of *(a)* Operation Bolton, *(b)* Operation Warden and *(c)* preceding operations to maintain the no-fly zones in Iraq has requested authority from his Department to attack a target between (i) 1 April 1991 and 16 December 1998 and (ii) 20 December 1998 to

date, stating in each case (A) the date of request, (B) the category of the target, (C) whether authority was given and (D) whether the target was attacked. [122849]

Mr. Hoon *[holding answer 23 May 2000]:* Commanders of British Forces operating over the Iraqi no-fly zones receive a directive from CJO that gives them highly detailed levels of delegated authority for target clearance.

(a)(i) Between 1 April 1991 and 16 December 1998, the Commander of British Forces for Operations over the southern no-fly zone referred to the UK for authority to attack targets beyond his delegated authority on one occasion. This approval was granted. I am withholding further details of this operation under Part II Section 1.a of the Code of Practice on Access to Government Information.

(a)(ii) Between 20 December 1998 and 17 May 2000, the Commander of British Forces for Operation Bolton formally sought approval to attack targets beyond his delegated authority on four occasions. On each occasion approval was granted. I am withholding further details of this operation under Part II Section 1.a of the Code of Practice on Access to Government Information.

(b) The UK has never released ordnance over the northern no-fly zone.

Training and Logistics Support

Mr. Hancock: To ask the Secretary of State for Defence what request his Department made to the US Government on the sale of training and logistics support to back up the lease of four Boeing C17 Transport Aircraft; what is the cost to his Department of this support and over what time it would run; and if he will make a statement. [124555]

Mr. Hoon: Further to my statement of 16 May 2000 in which I announced that it is our intention to lease four C-17 Globemaster aircraft to meet the Royal Air Force short to medium term airlift requirement: following termination of the original Short Term Strategic Airlift competition on 5 August 1999, the Ministry of Defence explored a number of options. These included discussions with Boeing and the US Government on ways of reducing the cost of meeting the RAF's requirement with a possible C-17 lease package. These discussions focused on the most cost-effective means of providing training and logistic support. Following our decision to lease four C-17 aircraft, a UK/US Government agreement has now been signed to provide C-17 training and training support services for the programme at an approximate cost of £8 million. A similar agreement will be put in place to cover the logistic support for the aircraft, but the details, including final costs, have yet to be agreed. Both agreements are expected to run for the full term of the aircraft lease.

Army Cadet Death

Mr. Kidney: To ask the Secretary of State for Defence (1) what persons are to be disciplined as a result of the events surrounding the death of Army cadet Claire Louise Shore; [124356]

(2) what assessment he has made of *(a)* the report of the Health and Safety Executive and *(b)* the Army Board of Inquiry into the death of Army cadet Claire Louise Shore; [124354]

(3) if he will ensure that the parents of Army cadet Claire Louise Shore receive a detailed personal de-brief of the Army's Board of Inquiry proceedings. [124355]

Mr. Spellar: There has been a thorough investigation into this tragic incident by the Ministry of Defence Police, the Army's Training Accident Investigation Team and the Health and Safety Executive. The evidence from these investigations has been considered by the Crown Prosecution Service and by the Army chain of command and it has been found to be insufficient to support a prosecution under civil or military law, nor do they reveal any grounds for disciplinary action against any individual. They do, however, make criticisms of the organisation of the cadet camp and the training safety procedures. The Army accepts these criticisms and will accept the formal censure to be issued later this month. Action is in hand to improve these procedures.

The Army's Board of Inquiry has not yet been completed. On completion, the Army will be happy to give a copy to Claire Shore's parents and to de-brief them in person.

Military Bases (Foreign Personnel)

Mr. Baker: To ask the Secretary of State for Defence if he will list the military bases in the United Kingdom where foreign nationals are based, indicating in each case, the *(a)* nationality and *(b)* number of individuals involved. [123759]

Mr. Spellar *[holding answer 5 June 2000]:* I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Bonus Payments (Overseas Deployment)

Mr. Hancock: To ask the Secretary of State for Defence how many service personnel have qualified for the bonus payments for overseas deployment under the recently introduced procedures; what delays in making these payments to service personnel there have been, and for what reason; how many claims are outstanding; and if he will make a statement. [124476]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

Advanced Composite Armoured Vehicle Platform

Mr. Hancock: To ask the Secretary of State for Defence what is the cost to date of the work carried out to develop the Advanced Composite Armoured Vehicle Platform; what was the total budget provision and completion date for development and trials; and if he will make a statement. [124540]

Dr. Moonie: The total cost to the MOD of the Advanced Composite Armoured Vehicle Platform is expected to be £6 million, which is within the total budget provision when the programme started in 1993. The

initial automotive trials have been successful and the development and trials process is expected to be complete in October 2000.

Mr. Liam Clarke

Mr. McNamara: To ask the Secretary of State for Defence, pursuant to his answer of 23 May 2000, *Official Report*, column 462W, concerning the Metropolitan Police investigation of Mr. Liam Clarke, what were the times and occasions when complaints were made by him to the Metropolitan Police Service concerning alleged breaches of the Official Secrets Acts following the publication of articles in The Sunday Times concerning interviews by Liam Clarke and Martin Ingram. [124678]

Mr. Spellar *[holding answer 5 June 2000]:* At a meeting with the Crown Prosecution Service on 8 September 1999 my Department raised its concerns that a breach of the Official Secrets Act may have been committed by Martin Ingram. Subsequent investigations have been a matter for the police.

Wireless Transmitter Station, Stubbington

Mr. Viggers: To ask the Secretary of State for Defence for what price the site of the former wireless transmitter station at Stubbington was sold. [124682]

Dr. Moonie: The price was £2.085 million.

WALES

Magistrates Courts

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the Lord Chancellor's Department concerning the future of rural magistrates courts; and if he will make a statement. [124426]

Mr. Paul Murphy: I have had no such discussions with the Lord Chancellor.

The Government consider that magistrates courts are best managed locally by magistrates courts committees under the provision of the Justices of the Peace Act 1997. Decisions concerning the future of magistrates courts in Wales, whether rural or urban, are for the relevant magistrates courts committee to determine, in consultation with the paying authority or authorities.

INTERNATIONAL DEVELOPMENT

Pakistan

Mr. Browne: To ask the Secretary of State for International Development if she will make a statement on her plans for provision of bilateral development assistance to Pakistan. [124773]

Mr. Streeter: To ask the Secretary of State for International Development what progress has been made towards restoring the bilateral aid programme to Pakistan. [124564]

Clare Short: I have agreed to provide technical assistance to assist the Administration to prepare some of the key reforms which would enable the UK and multilateral institutions to re-engage in Pakistan.

PRIME MINISTER

OSPAR Convention, Copenhagen

Mr. Baker: To ask the Prime Minister which *(a)* Departments and *(b)* Ministers will represent the Government at the forthcoming OSPAR convention in Copenhagen on 26 June. [124242]

The Prime Minister *[holding answer 5 June 2000]:* The annual meeting of the OSPAR Commission for the Protection of the Marine Environment of the North East Atlantic will be held on 26 to 30 June. It is a meeting of officials from the Contracting Parties to the OSPAR Convention, which Ministers would not normally expect to attend.

Although the exact composition of the UK delegation has yet to be finalised, I understand it is likely to comprise officials from DETR and DTI.

HOME DEPARTMENT

Schengen Agreement

Mr. Bercow: To ask the Secretary of State for the Home Department what assessment he has made of the impact of Greek participation in the Schengen Agreement on the future level of illegal immigration to Western European states by Albanian nationals; and what recent representations he has made on this issue. [123629]

Mrs. Roche: The evaluation of Greece's readiness to participate in Schengen arrangements was made by the existing Schengen states, which did not include the United Kingdom. That evaluation covered the question of security of Greece's external frontiers. The Schengen arrangements, as incorporated within Treaty structures, provide for a continuing process of evaluation by participating states of adherence to the Schengen acquis, including the maintenance of the external frontiers of the Schengen area. The United Kingdom's participation in the Schengen agreement does not include external frontier arrangements and our participation in the evaluation process is limited to those areas in which we will ourselves participate. We shall continue to operate our own controls to tackle illegal immigration in the way that best suits our national circumstances. The Government have not, therefore, made any representations on this issue to European Union partners.

Mr. Bercow: To ask the Secretary of State for the Home Department if his Department will compile a list of those *(a)* elements of acquis, *(b)* working documents and *(c)* reports, pertaining to Schengen, to which his Department has to date not had access. [123622]

Mrs. Roche: We have had access to all the Schengen acquis as defined in Council Decision 1999/435/EC. Since the incorporation of the acquis into the Treaty on European Union, the United Kingdom as a member of the Council sees all Council working documents and reports.

Kosovar Asylum Seekers

Mr. Lidington: To ask the Secretary of State for the Home Department how many people from Kosovo came to the United Kingdom under the United Nations humanitarian and medical evacuation programmes; how many are still in the United Kingdom; how many have claimed political asylum; and if he will make a statement. [123791]

Mrs. Roche: A total of 4,346 evacuees from Kosovo arrived in the United Kingdom under the United Nations High Commissioner for Refugees Humanitarian Evacuation Programme from Macedonia between 25 April and 25 June 1999, including 19 medical evacuees and their families. A further 109 Kosovans (26 patients with their immediate family members) have, so far, arrived on subsequent medical evacuation flights from Kosovo.

As of 1 June, 1,527 of the evacuees had returned permanently to Kosovo under the voluntary return programme from the United Kingdom which began on 26 July 1999.

Since March 2000, 241 principal applicants have sought an extension of exceptional leave to enter, 79 have applied for asylum and 90 have applied for both exceptional leave and asylum. These applications are currently under consideration.

Immigration Rules

Mr. Welsh: To ask the Secretary of State for the Home Department how many applications for clearance to the United Kingdom there were in each of the last three years; and, of these, how many were *(a)* granted, *(b)* rejected on the grounds of Rule 320(18) of the UK Immigration Rules and *(c)* accepted despite the individual having relatively serious criminal convictions which would normally result in the application being rejected under Rule 320(18) of the UK Immigration Rules. [123584]

Mrs. Roche: Information on total grants and refusals of entry clearance applications overseas is given in Table 1. I regret that the other entry clearance information requested is not available centrally and could be provided only at disproportionate cost. Only some nationalities and categories of person need to obtain entry clearance prior to arrival in the United Kingdom. Information is available on persons refused leave to enter at United Kingdom ports and removed where the principal reason for the decision was taken under paragraph 320(18) of the Immigration Rules, and is given in Table 2. Information is not available on cases where the discretion allowed under the Rule is exercised, either with regard to applications for entry clearance or leave to enter.

Table 1. Decisions on entry clearance applications made worldwide

Thousand

Year	*Applications granted*	*Applications refused initially*
1997	1,284	81
1998	1,304	85
1999	1,515	100

Table 2. Passengers refused leave to enter because of a criminal conviction and removed

Year	*Number of passengers*
1997	16
1998	15
1999	27

Anti-terrorism Powers

Mr. McNamara: To ask the Secretary of State for the Home Department what measures have been taken to assess the number of persons detained at ports under anti-terrorism powers for less than an hour and variations year by year in the frequency of stops that fall short of the minimum duration required for the purposes of the formal recording process; if the Independent Assessor has powers and resources available to advertise his address in the Irish community press to facilitate making contact with individuals who may have relevant experiences to relate; and what measures he will take to form an independent assessment of the effect and perceptions of emergency legislation among the travelling public and Irish community in particular. [123957]

Mr. Straw: The Independent Review of the Prevention of Terrorism (Temporary Provisions) Act 1989 has access to and speaks to the National Co-ordinator of Ports Policing who oversees the exercise of police port powers including any variations in the number of people examined.

Resources are available to the Reviewer to conduct his annual review in the manner he thinks best, which can include placing advertisements in the Irish community press. It will be for any future Reviewer of the counter-terrorist legislation to decide the most appropriate consultation process and whether to invite specifically the travelling public to make known their particular experiences at ports.

Children and Young Persons Act 1933

Ms Julie Morgan: To ask the Secretary of State for the Home Department how many offenders were serving sentences under section 53(2) of the Children and Young Persons Act 1933 on 1 April for each year since 1997; and how many of them were serving their sentences in *(a)* local authority secure accommodation, and *(b)* Young Offenders Institutions. [123937]

Mr. Boateng: The available information for offenders serving sentences under section 53(2) of the Children and Young Persons Act 1993 in Prison Service accommodation is for the end of June each year. It is as follows:

Year	
1997	759
1998	856
1999	862
2000	873

Note:
End March—provisional

The available information for offenders serving sentences in local authority secure accommodation has been supplied by the Department of Health and is for 31 March each year. The numbers are as follows:

Year	
1997	96
1998	113
1999	88

Note:
2000 not yet available

Liam Grogan

Mr. Temple-Morris: To ask the Secretary of State for the Home Department when a decision will be made on the repatriation of Liam Grogan to the Republic of Ireland, to serve the remainder of his sentence there. [123913]

Mr. Boateng: A decision regarding Mr. Grogan's application for repatriation to the Republic of Ireland will be made as soon as possible.

Obscene Publications Acts

Rev. Martin Smyth: To ask the Secretary of State for the Home Department what plans he has to reform the Obscene Publications Acts 1959 and 1964. [124177]

Mr. Straw: The Government keep the obscenity laws under general review and are determined to ensure that they remain effective in protecting the rights and freedoms of different people to have access to, and to be protected from, certain types of material. The Obscene Publications Act 1959 continues to provide a flexible regulatory tool, applying equally now to material published on the internet as it does to other media. Data for 1998 show that the Act continues to be effective with 196 prosecutions under the Act, 176 of which led to convictions.

Video Classification

Rev. Martin Smyth: To ask the Secretary of State for the Home Department what plans he has *(a)* to review the effectiveness of the Video Recordings Act 1984 and *(b)* to ensure the public accountability of the British Board of Film Classification and the Video Appeals Committee. [124178]

Mr. Straw: The Video Recordings Act 1984 requires that all videos, apart from a small category of exempt works, must be submitted to the British Board of Film Classification (BBFC) for classification. I am satisfied that, in general, the Act provides an effective means of regulating material released on video. I am concerned, however, about the implications of a recent High Court judgment for the small category of videos classified as suitable for sale only in licensed sex shops to those aged 18 and above (Restricted (18) videos).

On 16 May, the High Court dismissed the BBFC's application for Judicial Review in respect of appeals against their decision not to classify seven sexually explicit videos in the Restricted 18 (R18) category. The Board had focused their application for Judicial Review on the possible harm which the videos might cause to potential viewers, particularly children. I am considering the implications of the Court's decision and intend to publish a Consultation Paper shortly to seek views on whether there are any additional steps that can be taken to protect children from exposure to sexually explicit material.

Under the Video Recordings Act 1984, I am responsible for designating the authority responsible for classifying videos. I have so designated the President and the two Vice-Presidents of the BBFC. The designated authority is required to submit an annual report to me, which is then laid before both Houses of Parliament. I laid the report for 1999 on 24 May. Since his appointment as President of the BBFC, Andreas Whittam Smith has held two series of 'roadshows' in cities around the country as part of a dialogue with the public on classification policy. The Board is also conducting separate research surveys about its classification policy with members of the public.

The Video Appeals Committee is responsible for considering appeals by distributors against the decisions of the BBFC. It contributes to the Board's Annual Report which contains a section on the appeals they have considered together with a list of all its members. Appeal hearings are also open to members of the public.

EDUCATION AND EMPLOYMENT

Class Sizes (Kingston)

Mr. Edward Davey: To ask the Secretary of State for Education and Employment what was the average class size in secondary schools in the Royal Borough of Kingston upon Thames for each year since 1979. [123133]

Ms Estelle Morris: The information requested is shown in the following table. The latest provisional estimates for January 2000 show that as few as 0.9 per cent. of pupils were in one teacher classes of over 35 pupils in maintained secondary schools in Kingston upon Thames local education authority area.

Provisional national estimates of class sizes in maintained secondary schools in England were published in Statistical First Release "Class sizes in maintained schools in England: January 2000" on 14 April 2000. Information by local education authority area has been placed in the Library.

The element within the Kingston upon Thames SSA which relates to secondary pupils of compulsory school age has risen from £19.44 million in 1997–98 to £22.70 million in 2000–01. Over the same period, funding per secondary pupil of compulsory school age in the local education authority has increased in real terms from £3,010 to £3,300. It is open to Kingston upon Thames to use some of these increased resources to employ extra teachers.

In addition, schools in Kingston upon Thames received a total of £791,000 in direct grants in May 2000 as their share of the £290 million funding increase that was announced in the Budget of 21 March 2000.

Average class sizes taught by one teacher in maintained secondary schools in the local education authority area of Kingston upon Thames: 1979–2000 (provisional)

Position as at January

Year	*Number of pupils*	*Number of classes*	*Average class size*
2000	7,970	366	21.8
1999	7,551	359	21.0
1998	7,584	361	21.0
1997	7,695	381	20.2
1996	7,563	375	20.2
1995	7,238	362	20.0
1994	6,844	334	20.5
1993	6,947	352	19.7
1992	6,849	361	19.0
1991	6,424	346	18.6
1990	6,192	338	18.3
1989	6,440	356	18.1
1988	6,797	360	18.9
1987	6,846	346	19.8
1986	7,262	387	18.8
1985	7,864	396	19.9
1984	8,132	407	20.0
1983	8,479	407	20.8
1982	8,641	430	20.1
1981	8,728	425	20.5
1980	8,836	440	20.1
1979	8,685	432	20.1

Further Education

Mrs. Organ: To ask the Secretary of State for Education and Employment how many further education college lecturers transferred from the further education sector to the maintained schools sector in 1999–2000. [124173]

Mr. Wicks: Data on the movement of teachers from the further education sector to the maintained school sector are not available for 1999–2000.

Teachers of the Deaf

Mr. Boswell: To ask the Secretary of State for Education and Employment (1) if he will list *(a)* the funding made available in each of the last five years through the Standards Fund to help LEAs with the costs of training teachers of children with special educational needs, including training leading to the mandatory qualifications and *(b)* the amount and the proportion of that funding spent on mandatory training for teachers of the deaf for each of the last five years; [124466]

(2) what guidance his Department gives to the Standards Fund to ensure adequate resources are available for mandatory training for teachers of the deaf; [124467]

(3) what mechanisms are *(a)* in place and *(b)* planned, to monitor the amount and proportion of Standards Fund money allocated to support mandatory training for teachers of the deaf. [124468]

Ms Estelle Morris *[holding answer 5 June 2000]:* Expenditure supported under the Standards Fund relating to training teachers and others in special educational needs over the last five years has been as follows.

Year	*£ million*
1996–97	20
1997–98	17
1998–99	18
1999–00	21
2000–01	26

Note:

Total supported expenditure by English local education authorities, against which DfEE pays grant

The Standards Fund circular makes it clear to local education authorities that support is available for courses leading to mandatory qualifications but the actual decisions as to how the funding is deployed are made by individual LEAs according to local needs. A breakdown for the period in question is not available. As to monitoring of expenditure, LEAs are asked to report on the overall number of teachers and others trained with the benefit of Standards Fund support.

Teacher Recruitment

Mr. Coaker: To ask the Secretary of State for Education and Employment what assessment he has made of the effect of the new financial arrangements on teacher recruitment in 2000–01; and if such arrangements will be available next year. [124510]

Ms Estelle Morris: Since the announcement of the new financial arrangements for teacher training, there have been 4,004 applications for courses of postgraduate initial teacher training, 27 per cent. more than in the same period last year.

Expenditure plans for 2001–02 and beyond are dependent on the outcome of the current Spending Review.

Guillain-Barré Syndrome

Mr. Willis: To ask the Secretary of State for Education and Employment how many school pupils suffering from Guillain-Barré Syndrome have statements of special educational needs. [124625]

Jacqui Smith: This information is not available. However, a medical diagnosis of Guillain Barré Syndrome would not necessarily imply that the child has special educational needs. For most children with this syndrome, education provision will be made in line with the Department's guidance on the education of sick children, through to recovery. Special Educational Needs provision would, of course, be made for any child with significant learning difficulties caused by relapsing Guillain Barré Syndrome.

Education Action Zones

Mr. Willis: To ask the Secretary of State for Education and Employment if he will place in the Library audited accounts of education action zones to date. [124662]

Ms Estelle Morris: The Comptroller and Auditor General has so far placed audited financial accounts for the 1998–99 financial year in both Libraries of Parliament for 15 of the first round zones.

Primary Schools (Access)

Caroline Flint: To ask the Secretary of State for Education and Employment what percentage of the population lives *(a)* within one mile of and *(b)* over three miles from a primary school in (i) rural and (ii) urban areas. [124670]

Ms Estelle Morris *[holding answer 5 June 2000]:* It is not possible to answer the question as there are no centrally held data available.

Performance Targets (Employment Service)

Ms Bridget Prentice: To ask the Secretary of State for Education and Employment what performance target levels will be set to ensure that the Employment Service achieves its aims and objectives in 2000–01. [124920]

Mr. Blunkett: The Aim of the Employment Service is to help people without jobs to find work and employers to fill their vacancies. The Service makes a major contribution to an efficient and flexible labour market and to the Government's objectives of high and stable employment and growth, equality of opportunity and social inclusion. Its chief priority is to help individuals facing particular difficulty in the labour market to move from welfare and economic inactivity into sustainable employment. During the coming year it will be taking forward an ambitious programme of technological change and business improvement and will be preparing for the merger with the Benefits Agency in 2001.

I am today announcing the targets I have set the Employment Service for 2000–01, which relate to its four key objectives.

Vision and Purpose

The Employment Service aims to make a major contribution to an efficient and flexible labour market and to the Government's objectives of high and stable employment and growth, equality of opportunity and social inclusion. ES works closely with employers and with its private, voluntary and public sector partners to provide a quality service for all people without a job and to promote employment opportunities for all who can work. It aims to attract a diverse range of vacancies and to fill those vacancies quickly by matching the right people and skills with the right jobs. Its chief priority is to help individuals facing particular difficulty in the labour market to move from welfare and economic inactivity into sustainable employment. It does this through correct application of the JSA regime, delivery of the New Deals and the pilot ONE service, and provision of appropriate information, advice, training and support. The Agency has achieved much over the past three years. The challenge and opportunity now facing it is to sustain continuous improvement in its services to jobseekers and employers and to make those services more accessible and relevant to customer needs, through effective use of modern technology and close working with a wide range of partners.

Aim

To help people without jobs to find work and employers to fill their vacancies.

Objective A

To help all people without jobs, and particularly those on welfare and at a disadvantage in the labour market, to find and keep work by providing appropriate information, advice, training and support and by encouraging employers to open more opportunities to them.

Targets

1. To help 178,000 participants in the New Deals and all Employment Zones into work, directly or in partnership with others
2. To help 100,000 people with disabilities into work, directly or in partnership with others
3. To help 295,000 disadvantaged jobseekers into work, directly or in partnership with others
4. To help 735,000 people from welfare into work, directly or in partnership with others
5. To help 1,325,000 jobless people into work, directly or in partnership with others

Objective B

To ensure that the rights and relevant labour market responsibilities of people on JSA and other benefits are fulfilled, while helping to combat fraud and abuse of the benefit system.

Target

To ensure that the relevant labour market responsibilities of people on JSA are fulfilled in 90 per cent. of cases checked.

Objective C

To harness new technology, the pursuit of excellence and continuous improvement to deliver effective, efficient and accessible services to all people without jobs and to employers in Jobcentres and, increasingly through other locations and means of communication.

Targets

1. To achieve a 90 per cent. customer service level for jobseekers

Milestone Targets

1. To introduce the Learning and Work Bank, new Labour Market System, touch-screen kiosks and a single national telephone number for employers by March 2001.
2. To achieve a successful transfer of Work Based Learning for Adults to ES in England by April 2001.

Objective D

To deliver services to all ES customers in a way which respects individual differences, helps to overcome disadvantages due to ethnicity, gender, age or disability and achieves the best possible outcome for each of them.

Two additional targets, for employer service and sustainable employment will be announced in July.

Target levels for the Employment Service in Scotland and Wales, derived from the national targets, will be announced shortly.

Learning and Skills Council

Mr. Pendry: To ask the Secretary of State for Education and Employment if he will make a statement on the progress being made on the appointment of a Chair for the Learning and Skills Council. [124919]

Mr. Wicks: My right hon. Friend the Secretary of State for Education and Employment has today appointed Bryan Sanderson as the Chairman (designate) of the Learning and Skills Council. Mr. Sanderson is currently Group Managing Director of BP Amoco plc and Chief Executive of BP Amoco Chemicals. Subject to the successful passage of the Learning and Skills Bill in Parliament, the appointment will be confirmed in July.

TRADE AND INDUSTRY

Industry Council

Mr. Jim Marshall: To ask the Secretary of State for Trade and Industry what was the outcome of the Industry Council held in Brussels on 18 May; and if he will make a statement. [123439]

Mr. Caborn: My right hon. Friend the Minister for Energy and Competitiveness in Europe represented the UK at the EU Industry Council held on 18 May.

The Council had a debate on competitiveness, focusing on the follow-up actions from the Lisbon European Council and broad consensus was reached on the challenges ahead. There was agreement that the new Multi-Annual Programme should concentrate resources where they could benefit SMEs generally and should be adopted by the end of this year. There was also widespread support from member states for adoption at the Feira European Council on 19–20 June of a European Charter for Small Firms with concrete targets and actions.

Several delegations pointed out the need to benchmark Europe's performance against the best in the world to foster a new enterprise policy and the need for greater co-ordination of all the current EU benchmarking exercises.

The Commission introduced the results of the second report on the situation in world shipbuilding, highlighting the continued problems faced with Korea, and progress made on the "Agreed Minutes" with Korea in an attempt to address this situation. It was agreed that discussion should continue with Korea as a matter of urgency on unfair trade practices and that continuation of operating aid beyond the end of this year in the EU would not resolve these problems. The Council asked the Commission to make a further report by the end of September.

The Commission reported on follow up to the conclusions on integrating sustainable development into EU policy which were agreed at the Helsinki European Council last year and its recent communication on integrating sustainable development into the EU non-energy mining industry.

The Commission gave progress reports on the modernisation of competition rules, the impact of electronic commerce on the automotive industry and the future of the European Observatory for Textile and Clothing. It also presented its: eighth survey of state aid; twenty ninth report on competition; monitoring report on restructuring aid to the steel sector.

The Council adopted conclusions on: information and communication technologies and traditional sectors; the state of competitiveness of the steel industry in the EU; and concerted action with the member states in the field of enterprise policy.

Advertisements

Mr. Baker: To ask the Secretary of State for Trade and Industry what plans he has to strengthen the arrangements in place to protect consumers from fraudulent claims made in advertisements, with particular reference to the penalties which can be brought to bear on those making such claims; and if he will make a statement. [124084]

Dr. Howells: I am satisfied that the 1988 Control of Misleading Advertisements Regulations, together with the self-regulatory system operated by the Advertising Standards Authority for advertisements in the non-broadcast media, are effective in controlling misleading advertising in the United Kingdom.

In respect of false or misleading claims more generally, the White Paper "Modern Markets: Confident Consumers" announced that the Government are considering strengthening the Trade Descriptions Act 1968—which applies to both advertisements and on-pack claims—by making misleading claims about services an offence of strict liability, as is already the case for goods, and by introducing new provisions to cover the future supply of services and false or misleading statements made by traders about a consumer's own property—for example the need for remedial work. The Trade Descriptions Act includes criminal penalties.

Research (Gender Balance)

Mr. Bercow: To ask the Secretary of State for Trade and Industry if he will make a statement on his policy towards promoting gender balance in research, with particular reference to those areas funded by European Community moneys, following the ETAN report of the European Parliament. [123649]

Mrs. Liddell: The Government are very keen to increase the participation of women in research. The Promoting SET for Women Unit, within the DTI works with the Research Councils, the Higher Education Funding Councils, the Wellcome Trust and the Committee of Vice Chancellors and Principals to encourage more women to apply for research funds and for membership of the Framework programme expert and advisory bodies. The Unit Head is a member of a Commission working group to help achieve these aims.

OECD Convention on Bribery

Mr. Streeter: To ask the Secretary of State for Trade and Industry if he will publish the OECD peer group review of the UK concerning the OECD convention on bribery. [123974]

Mr. Caborn *[holding answer 5 June 2000]:* The Phase 1 evaluation report of the UK under the OECD Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions will be made public, along with the reports of all other countries so far reviewed, at the OECD Ministerial meeting at the end of June, as agreed by OECD members.

Ethnic Minority Business Forum

Mr. Woodward: To ask the Secretary of State for Trade and Industry how the Ethnic Minority Business Forum will address the needs of the ethnic minority business community. [124384]

Mr. Byers: My Department is setting up an ethnic minority business forum so that we can find out at first hand the particular needs and concerns of ethnic minority entrepreneurs. With the benefit of the experience of members of the Forum, we hope we will be able to better tailor our policies and support to overcome these concerns and improve the competitiveness of this important sector of our economy.

Late Payment

Mr. Sayeed: To ask the Secretary of State for Trade and Industry what plans the Government have to introduce legislation on late payment of accounts by companies. [124749]

Ms Hewitt: The Late Payment of Commercial Debts (Interest) Act 1998 was introduced on 1 November 1998 and provides businesses with a statutory right to claim interest on late payment of commercial debt. The legislation is phased and for the first two years—1 November 1998 to 31 October 2000—small businesses can claim interest from large businesses and the public sector.

The Government propose to extend the right to claim interest from 1 November 2000 to 31 October 2002, so that small businesses will also be able to claim interest from other small businesses on debts incurred under contracts agreed after that date. From 1 November 2002 it is proposed that all businesses and the public sector will be able to claim interest from all businesses and the public sector on debts incurred under contracts agreed after that date.

Fire Safety

Mr. Chaytor: To ask the Secretary of State for Trade and Industry what assessment he has made of the effectiveness of the Furniture and Furnishings (Fire Safety) Regulations 1988; and if he will make a statement. [124674]

Dr. Howells: My Department is undertaking research to evaluate whether the Furniture and Furnishings (Fire Safety) Regulations 1988 have been successful in reducing the number of lives lost and serious injuries suffered as a result of furniture fires.

I plan to publish this research at the end of June 2000 and copies will be placed in the House of Commons Library.

Miners Compensation Schemes

Dr. David Clark: To ask the Secretary of State for Trade and Industry when he expects the second stage tests to be available in the North East of England for chronic bronchitis and emphysema under the miners compensation schemes. [123760]

Mrs. Liddell *[holding answer 5 June 2000]:* The two spirometry centres based in Newcastle and Durham have been converted to carry out in full the Medical Assessment Process and the first MAP appointments have now been made.

Research Funding

Dr. Gibson: To ask the Secretary of State for Trade and Industry what proposals he has to increase funding for research leading to innovation in public bodies and private companies. [124494]

Ms Hewitt *[holding answer 5 June 2000]:* The Government's first Comprehensive Spending Review resulted in an additional £1.0 billion support over three years for the public science and engineering base. A unique partnership with the Wellcome Trust increased this to £1.4 billion, of which £0.75 billion has been used to renew university research infrastructure through the Joint Infrastructure Fund. In addition the DTI's Innovation Budget is being increased by some 20 per cent. over three years to fund a number of programmes designed to drive forward a fundamental change in innovation performance in the UK. This includes for example the Smart scheme which supports R&D activities in private small and medium-sized companies and is being expanded and extended over the period 1999–2002, and the technology transfer scheme known as TCS, for which DTI is doubling its expenditure.

These and other relevant schemes are being considered in the current Spending Review. The Government are also working toward publishing a Science and Innovation White Paper later this year, which will set out our policies in this area.

Nuclear Fuel (Reprocessing)

Mr. Baker: To ask the Secretary of State for Trade and Industry what his policy is in respect of the reprocessing of spent nuclear fuel. [124232]

Mrs. Liddell *[holding answer 5 June 2000]:* The Government's policy on spent fuel management is set out in United Kingdom Civil Nuclear Policy Including Plutonium, which was presented to the House in January 1998.

Performance Targets (Employment Tribunals Service)

Ms Perham: To ask the Secretary of State for Trade and Industry what targets he has set the Employment Tribunals Service for 2000–01. [125066]

Mr. Byers: I have set the following targets for the Employment Tribunals Service for 2000–01:

to bring to a first hearing at least 85 per cent. of single employment tribunal cases within 26 weeks of receipt;

in relation to the above target, all employment tribunal offices to achieve at least 75 per cent.;

to issue at least 85 per cent. of decisions within four weeks of the final hearing;

to reduce administrative unit costs in the employment tribunals by 5 per cent. in real terms;

at least 85 per cent. of employment tribunal users to express satisfaction, in surveys, with the service offered by ETS;

at least 90 per cent. of appeals registered by the Employment Appeal Tribunal for preliminary hearing to be ready for listing within six weeks.

Postal Services Commission

Mr. Borrow: To ask the Secretary of State for Trade and Industry when he will announce the membership of the Postal Services Commission. [125067]

Mr. Byers: Mr. Robin Aaronson, Mr. Tony Cooper, Ms Julia Kaufmann OBE, Ms Janet Lewis-Jones, and Mr. Ken Olisa are being appointed as members of the Postal Services Commission. They start work immediately. It is anticipated that they will be appointed as members of the statutory body of the same name that is expected to be created following the passing of the Postal Services Bill currently before Parliament. The appointment of the Chairman of the Commission, Mr. Graham Corbett CBE,

was announced on 16 March and that of the Chief Executive, Mr. Martin Stanley, on 15 January. This completes the membership of the Commission.

FOREIGN AND COMMONWEALTH AFFAIRS

Clean Technology

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs what use he has made of the report entitled "Cleaning Up? Stimulating Innovation in Environmental Technology", produced by POST in respect of his Department's support for the Joint Environmental Market Unit's work on promoting British clean technology commerce; and if he will circulate the report to British Embassies. [122816]

Mr. Hain: As the report has only just been published, my officials will consider with other Departments its implications for the promotion of UK exports of environmental technology. More generally, I am keen to make full use of our Missions overseas in promoting such exports.

Single Currency

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if the single currency games shown in InfEuro Number 14, the Commission newsletter, were created with the assistance of the European Community; and if he will make a statement. [123619]

Mr. Vaz: The single currency games referred to by the hon. Member were the result of the work of the children and teachers of the "Nos Enfants" school in Brussels, as well as the "Informer et Enseigner L'Europe et la Democratie", the "Orrizonti" company and the Economic and Social Committee. The project received funding from the Commission, Generale de Banque, Instituto Bancario San Paolo die Iorino and Mouvement E Leclerc, as well as the support of the European Parliament, Credit Mutuel, and the Fondation du Credit Mutuel pour la Lecture.

Sierra Leone

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what representations he made during discussions on the agreement of the Lomé Peace Accord on Sierra Leone, with respect to the *(a)* freeing of, *(b)* participation in politics of and *(c)* rescinding the death penalty passed on Foday Sankoh; [123608]

(2) if he will make a statement on his role in the establishment of the Lomé Peace Accord on Sierra Leone. [123606]

Mr. Hain: I refer the hon. Member to the answer I gave to the right hon. Member for Horsham (Mr. Maude) on 23 May 2000, *Official Report*, column 413W.

Qualified Majority Voting

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs which three member states, referred to in the document, "Treaty of Amsterdam: What has Changed in Europe", have indicated a preference for extension of QMV before enlargement. [123616]

Mr. Vaz: "Treaty of Amsterdam: What Has Changed In Europe" was published by the Education and Culture Unit of the Commission. Therefore, I refer the hon. Member to the office of the Commission in London.

EU Working Groups

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs further to his answer of 15 May 2000, *Official Report*, column 30W, on EU working groups, if he will make it his policy to ensure the maximum transparency for *(a)* draft documents without negotiating position commentary and *(b)* issues under discussion at European Union working group level. [123631]

Mr. Vaz: We will ensure that all documents being prepared in European Union working groups for decision by the Council will be submitted to Parliament in accordance with the established procedures for Parliamentary scrutiny.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs how many European Community documents were examined by EU working groups in the last 12 months; and, of these, how many were advanced as draft legislation. [123610]

Mr. Vaz: There is no comprehensive record of European Community documents examined in 1999. However, there were 43 pieces of legislation enacted by the Council and European Parliament in 1999. In addition, 284 legislative instruments were adopted by the Council, and 1,413 by the Commission. Draft versions of all of these will have been discussed either by Council working groups or Comitology committees.

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on his policy on democratic accountability within European Community working groups. [123609]

Mr. Vaz: Working groups are attended by national civil servants, who work within policies established by Government Ministers, who are themselves directly and democratically accountable.

European Community (Lobbying Organisations)

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if it is his policy to endorse the funding from European Community funds of organisations which exist to lobby the European Community; and if he will make a statement with particular reference to budget line A-3021. [123607]

Mr. Vaz: The funding supported by this budget line is financed from the Commission's administrative budget. This funding is long established and is supported by the European Parliament and individual member states where the organisations are located. The UK, however, seeks to keep such expenditure as low as possible.

European Institute of Public Administration

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 15 May 2000, *Official Report*, column 48W, if he will define Management of European Integration, with reference to the inclusion or otherwise of political education on the future shape of the EU. [123630]

Mr. Vaz: As stated in my previous reply, the EIPA supports the practical management of European integration through the provision of training, applied research and consultancy at a European level. The EIPA provides training, research and consultancy services for national and local governments to assist them in the implementation of EU legislation and guidance. Courses are either issue-specific (covering such issues as implementing better procurement practices or internal market legislation) or generic (for example, examining the European legislative process). Courses are practical and do not include political education.

EU Enlargement

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list those opinion formers who received free copies of Cm 4595; if they were sent copies without requesting them; what *(a)* deputations and *(b)* correspondence he received from opinion formers following receipt of Cm 4595; and if he will make a statement. [123612]

Mr. Vaz: Copies of Cm 4595 have been sent to numerous opinion formers in the UK. Posts overseas have also distributed copies as appropriate.

Friends of Europe

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs further to his answer of 11 May 2000, *Official Report*, columns 452–53W, on Friends of Europe, if the Friends of Europe event charged for admission; and if he will make a statement on his policy towards the subsidising of fund raising events by such bodies. [123633]

Mr. Vaz: Admission to the Friends of Europe event referred to was free. This was not a fund-raising event but a joint event aimed at widening discussion on contemporary European policy.

European Commission DG Newsletters

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will deposit copies of European Commission DG newsletters in the Library in a readily accessible format. [123627]

Mr. Vaz: Those Commission newsletters intended for outside distribution are already readily accessible on the Commission's website (www.europa.eu.int).

Informer et Enseigner l'Europe et la Democratie

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the *(a)* activities and *(b)* public funding arrangements of Informer et Enseigner l'Europe et la Democratie, with particular reference to its role in the UK. [123620]

Mr. Vaz: We have no involvement with this organisation.

European Federation of Retired and Elderly Persons

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs what EU funding is awarded to the European Federation of Retired and Elderly Persons. [123651]

Mr. Vaz: The Commission's funding of such grants is published annually in its "Report on Beneficiaries of Part A Commission Grants". This report is freely available on the Commission's website www.europa.eu.int.

India

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what is his policy on India's gaining a permanent seat on the United Nations Security Council; for what reasons this policy has changed; and if he will make a statement. [123727]

Mr. Hain: We are committed to early enlargement of both the permanent and the non-permanent membership of the UN Security Council, including the creation of a new permanent seat for the Asian regional group. We continue to maintain that it would be for the Asian group to decide who would occupy any permanent seat allocated to them. India would clearly be a strong contender. Our policy on this is unchanged.

Intergovernmental Conference

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 16 May 2000, *Official Report*, column 111W, on the Intergovernmental Conference, how many copies of Cm 4595 have been distributed free; and how many were available for sale. [123908]

Mr. Vaz: My Department has distributed numerous free copies to opinion formers. The Stationery Office Ltd., who publish Command Papers under a contract administered by HMSO, are responsible for fixing the total print run. Initially, they printed 800 copies for sale but have since reprinted a further 200 copies to meet demand.

Visit Visas

Ms Jenny Jones: To ask the Secretary of State for Foreign and Commonwealth Affairs how many applications for visit visas made in *(a)* India and *(b)* Pakistan were refused from 1 January to 30 April; and how many of the refused applications gave the reason for seeking entry as (i) attending a family funeral, (ii) attending a family wedding and (iii) visiting a seriously ill relative. [124462]

Mr. Vaz: The number of visit visa applications refused between 1 January and 30 April 2000 were as follows:

	Number
India	
Bombay	1,820
Calcutta	32
Madras	449
New Delhi	3,251
Pakistan	
Islamabad	2,224
Karachi	1,392

Detailed information on the nature of these applications is not centrally held and could be provided only at disproportionate cost.

Ethiopia and Eritrea

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs when he last held discussions with representatives of the Governments of *(a)* Ethiopia and *(b)* Eritrea about the war between these two countries; and if he will make a statement. [124499]

Mr. Hain *[holding answer 5 June 2000]:* As I told the hon. Member for Chesham and Amersham (Mrs. Gillan) on 25 May 2000, *Official Report*, column 577W, I last spoke to the Ethiopian Ambassador on 23 May about the conflict between Ethiopia and Eritrea, when I strongly criticised Ethiopia's resumption of fighting with Eritrea.

I will discuss the conflict with the recently arrived Eritrean Ambassador when he makes his introductory call on me on 8 June. I will reiterate our strong belief that only a negotiated settlement will bring a lasting peace to the region.

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about his arms policy towards *(a)* Ethiopia and *(b)* Eritrea. [124501]

Mr. Hain *[holding answer 5 June 2000]:* I refer the hon. Member to the reply I gave to my hon. Friend the Member for Motherwell and Wishaw (Mr. Roy) on 18 May 2000, *Official Report*, column 223W.

Grand Cayman

Mr. Dalyell: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received about environmental degradation of the mangrove swamp in the central area of Grand Cayman. [123000]

Mr. Hain: I have received a copy of a recent report from the Cayman Islands National Trust to the Governor of the Cayman Islands. This expresses concern that the Environmental Protection Fees have not been used to purchase areas of the central mangrove wetlands. It also raises the issue of an area of mangrove recently removed as part of a hotel development project. I have asked the Governor to send me a report on both issues and will write to my hon. Friend when that report is received.

SCOTLAND

Green Transport

Mr. Moore: To ask the Secretary of State for Scotland if he will list the key buildings for which his Department *(a)* submitted and *(b)* did not submit green transport plans by March. [122609]

Dr. Reid *[holding answer 18 May 2000]:* Key buildings are those with more than 50 staff where the Department is the main occupier. My Department has no buildings in this category and has not submitted green transport plans. We shall however be considering transport arrangements for the buildings we occupy.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Methyl Tertiary Butyl Ether

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions (1) what reports he has received about the United States Government's proposals to ban the use of methyl tertiary butyl ether as a petrol additive within three years; and if he will make a statement; [123446]

(2) what recent discussions his Department has held with counterparts in the United States on methyl tertiary butyl ether; and if he will make a statement. [123447]

Mr. Hill: No reports have been received from the United States Government. However, officials are in regular contact with their US counterparts and discuss issues such as MTBE. We are aware of the issues surrounding its use in the United States.

Ms Walley: To ask the Secretary of State for the Environment, Transport and the Regions what the EU's policy is on the use of methyl tertiary butyl ether. [123441]

Mr. Hill: There is no overall EU policy on MTBE use other than to restrict quantities of oxygenates that may be added to petrol. In particular EU directive 98/70/EU sets a limit of 15 per cent. on ethers containing five or more carbon atoms per molecule—which includes MTBE. Finland are carrying out a full life cycle risk assessment of MTBE under the European Communities Existing Substances Regulation (793/93/EEC) in order to decide whether any further measures are necessary to protect human health and/or the environment. The draft risk assessment is due to be discussed in depth for the first time by the EU technical experts in June this year.

Dagenham Ford Plant

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has held with the Greater London Authority regarding the future of the Dagenham Ford plant. [123513]

Mr. Hill *[holding answer 23 May 2000]:* My right hon. Friend the Secretary of State for Trade and Industry, who has lead responsibility within Government concerning the Dagenham plant, announced on 12 May a 10-point plan for regeneration, based on high quality training, support for setting up small businesses, developing modern manufacturing and attracting inward investment. The Employment Service is working closely with Ford to support Dagenham workers and to ensure that the effects on the local economy are minimised.

My right hon. Friend the Secretary of State for Trade and Industry had earlier met the Mayor of London on 8 May. They agreed to work closely together to secure the best possible outcome for the workforce at Dagenham and for the wider community.

Incinerators

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with building contractors about the future construction of incinerators in the United Kingdom. [123485]

Ms Beverley Hughes *[holding answer 23 May 2000]:* The Government have not held discussions with building contractors about the future construction of incinerators. The development and construction of energy from waste and incineration plant is a matter for local authorities and the waste management industry.

Registration Numbers

Mr. Cohen: To ask the Secretary of State for the Environment, Transport and the Regions what his policy is on displaying registration numbers on plates marked with the European Union sign and GB; and if he will make a statement. [123726]

Mr. Hill: Following two consultation papers, the Government announced on 30 March that motorists could, if they wished, display the insignia of the European Union together with the letters GB on their number plates, in which case vehicles would no longer have to display the "GB sticker" when travelling in Europe. Regulations to bring this into effect from 1 March 2001 will be laid shortly.

Social Housing (Colchester)

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions how much has been invested in social housing in the Colchester constituency in each of the last five years for which figures are available; how much will be provided for the current financial year; and if he will make a statement. [123656]

Mr. Mullin: Details of the capital allocations for housing investment in Colchester Borough Council area in the current and previous five years are set out in the table. The allocations are additional to any housing investment financed from the authorities own resources.

Investment in social housing in Colchester

£ million

	1995–96	*1996–97*	*1997–98*	*1998–99*	*1999–00*	*2000–01*[1]
Allocations to Colchester Borough Council						
Total	3.921	3.559	2.604	3.107	3.250	4.449
Housing annual capital guideline	2.839	2.575	1.377	1.087	1.176	4.189
Private sector renewal grants	1.082	0.984	0.558	0.516	0.508	—
Disabled facilities grants[1]			0.252	0.238	0.235	0.260
Capital receipts initiative	—	—	0.417	1.266	1.331	—
Allocations to registered special landlords						
Approved development programme[2]	2.634	2.743	1.150	1.731	1.257	1.398

[1] Support for private sector renewal and disabled facilities grants was provided through a combined single allocation in 1995–96 and 1996–97.
[2] The figures up to 1999–00 are for grants paid; the 2000–01 figures is for schemes approved.
[3] Allocations for the Capital Receipts Initiative and support for private sector renewal grants are included within the housing Annual Capital Guideline allocation for 2000–01.

CITES-listed Animals

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make representations to other EU member states on recording seizures of CITES-listed animals and their products by weight and number; and if he will make a statement. [124049]

Mr. Mullin: Following the CITES Adjournment debate on 21 March 2000 in Westminster Hall, when I was asked to examine whether ivory seizures should be recorded by weight as well as number, I wrote to my hon. Friend the Member for Basildon (Angela Smith) to let her know that the Government would ensure that future seizures were so recorded. I also informed her that Her Majesty's Customs and Excise had already taken steps, in response to other requests, to ensure that seizures of other high profile endangered species goods such as coral or caviar are also recorded by weight.

Although the CITES Convention is implemented within the European Community by way of EU Regulation, the specific method employed to record CITES seizures is a matter for Member States to determine individually. However, since it certainly makes sense for the European Union to employ uniform, or at least similar, reporting regimes, we will raise this issue at the next meeting of the EU's CITES Enforcement Working Group in September.

Hydrocarbon Gases

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions what safety standards are in place to regulate the use of hydrocarbon gases in refrigeration systems; when they were introduced; and what the safety record has been since their introduction. [122858]

Mr. Meacher *[holding answer 25 May 2000]:* There is no safety legislation that applies exclusively to the safety of hydrocarbon gases in refrigeration systems. Employers using such a system would have duties under general legislation, such as the Health and Safety at Work, etc. Act 1974 (HSWA), the Management of Health and Safety at Work Regulations 1999 and the Control of Substances Hazardous to Health Regulations 1999 to ensure the health and safety of anyone who may be affected by their undertaking. In addition, employers and others may have duties specifically in respect of risks from equipment or dangerous substances in other legislation including:

the Provision and Use of Work Equipment Regulations 1992

the Pressure Equipment Regulations 1999

the Pressure Systems (Safety) Regulations 2000

the Highly Flammable Liquids and Liquefied Petroleum Gases Regulations 1972

the Control of Major Accident Hazards Regulations 1999

the Confined Spaces Regulations 1997.

A British Standard 4434:1995 "Specification for safety and environmental aspects in the design, construction and installation of refrigerating appliances and systems" is intended to minimise possible hazards from all types of refrigerating appliances, systems and ancillary equipment. The first part of a European Standard (PREN 378) "Refrigerating systems and heat pumps: Safety and environmental requirements" has come into force and partially replaces BS:4434.

British Standard BS EN60335–2-24 "Safety of household and similar electrical appliances" published in November 1999 covers all safety aspects of refrigerators, freezers and certain ice-makers intended for use in domestic and similar applications, including camping, touring caravans and boats for leisure purposes.

Statistical information is not sufficiently detailed to determine whether any reported incidents in the home or at work involved hydrocarbon gases in refrigeration systems.

Byker Heat Station

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list the sites at which toxic ash from Byker Heat and Transfer Station, Newcastle, was spread in contravention of the operating licence; when this contravention was first reported to the Environmental Agency and when action was taken to correct it; and if the remedial action has been completed at all locations; [123748]

(2) what investigations have been made, and what conclusions have been reached, by the Environment Agency about soil, plant and animal contamination at Byker City Farm, Newcastle; what caused those investigations to be made; and when they started. [123851]

Mr. Mullin *[holding answer 25 May 2000]:* The Byker Reclamation Plant is the subject of two Integrated Pollution Control (IPC) authorisations issued by the Environment Agency under Part I of the Environmental Protection Act 1990. While the IPC authorisation for the Heat Station provides that landfill is the preferred waste disposal option for ash from the plant, disposal by another means is not in contravention of the authorisation. This is because the disposal of waste is subject to the duty of care and the waste management licensing provisions of Part II of the 1990 Act, and section 28 of the Act provides that no condition shall be attached to an IPC authorisation to regulate the final disposal of waste.

The possibility that ash from the plant might have been used for the construction of footpaths and other purposes was first raised by a local resident during discussions with the Environment Agency on another mater in August 1999. At a public meeting organised by Newcastle City Council on 19 January 2000, it was confirmed by the City Council that sampling would be undertaken to establish the composition of the ash. The Environment Agency then wrote to the City Council's direct works contractor, "Cityworks", on 2 February to request details of the dates, locations and quantities of ash used for the construction of footpaths etc. The sites which have identified as receiving ash from the Heat Plant, and the estimated tonnages, are as follows:

Byker CHP plant ash deposit sites (tonnes)

	1994–95	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–00*	*Total*
Bridleways							
Big Waters	—	—	10	20	—	—	30
Blaney Row	—	—	—	30	10	—	40
Coach Lane, Throckley	—	20	—	—	—	—	20
Coronation Road	—	—	40	—	—	—	40
Dinnington Recreation Ground	—	—	40	—	—	—	40
Feversham	—	—	80	—	—	—	80
NE Mason Farm	—	—	80	—	—	—	80
Newburn Riverside	—	—	—	—	—	40	40
Reith Burn, Throckley	—	—	—	—	40	—	40
Stamfordham Road	—	—	40	—	—	—	40
Three Hills	—	100	—	40	—	—	140
UFAMS, Newburn	—	—	80	10	—	—	90
Walbottle Dene	—	—	—	10	—	—	10
Allotments							
Blaney Row	—	—	—	10	30	10	50
Blutcher	—	10	10	—	—	—	20
Braxton B	20	—	—	—	—	10	30
Irish Brickfields	—	—	—	—	—	20	20
Brunswick	—	—	—	—	—	20	20
Christen Road	—	—	—	100	—	—	100
Coxlodge	40	—	—	—	—	—	40
Denton Bank	20	—	—	30	—	—	50
Denton Dene	30	30	30	10	—	10	110
Fenham Model	30	60	40	10	—	10	150
Hulne Terrace	—	—	—	—	10	—	10
Jesmond Premier/Vale	20	10	—	—	—	—	30
Keebledale Pigeons	—	—	—	—	10	—	10
Little Moor	—	20	—	10	20	—	50
Ridgewood Crescent	—	—	—	40	—	—	40
Salter Lane	20	—	—	—	—	—	20
St. Anthony's	—	—	—	—	—	10	10

Byker CHP plant ash deposit sites (tonnes)

	1994–95	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–00*	*Total*
St. Michaels A St. Michaels B	40	—	—	—	—	—	40
Union Hall Road	20	—	—	—	—	—	20
Walkergate Hospital	—	—	10	—	—	—	10
Walkergate 3A	—	20	20	20	—	10	70
Walkergate 3B	10	—	70	10	—	10	100
Westmacott Street	30	30	20	20	—	—	100
Whinneyfield Road	—	—	—	10	—	—	10
Moorside	—	—	—	40	—	10	50
Nun's Moor	20	—	—	—	20	—	40
Other sites							
Leightwood Avenue	—	40	—	—	—	—	40
Murton Riding School	—	—	—	—	40	—	40
Annfield Plain	—	—	—	—	—	—	30

— Not known

Newcastle City Council has undertaken the removal of the ash from these sites and its disposal is being supervised by the Environment Agency. I have been informed that the removal of the ash from all of these sites has now been completed but that further investigations will be carried out by the City Council to ascertain whether any further remedial action is required.

The Environment Agency is conducting an investigation to establish whether the waste management controls of Part II of the 1990 Act have been contravened and, if there is evidence of contravention, action will be taken in line with the Agency's published Enforcement Policy.

To date, no investigations have been carried out by the Environment Agency into possible contamination at Byker City Farm.

Newcastle Great Park Scheme

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions what assessment the Environment Agency has made of the likelihood of storm flow and storm sewer overflow, into Jesmond Dene and Ouseburn, Newcastle; and what the likelihood will be if the Newcastle Great Park scheme in its present form is fully developed. [123852]

Mr. Mullin *[holding answer 25 May 2000]:* I understand from the Environment Agency that improvement work has been carried out to intermittent discharges that can, under storm conditions, discharge diluted sewage to the Ouse Burn. These improvements are at Acomb Crescent on the Red House Farm Estate and Three Mile Inn at Gosforth. Further improvement works on the Lower Ouse Burn at Byker are at the design stage. Other sources of contamination include the de-icing run-off from Newcastle Airport which has affected the entire length of the Ouse Burn. The Agency has developed a scheme with the Airport and Northumbrian Water that now conveys the run-off to Howden sewage works for treatment, with notable water quality improvements.

Potential sources of pollution from Newcastle Great Park have been pre-empted by the Agency at the planning stage. The developers have been encouraged to incorporate Sustainable Urban Drainage Systems (SUDs) into their proposals which will mean that water quality will be maintained or perhaps even improved if the development goes ahead. However, the Agency will not hesitate to take the appropriate enforcement action should pollution arise from any aspect of the development.

Welland Valley

Mr. Garnier: To ask the Secretary of State for the Environment, Transport and the Regions if he intends to designate the Welland Valley up and down stream from Market Harborough an area of outstanding natural beauty; and if he will make a statement. [123904]

Mr. Mullin: Designation of Areas of Outstanding Natural Beauty (AONBs) is the responsibility of the Countryside Agency, subject to confirmation in each case by the Secretary of State. I am not aware of any plans by the Agency to designate the Welland Valley as an AONB.

Bilateral Aviation Agreements

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what is the Government's policy on reciprocity in bilateral air service negotiations with the United States of America. [123931]

Mr. Mullin: Bilateral air services agreements are based on the principle of fair and equal opportunity, and this requires that rights are granted reciprocally. The UK-US negotiations are conducted in accordance with this same principle.

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what action he is taking to remove distortions of competition as part of a bilateral airline agreement with the United States of America. [123932]

Mr. Mullin: We have consistently pressed the US Government for effective access to the US domestic market for UK airlines so that there can be fair competition on UK-US routes.

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions what methodology the Government are adopting in seeking to secure wet leasing rights for British airlines in the US market *(a)* as part of bilateral aviation negotiations and *(b)* through international agreements. [123933]

Mr. Mullin: We take every opportunity to press the United States Government to relax the restrictions that they impose on the wet-leasing of UK-registered aircraft by US carriers.

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions how the Government intend to achieve reciprocal access to the US aviation market for British charter passenger airlines and cargo carriers for whom alliances with scheduled US airlines are not an option. [123934]

Mr. Mullin: UK charter passenger airlines already have reciprocal rights under the Bermuda II arrangements, and dominate the UK-US charter market. We continue to press the US Government to open up their domestic market to UK cargo carriers.

GM Crops

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the consents under which the genetic transformation RT73 has been released in the UK. [123758]

Mr. Meacher *[holding answer 25 May 2000]:* Genetic transformation event RT73 is associated with glyphosate tolerant oil seed rape. Consents which contain RT73 are listed as follows. Copies are available from the GMO Deliberate Release Public Register in DETR's offices at Ashdown House, 123 Victoria Street, London SW1.

Oil Seed Rape Consents Containing RT73:

94/R5/2
95/R5/6
95/R22/3
96/R22/6
97/R13/7
97/R19/16
97/R22/9
97/R24/1
97/R24/2
98/R20/2
98/R22/13
98/R24/3.

Southern Water

Mr. Wyatt: To ask the Secretary of State for the Environment, Transport and the Regions how many successful prosecutions the Environment Agency has undertaken against Southern Water; and what fines have been imposed. [123752]

Mr. Mullin *[holding answer 25 May 2000]:* Listed are details of the successful prosecutions carried out against Southern Water by the Environment Agency since July 1990 and the fines imposed by various Magistrates and Crown courts:

Date	*Court*	*Offence*	*Fine (£)*
10 July 1990	Hailsham MC	Causing sewage to enter a stream at Willingdon	1,200 and 1,070 costs
10 January 1992	Maidstone MC	Causing sewage to enter a tributary of the River Beult at Headcorn	500 and 650 costs
22 January 1992	Maidstone CC	Causing effluent to enter the River Stour	1,000 and 3,340 costs on appeal from Ashford MC
11 February 1992	Sevenoaks MC	Causing sewage to enter a tributary of the River Medway at Penshurst	1,500 and 840 costs
13 February 1992	Margate MC	Causing sewage to enter the sea off Margate	800 and 6,090 costs
16 November 1992	Gosport MC	Causing pollution to enter the River Allver	2,000 and 850 costs
26 April 1993	New Forest MC	For polluting the Lymington River, Brockenhurst on 15 June 1992	3,000 and 460 costs
23 June 1994	Fareham MC	For causing pollution to enter Stoke Lake	4,000 and 610 costs
6 April 1995	Fareham MC	Causing pollution to enter the Tanyard Stream	5,000 and 550 costs
12 April 1995	Tunbridge Wells MC	For breach of consent at Tunbridge Wells STW resulting in pollution on 11 September 1994	Fined 3,000 and 750 costs
3 May 1995	West Malling MC	Causing sewage to enter the River Bourne on 29 October 1994	1,500 and 710 costs
11 January 1996	Fareham MC	For causing pollution to enter a tributary of the River Wallington at Denmead	5,000 and 690 costs
20 February 1996	Lewes MC	For causing pollution to enter the Framfield Stream, Uckfield, Sussex on 12 September 1995	3,500 and 630 costs
14 March 1996	Fareham MC	For causing sewage to enter an unnamed stream at Fareham, Hants on 1 November 1995	4,000 and 530 costs
19 March 1996	Lewes MC	Causing sewage to enter the Eridge Stream, near Crowborough, Sussex on 20 August 1995	3,500 and 590 costs
19 June 1996	Southampton MC	Fined for causing water containing chalk residues to enter a boating lake at Southampton on 30 October 1995	1,000 and 450 costs
19 June 1996	Southampton MC	For causing sewage sludge to enter the Itchen Estuary at Woolston, Hants on 22 November 1995	7,000 and 390 costs
31 July 1996	Eastleigh MC	For causing sewage to enter the Monks Brook Stream, Chandlers Ford	2,000 and 580 costs
1 August 1996	Redhill MC	For breaching consent conditions on quality and circumstances of a discharge at Lingfield STW on 12 November 1995	Fined 3,500 and 830 costs
26 March 1997	Mid-Sussex MC	For causing sewage to enter the Herrings Stream on 6 May 1996	5,000 and 580 costs

Date	Court	Offence	Fine (£)
9 September 1997	Hastings MC	For causing sodium hypochlorite to enter the River Brede on 24 October 1996	4,000 and 680 costs
15 September 1997	Sevenoaks MC	For causing sewage to escape at Hadlow Stair, Tonbridge on 20 August 1996	Fined 2,500 and 580 costs
17 October 1997	Maidstone Crown court	For causing sewage to enter the River Bourne at Plaxtol on 16 August 1996 with like offence on 25 May 1997 taken into consideration	Fined 3,000 and 580 costs on appeal from West Malling MC
27 November 1998	Eastleigh MC	For causing sewage to escape from an inspection chamber into the Tanners Brook at Springford Gardens, Southampton on 29 January 1998	Fined 2,000 and 630 costs
5 February 1999	Portsmouth Crown court	For causing sewage to enter the River Wallington at Fareham on 29 December 1997	Fined 4,000 and 630 costs on appeal from South Hampshire MC
12 February 1999	Canterbury MC	For breach of lookup table in that there were 19 failures of consent when the tables allowed a maximum of three for the range of 17 to 28 samples taken during the year ending 7 November 1997	Fined 10,000 and 660 costs
17 March 1999	Lewes MC	For causing pollution to escape from Coopers Green Pumping Station, Uckfield into adjoining unnamed tributary of the River Uck on 23 December 1997	Fined 5,000 and 360 costs
8 July 1999	Canterbury MC	For causing screened sewage to enter the Swalecliffe Brook at Whitstable, Kent from Brook Road Pumping Station on 5 July 1998	Fined 1,500 and 580 costs
10 August 1999	Fareham MC	For causing sewage to discharge from inspection chamber into unnamed tributary of River Hamble near Sarisbury, Hants on 16 August 1998	Fined 2,500 and 670 costs
25 August 1999	New Forest MC	For breaching the terms of a consent to discharge by discharging from Barton on Sea works into the Beckton Bunny on 26 October 1998 at a time when there were not storm conditions	Fined 5,000 and 706 costs
15 November 1999	Medway MC	For causing sewage to enter Janes Creek, Strood due to blockage in sewer and consequent backing up into surface water system on 10 March 1999	Fined 1,000 and 620 costs
4 January 2000	Maidstone MC	For causing diluted sewage to enter an unnamed stream at Bearsted, Maidstone due to failure of pump systems at Ware Street Pumping Station on 6 June 1999	Fined 4,500 and 600 costs
10 February 2000	Southampton MC	For causing sewage to enter the Sholing Common Stream, Southampton due to blockage in sewer system on 5 November 1999	Fined 2,500 and 640 costs
28 February 2000	Canterbury MC	For breach of consent at May Street STW, Herne Bay on 20 and 21 December 1998	Fined 6,000 (3,000 on each of two charges) and 660 costs
20 March 2000	Horsham MC	For causing pollution to enter the Brockhurst Brook, Billingshurst, Sussex on 19 October 1998	Fined 7,500 and 660 costs

Cleaner Vehicles Task Force

Mr. Alexander: To ask the Secretary of State for the Environment, Transport and the Regions when the Cleaner Vehicles Task Force will publish its final report. [124520]

Mr. Hill: The Cleaner Vehicles Task Force, which was set up by my Department in 1997 to look at practical ways of reducing vehicle emissions, is publishing its final report, "The way forward—the final report of the Cleaner Vehicles Task Force", today. The report covers five main areas:

Transforming the market and achieving lower environmental impacts from vehicles in use through Government incentives, development of technology, and through better public awareness;

The role of fleets in improving environmental performance of current and new vehicles;

Cleaner fuels and technologies—both conventional and alternative fuels and technologies;

The role for low emission zones; and

Making sure everyone plays their part—the importance of enforcement in maintaining improvements.

There has already been progress on the Task Force's interim recommendations, published in the 1999 report "Driving the Agenda". For instance, we announced in March that we would be spending £6 million this year on a Cleaner Vehicles Programme to take forward the Task Force's recommendations on retrofitting. Industry has acted too, with the motor industry adopting a label providing information about emissions on all new cars. We look forward to seeing rapid progress on the recommendations contained in this report.

Copies of the final report, along with a background paper published by the Task Force on the environmental impacts of vehicle production and disposal and the reports of the Technology and Testing and Alternative Fuels sub-group, are available in the House Library.

Air Services

Sir Paul Beresford: To ask the Secretary of State for the Environment, Transport and the Regions if the decision-making process outlined in the Appraisal

Framework for Airports in the South-East will allow for public consultation on the options examined during the sifting process. [124628]

Mr. Mullin *[holding answer 5 June 2000]:* We shall ensure that the process of sifting will be open to public scrutiny during public consultation on the shortlisted options following completion of the study.

A very large number of options will be considered during the sifting process, which is designed to reduce the options to a manageable number, so that those can be appraised in sufficient detail to support a meaningful public consultation.

To attempt earlier consultations would greatly expand the work required and the length of the overall process; and would result in substantial and prolonged blight, uncertainty and anxiety.

The approach adopted in this study is entirely consistent with my Department's Code of Practice on the Dissemination of Information during Major Infrastructure Developments.

Sir Paul Beresford: To ask the Secretary of State for the Environment, Transport and the Regions what the timetable is for decisions to be taken after completion of the South-East and East of England Regional Air Services Study in April 2001. [124627]

Mr. Mullin *[holding answer 5 June 2000]:* It is expected that the South-East and East of England Regional Air Services Study will be completed by spring or summer 2001. This will be followed by a public consultation on the options arising from it.

The results will feed into an Air Transport White Paper, which will also take account of the Government's decisions in response to the Inspector's report on the Heathrow Terminal 5 Inquiry.

Sir Paul Beresford: To ask the Secretary of State for the Environment, Transport and the Regions if the South East and East of England Regional Air Services Study will examine the effects of an increase in employment in the South East on *(a)* local businesses and *(b)* the environment. [124629]

Mr. Mullin *[holding answer 5 June 2000]:* Yes—the study will examine and appraise the effects of airport development options on local employment markets and other urbanisation impacts.

Sir Paul Beresford: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect of the construction of a new southern-aligned runway at Gatwick Airport on people within the 57 LEQ noise contour, and of the number of people within that contour who would be affected. [124630]

Mr. Mullin *[holding answer 5 June 2000]:* As I made clear in my answer to the hon. Member of 30 March 2000, *Official Report*, column 228W, it is premature to comment on what options are being considered in the South-East and East of England Regional Air Services study.

I can confirm the draft appraisal framework for airports in the South-East and Eastern Regions of England makes provision, during full assessment, for the calculation of population within the 57 LEQ noise contour (16 hour day, average mode) as well as night noise. A simpler assessment will be used in the earlier stages of this study.

Rents

Mr. Dobson: To ask the Secretary of State for the Environment, Transport and the Regions what has been the average increase in *(a)* council, *(b)* housing association and *(c)* private rents in each year since 1990–91. [123982]

Mr. Prescott *[holding answer 5 June 2000]:* Estimated average annual rent increases from 1991 to 2000 are as follows:

Annual percentage change in average rents

	Housing association rents	*Local authority rents*	*Private sector rents*
1991–92	n/a	15.3	n/a
1992–93	15.1	11.8	n/a
1993–94	10.5	9.3	n/a
1994–95	8.1	6.2	4.8
1995–96	7.6	7.3	7.7
1996–97	7.0	4.6	8.6
1997–98	6.2	2.5	3.9
1998–99	4.0	2.8	5.1
1999–2000	n/a	3.8	n/a

Sources:
Private rents: Survey of English Housing (SEH)
Housing Association (RSL) rents: Annual Regulatory and Statistical Return/Housing Corporation
Local authority rents: DETR Subsidy Claim Forms (SCF) and annual Government Office survey

Water Meters

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the introduction of water meters in higher rateable value properties on charges for customers in lower rateable value properties. [124650]

Mr. Mullin: This is a matter for the Director General of Water Services. He has set out his position on the balance between measured and unmeasured water charges in "Tariff structure and charges: 2000–01 report", a copy of which is in the Library of the House.

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions what is the current estimated cost of installing water meters in all domestic properties. [124647]

Mr. Mullin: There are no plans to meter all domestic properties, so no estimate has been made of the cost of doing so. Under the Water Industry Act 1999, companies in England and Wales must install a meter in any home when requested by the consumer, free of initial charge. The number of meters installed will depend on consumer choices. In his determination of water company price limits, the Director General of Water Services has allowed for £202 million capital and £53 million operating expenditure for the costs of installing optional meters in 2000–05.

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of domestic properties are *(a)* fitted with water meters and *(b)* pay by volume. [124646]

Mr. Mullin: The Director General of Water Services publishes an annual report on "Tariff structure and charges", a copy of which is in the Library of the House. This report gives details of the percentage of domestic properties who pay for water supplies according to volume. The figure for 2000–01 is estimated to be 19.6 per cent., based on forecast data provided by water companies. The equivalent figure for 1999–2000 was 17.1 per cent.

In some instances a property may be fitted with a meter, but be charged on an unmetered basis. The Director General of Water Services collects only information relating to the number of meters that are installed and used as the basis for charging.

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received regarding the implications of water metering for low-income households where there are *(a)* children, *(b)* elderly and *(c)* people with disabilities and illnesses that require them to take frequent baths. [124649]

Mr. Mullin: The Government published "Water Industry Act 1999: Consultation on Regulations" on 12 October 1999, a copy of which is in the Library of the House. Fifty-three responses were received relating to the proposals for assisting low-income households who pay by meter.

Following that consultation, the Government laid the Water Industry (Charges) (Vulnerable Groups) Regulations 1999 on 22 December 1999, and made minor clarificatory amendments in the Water Industry (Charges) (Vulnerable Groups) (Amendment) Regulations 2000, which were laid on 3 March 2000. Both came into force on 1 April 2000.

The Regulations offer assistance to low-income households with water meters, who might face hardship as a result of high water use for basic household purposes. To qualify for assistance, a member of the household must be entitled to received income related benefits or tax credits; and either

be responsible for three or more children under the age of 16;

have (or have a child with) a qualifying medical condition which requires significant extra use.

The response to consultation is contained in "Water Industry Act 1999: Delivering the Government's Objectives" which was published on 3 February 2000. This also included a copy of the main Regulations. A copy is in the Library of the House.

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions how many properties in each of the council tax bands are fitted with a water meter. [124648]

Mr. Mullin: No information is available on the proportion of properties in each of the council tax bands fitted with a water meter.

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions what options he is considering to replace rateable values for calculating water charges. [124645]

Mr. Mullin: Under the Water Industry Act 1999, companies must produce charges schemes, which include details of the basis on which they wish to charge for water and sewerage services to homes. Schemes are subject to approval by the Director General of Water Services.

My right hon. Friend the Secretary of State has issued guidance to the Director General on the approval of schemes for companies operating wholly or mainly in England. In considering whether or not to approve a new basis of unmeasured charging, key factors are the transitional effects of any change, any proposals for managing such effects and the impact of the new basis of charging on different groups, particularly vulnerable customers. Because of the potential social impacts on customers, the Director should not approve the widespread introduction of new unmeasured charging arrangements, without full consultation with the Secretary of State. The Government will continue to consider any proposals that come forward provided that they address the key factors.

The Secretary of State's guidance under the 1999 Act and other background on water charging policy is set out in "Water Industry Act 1999—Delivering the Government's Objectives" published on 3 February, a copy of which is in the Library of the House.

Water Bills

Mr. Efford: To ask the Secretary of State for the Environment, Transport and the Regions if he will list those water companies that charge for the payment of bills at post offices. [124657]

Mr. Mullin: Water companies do not charge their customers for payment of bills at post offices. Post Office Counters Ltd. levy a handling charge (currently £1 per transaction) for paying bills at post offices. This charge does not apply to GiroBank account holders.

There is significant variation in the policy of water companies in England towards payment of water bills at Post Offices. Information available from water companies indicates that five companies currently subsidise all of any Post Office handling charge on behalf of their customers:

Cambridge Water

Folkestone and Dover Water

North West Water

South Staffordshire Water

Southern Water.

Customers of a further six companies can pay their bills free of charge if they use a payment card (obtainable free of charge from the water company):

Essex and Suffolk Water

Northumbrian Water

Severn Trent Water

South West Water

Thames Water

Yorkshire Water.

Customers of Wessex Water and South East Water can pay bills free of charge at Post Offices if they use an instalments book, and customers of Bristol Water can pay bills free of charge if they pay in cash.

Payment arrangements for the other companies vary. Such arrangements include part-subsidising the Post Office handling charge, or fully subsidising it for certain groups of customers (such as pensioners). All companies which do not offer an option to pay free of charge at Post Offices offer alternative locations (such as banks and shops) where free payments can be made.

Under the Water Industry Act 1999, water companies have to submit their charges schemes to the Director General of Water Services for approval. My right hon. Friend the Secretary of State has issued guidance to the Director General of Water Services on the approval of schemes, which encourages companies to offer a range of payment options to customers, particularly those on low incomes, which they can take up at no extra cost. In approving schemes for 2000–01, the Director required all companies to ensure that charges schemes made provision for making cash payments free of charge at reasonably accessible locations.

Regional Development Agencies

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will give a list of the 10 largest grants awarded by each of the regional development agencies in England since their inception. [124237]

Ms Beverley Hughes *[holding answer 5 June 2000]:* The 10 largest grants awarded by each of the regional development agencies since their inception are as follows:

Regional Development Agency	*£000*
One North East	
Integrated Regeneration in County Durham and Darlington, SRB	25,250
Action for Communities, Northumberland, SRB	15,610
Extending East Gateshead, SRB	12,000
Focus on Ford and Pallion, Sunderland, SRB	10,400
Winning Back Neighbourhoods, Middlesborough, SRB	8,700
South Bank and Grangetown, Redcar and Cleveland, SRB	7,462
Extending the South Shields Challenge, SRB	7,830
Newcastle West into Work, SRB	7,300
North Hartlepool Partnership, SRB	7,200
From Exclusion to Inclusion, Stockton-on-Tees, SRB	6,000
Northwest Development Agency	
Blackburn Central, Living in the future, SRB	25,000
Manchester/East Manchester, Beacons for a better future, SRB	25,000
Rochdale/Opportunity and Inclusion, SRB	25,000
Salford/Integrating and Sustaining, SRB	25,000
St. Helens, Count me in, SRB	24,916
Halton, Focus for change, SRB	23,059
Knowsley/Northwood into the millennium, SRB	12,308
Rochdale Canal remainder	10,620
Terminal Complex Speke	6,715
Commonwealth Games, SRB	6,200
Yorkshire Forward	
Creating an Inclusive and Prosperous City, Sheffield, SRB	25,040
Better Neighbourhoods and Communities, Leeds, SRB	24,864
Build a Better Future, Doncaster, SRB	16,500
A Platform for Change, Kirklees, SRB	15,124
The Hemsworth Coalfield Partnership, Wakefield, SRB	8,050
Highfield Community Action, Bradford, SRB	4,000
Castlegate Markets, Sheffield	3,861
Kingswood Spec Factories	2,964
Falsgrave Community Investment Initiative, Scarborough, SRB	2,956
Reach Out, West Yorks	2,693
East Midlands Development Agency	
North Notts/North Derbys Coalfield Alliance, SRB	24,000
Leicester North West, Leicester City Council, SRB	13,000
Greater Nottingham Partnership, SRB	12,000
Lincoln City Partnership, SRB	5,500
Sherwood Energy Village, Ollerton	2,510
Strella and Brook House, Nottingham City	2,388
Leicester City Partnership, SRB	2,000
Grand Union Wharf, Loughborough	1,510
Coastal Regeneration Partnership, SRB	1,500
Park Wharf, Nottingham City	963
Advantage West Midlands	
Realising the Potential of Young People, Stoke-on-Trent, SRB	16,540
Building on Diversity, Walsall, SRB	13,860
Family Support, Birmingham, SRB	12,000
Valuing Young People, Coventry, SRB	8,670
Green Apprentices—Prosper, Black Country, SRB	5,740
Transforming Old Town, Leamington Spa, SRB	4,460
Wye—We can make it better, Hereford, SRB	4,380
Handsworth Area Regeneration Trust, Birmingham, SRB	3,870
Rural Community Regeneration, NE Staffordshire, SRB	3,780
Opening up Opportunities, Wolverhampton, SRB	2,210
East of England Development Agency	
Regenerating Peterborough, SRB	5,853
Stevenage, A Neighbourhood, SRB	2,637
Cobholm and Lichfield, Great Yarmouth, SRB	2,438
Arisdale Avenue, Thurrock	2,248
East Colchester, SRB	2,237
Bedford—Regenerating Communities, SRB	2,026
Southend on Sea, Crossbow 1, SRB	1,873
Suffolk Market Towns, SRB	1,441
High Street, Purfleet, Thurrock	1,357
Greenlands Quarry, Thurrock	1,076
South East Development Agency	
Regenerating the Heart of Portsmouth, SRB	25,000
Aerolaminates Ltd., St. Cross Business Park	10,685
Manston Park Call Centre	5,947
Developing Cohesive Communities, Southampton, SRB	5,197
Gateways to Community Success, SRB	4,324
Cheriton Park	3,948
Enterprising Leigh Park, Havant, SRB	3,510
East Oxford Action, SRB	2,936
Halisham East Area Renewal, SRB	2,865
South Kent Rural Development Area Partnership, SRB	2,708
South West Development Agency	
Hartcliffe and Withywood, SRB	12,200
Plymouth 2000, SRB	11,800
Tolvaddon Business Park, Cornwall	2,990
TGE Factory, Plymouth	2,750
Torbay New Deal, SRB	2,700
RNAS, Portland	2,040
West Cornwall Engage Programme, SRB	2,000
Gloucestershire Better Together, SRB	1,800
41 Valley Road, Plymouth	1,490
Penrose Farm, Indian Queens	1,440

Air Cargo

Mr. David Marshall: To ask the Secretary of State for the Environment, Transport and the Regions under what conditions he would liberalise the UK/USA aviation agreement for air cargo; and if he will make a statement. [124535]

Mr. Mullin: The liberalisation of cargo as well as passenger services will be discussed at air services talks with the United States commencing on 13 June. We will press the United States to allow greater access to the US domestic market for UK carriers.

Forest of Dean

Mrs. Organ: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will make a statement on the progress of granting special status for the Forest of Dean; and what advice he has given to local planning authorities concerning the Forest of Dean and the local minerals plan; [124168]

(2) if he has instructed the local planning authorities and the Mineral Planning Authority to treat the Forest of Dean as if it were an Area of Outstanding Natural Beauty. [124169]

Mr. Mullin: The Countryside Agency decided in November last year not to pursue the designation of the Forest of Dean as an Area of Outstanding Natural Beauty at this time but instead to devise a package of regeneration measures to deliver integrated rural development in the Forest.

The Government Office for the South West has submitted comments to Gloucestershire County Council on the initial and revised deposit drafts of the Minerals Local Plan, with a request that they be drawn to the attention of the Inspector at any public local inquiry and be made public. We are still considering a proposal from the Countryside Agency that we should advise the Council to treat the Forest of Dean as if it were an Area of Outstanding Natural Beauty for the purposes of the Minerals Local Plan.

Mrs. Organ: To ask the Secretary of State for the Environment, Transport and the Regions if he has agreed to the funding of the post for the Countryside Agency Co-ordinator for the project in the Forest of Dean to develop special status. [124170]

Mr. Mullin: This is a matter for the Countryside Agency. The Agency's approved budget of £55.1 million for this year has been set against its main objectives as agreed with my Department. The Agency is responsible for the allocation of moneys within the budget to individual projects. I understand that a project officer has been appointed to take forward the delivery of integrated rural development in the Forest of Dean.

Energy Conservation

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions for what reason the publication of proposed changes to Part L of the Building Regulations, concerning the conservation of fuel and power, has been delayed; and if he will make a statement regarding the timetable for publication. [123509]

Ms Beverley Hughes: When the review of Part L of the Building Regulations was announced in February 1998 it was indicated that this would be a very open process with full consultation on what might be included in the review in advance of the development of the proposals by the Building Regulations Advisory Committee. This open process has been widely welcomed, but has raised a number of issues that have had to be explored before fully considered proposals for public consultations could be published. However, it is expected that the proposals will be published shortly with responses requested by the end of September.

Beach Safety

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions what systems of flag symbols are used on bathing beaches to signify the safety level of swimming conditions. [124248]

Mr. Mullin: The Maritime and Coastguard Agency understands that there are three levels of flag symbols used to signify the safety level of swimming conditions on bathing beaches.

1. Red and Yellow flags signify that Lifeguards are on patrol and that Swimming or Boogie Boarding should only take place in the area between the flags.
2. A Red Flag means that it is dangerous to bathe or swim and the water should not be entered.
3. A quartered black and white flag indicates the area is zoned for surf craft and Malibu boards. This flag indicates that the area is not safe for swimmers and bathers.

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions what his Department's policy is in relation to the provision of life protecting and saving services around the shoreline of the UK *(a)* on recognised recreational bathing beaches and *(b)* elsewhere. [124249]

Mr. Mullin: The then Secretary of State for Transport announced in Parliament on 9 March 1992, *Official Report*, columns 409–10W, that following acceptance of the recommendations of the coastal review that the role of Her Majesty's Coastguard needed to be clearly defined and promulgated and that by the authority given to him by the Coastguard Act 1925 it had been agreed that:

> Her Majesty's Coastguard is responsible for the initiation and co-ordination of civil maritime search and rescue within the United Kingdom search and rescue region. This includes the mobilisation, organisation and tasking of adequate resources to respond to persons either in distress at sea, or to persons at risk of injury or death on the cliffs or shoreline of the United Kingdom.

Thus, in response to incidents on or to seaward of recognised recreational beaches, HM Coastguard can mobilise, task and co-ordinate search and rescue helicopters, RNLI inshore and all-weather lifeboats, Coastguard Rescue Teams and Beach Lifeguard Units where provided by local authorities. Elsewhere on the coast the same search and rescue units can be mobilised and tasked though Beach Lifeguard Units are not normally found other than on recreational beaches.

Fishing Vessels

Mr. Andrew George: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the possible correlation between the age of fishing vessels and accidents involving fire, explosion, foundering and loss of life for *(a)* over 12 metre and *(b)* under 12 metre vessels. [124485]

Mr. Hill: The Marine Accidents Investigation Branch (MAIB) has examined all reported accidents to UK fishing vessels, irrespective of length, involving fires and explosions, and floodings and founderings from 1992 to September 1999. No examination has been made of the correlation between the age of fishing vessels and the fatal accidents.

The MAIB's figures show that the accident rate for floodings and founderings, for under 12 metre vessels up to 10 years old, and for over 12 metre vessels up to

20 years old, is unremarkable but deteriorates thereafter. For all vessels more than 40 years old, the rate improves. For fires and explosions the correlation is similar to floodings and founderings for vessels over 12 metre vessels, but there is no meaningful correlation for under 12 metre vessels as the number reported to the MAIB is small.

The MAIB concludes generally that the accident rate increases for all vessels in the 20 to 40 bracket largely because maintenance does not reach the level required to prevent these types of accidents. However, the rate improves for vessels more than 40 years old because the worse performing vessels have been removed from the fleet, and the remainder have been extensively refurbished.

Trust Ports

Mr. Salmond: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the advantages and disadvantages of continuance of the trust port election system; and if he will make a statement. [124575]

Mr. Hill: Officials have examined these issues in detail and discussed them with the trust ports concerned.

Mr. Salmond: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received on his Department's plans to reform trust ports, specifically with regard to plans to abolish the present trust port election system. [124574]

Mr. Hill: Our plans for reform of trust ports are set out in "Modernising Trust Ports—A guide to good governance" published in January. This guidance, drawn up with the assistance of trust ports and the Scottish Executive, includes advice on the appointment process in trust ports. In a few trust ports appointments are made by local election. We have not proposed to abolish these arrangements but we have offered further advice on improvements to ensure that elections are held in a more open and accountable manner. We have only received representations from two Scottish ports, which are being considered by the Scottish Executive.

Mr. Salmond: To ask the Secretary of State for the Environment, Transport and the Regions what account he has taken of democratic accountability in his proposals for changing the election system in trust ports. [124576]

Mr. Hill: Our proposals seek to improve democratic accountability by ensuring that local elections for trust port boards reflect current electoral standards and are more representative of each port's community of stakeholders. Such improvements are also intended to deliver candidates with the skills required for governance of the ports.

Petition (Boddam)

Mr. Salmond: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to investigate the loss of a petition from the residents of Boddam, Aberdeenshire, regarding the Boddam Foghorn, which was received by recorded delivery at his Department on 19 April; and if he will make a statement concerning the circumstances surrounding the loss and his Department's policy on dealing with petitions from members of the public. [124251]

Mr. Mullin: After an extensive search within the Department, we have been unable to find the original correspondence. A copy of the petition was received on 1 June and will be dealt with as a matter of urgency.

Petitions from members of the public are dealt with by officials in my Department unless they are sent via their MP. All correspondence is logged and passed to the appropriate division for a response.

Health and Safety

Mr. Pearson: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish the new strategy to revitalise health and safety; and if he will make a statement. [124918]

Mr. Meacher: The Government and the Health and Safety Commission (HSC) will publish their "Revitalising Health and Safety" Strategy Statement tomorrow, and copies will be placed in the Libraries of the House. The strategy is about improving health and safety conditions in all of Britain's workplaces.

The Health and Safety at Work, etc. Act 1974 was a landmark in making Britain's workplaces safer. The Act provides for good, effective regulation of health and safety and has transformed Britain's workplaces. We can see the results—the number of deaths at work today is a quarter of the 1971 level. Britain is now one of the safest countries in which to work. But in today's modern economy, it is unacceptable that hundreds of people still die in workplace accidents, and 25,000 more leave the workforce never to return as a result of being injured, or made ill, by their work.

This Government are determined to build a fair and decent society for everyone, not just the few. A better deal for working people is central to that vision—safe and healthy working conditions are at the core of that vision. Tomorrow, the Government and the HSC will embark on a new 10 year programme of improvement. For the first time ever, the Government and the HSC will set national targets to cut work-related deaths, injuries and illnesses. We will implement 44 separate measures to that end. These will include motivating employers to raise their game, giving further support to the important work done by safety representatives, and giving more help to small firms in their management of health and safety. Above all, we will inject new impetus into the health and safety system to prevent accidents and ill health causing misery to thousands of people.

Housing Corporation

Ms Rosie Winterton: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Finance Management and Policy Review of the Housing Corporation. [124921]

Mr. Raynsford: On 14 December 1999 I announced that, as part of the Government's programme of regular five-yearly finance, management and policy reviews of non-departmental public bodies, my Department would be conducting a thorough review of The Housing Corporation in 2000.

The "Prior Options" stage of the review has been completed and I have placed a copy of the report in the Library.

The purpose of the Prior Options stage was to assess the extent to which The Housing Corporation's functions were necessary for the achievement of the Government's policies, and whether there was scope for contracting out or transferring all or part of its functions to another body.

The Government's Housing Green Paper "Quality and Choice: A decent home for all" affirms the Government's commitment to improving the quality of social housing and its management, supporting the transfer of up to 200,000 homes from the local authority sector to Registered Social Landlords (RSLs) and to the continuing allocation of funding to RSLs for new social housing. There is therefore a continuing need for a mechanism to regulate the RSL sector to protect public investment, to promote improved performance in the sector and to allocate funding for new social housing. Against this background, the Government accept the Prior Options Review conclusions, that the Housing Corporation should continue to be responsible for registration and regulation of RSLs in England; should continue to allocate funds for new social housing; and that its status as a non-departmental public body remains appropriate to the Corporation's functions.

The Housing Corporation is already taking forward a number of recommendations in the report. In particular it is: strengthening its regulatory skills, especially in business and finance; working to establish a full Best Value regime to promote improved performance in the RSL sector; will set up an inspection process to support this regime; and will continue developing its funding arrangements and processes for making investment decisions.

The report identifies a number of issues to be examined in the second stage of the FMPR, including a review of the Corporation's organisational framework; exploring the options for an appeals mechanism for dealing with disputed regulatory judgments; the case for strengthening the Corporation's powers; agreeing a concordat between the Department and the Corporation for joint working on policy development; and reviewing targets set for the Corporation.

I am grateful for contributions received in the course of the Review from The Housing Corporation, National Housing Federation, local authority associations, Chartered Institute of Housing, Audit Commission, Council of Mortgage Lenders, individual RSLs and numerous other bodies and individuals. The report contains a list of those who contributed. Copies of written responses are available through the Library.

Waste Disposal

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the County Councils and Unitary Councils ranked in order of the volume of waste disposed of in each of their areas. [123384]

Mr. Mullin *[holding answer 23 May 2000]:* The table shows County Councils and Unitary Authorities ranked in order of the amount of waste collected for recycling, composting and disposal. This list is based on the data provided by the authorities in response to the Department's Municipal Waste Management Survey for 1997–98 and excludes authorities which did not provide a complete response to the questionnaire.

LA Name	*Total (thousand tonnes)*
Isles of Scilly Council	3
Rutland County Council	20
Merthyr Tydfil County Borough Council	29
Ceredigion County Council	37
Blaenau Gwent County Borough Council	39
Isle of Anglesey County Council	41
Denbighshire County Council	45
Hartlepool Borough Council	46
Monmouthshire County Council	47
Torfaen County Borough Council	51
Darlington Borough Council	52
Powys County Council	53
Vale of Glamorgan Council	54
Cyngor Gwynedd	57
Swindon Borough Council	59
Isle of Wight Council	60
Bridgend County Borough Council	61
Pembrokeshire County Council	64
Corporation of the City of London	64
Middlesbrough Borough Council	66
Stockton-on-Tees Borough Council	67
Poole Borough Council	71
South Tyneside Metropolitan Borough Council	72
Wrexham County Borough Council	75
Neath Port Talbot County Borough Council	76
Kingston-upon-Thames London Borough	77
North East Lincolnshire Council	79
Redcar and Cleveland Borough Council	80
Carmarthenshire County Council	81
London Borough of Greenwich	86
North Tyneside Council	87
Solihull Metropolitan Borough Council	88
London Borough of Tower Hamlets	89
Bath and North East Somerset Council	91
Portsmouth City Council	91
Luton Borough Council	91
Milton Keynes Council	95
North Somerset Council	97
Caerphilly County Borough Council	97
Merton London Borough	99
North Lincolnshire Council	101
Southampton City Council	101
Calderdale Metropolitan Borough Council	105
London Borough of Lewisham	108
Swansea City Council	110
Derby City Council	111
London Borough of Southwark	112
London Borough of Bexley	119
Sandwell Metropolitan Borough Council	120
Leicester City Council	123
Bournemouth Borough Council	124
Brighton and Hove Council	128
Walsall Metropolitan Borough Council	128
Wolverhampton Metropolitan Borough Council	129
Stoke-on-Trent City Council	134
Dudley Metropolitan Borough Council	134
South Gloucestershire Council	137
Kingston-upon-Hull City Council	141
Rotherham Metropolitan Borough Council	142
Sunderland City Council	142
Cardiff County Council	142
Gateshead Metropolitan Borough Council	155
East Riding of Yorkshire Council	161
Wigan Metropolitan Borough Council	163
Northumberland County Council	168
London Borough of Bromley	168
Dorset County Council	178
London Borough of Croydon	178
Doncaster Metropolitan Borough Council	180
Bristol City Council	185
Bedfordshire County Council	187

LA Name	Total (thousand tonnes)
Wiltshire County Council	188
Newcastle-upon-Tyne City Council	201
Shropshire County Council	204
Buckinghamshire County Council	226
East Sussex County Council	229
Kirklees Metropolitan Borough Council	232
Somerset County Council	232
Bradford City Metropolitan District Council	233
Cornwall County Council	239
Gloucestershire County Council	243
Cumbria County Council	244
Warwickshire County Council	248
Sheffield City Council	257
Durham County Council	263
Lincolnshire County Council	274
Oxfordshire County Council	276
North Yorkshire County Council	280
Northamptonshire County Council	284
Leicestershire County Council	314
Cambridgeshire County Council	322
Suffolk County Council	326
Leeds City Council	334
Worcestershire County Council	342
Derbyshire County Council	352
Norfolk County Council	372
West Sussex County Council	372
Staffordshire County Council	427
Hertfordshire County Council	456
Western Riverside Waste Authority	458
East London Waste Authority	464
Surrey County Council	482
Devon County Council	495
Birmingham City Council	528
Cheshire County Council	528
Nottinghamshire County Council	555
Hampshire County Council	561
Lancashire County Council	654
Merseyside Waste Disposal Authority	699
Kent County Council	701
West London Waste Authority	704
North London Waste Authority	796
Essex County Council	811
Greater Manchester Waste Disposal Authority	1,286

NORTHERN IRELAND

Compensation Agency

Mr. Darvill: To ask the Secretary of State for Northern Ireland when he will publish the future plans of the Compensation Agency; and if he will make a statement. [124917]

Mr. Ingram: The Compensation Agency will publish today its Corporate Plan and Business Plan. I have set the Agency the following nine Key Performance Targets for the coming year:

1. To process criminal injuries claims for an average unit cost of £295.
2. To process criminal damage and emergency provisions claims for an average unit cost of £147.
3. To maintain the average time taken to reach decisions on criminal injuries claims at 45 weeks for claims received from 1 April 1999.
4. To maintain the average time taken to reach decisions on criminal damage claims at 19 weeks for claims received from 1 April 2000.
5. To reduce the average time taken to reach decisions on emergency provisions claims to 35 days for claims received from 1 April 2000.
6. To reduce by 85 per cent. the number of criminal injuries claims in hand at 31 March 1999 on which no decision had been reached.
7. To reduce by 85 per cent. the number of criminal damage claims in hand at 31 March 2000 on which no decision had been reached.
8. To reduce by 95 per cent. the number of emergency provisions claims in hand at 31 March 2000 on which no decision had been reached.
9. To manage the Agency's workload in 2000–01 within a running costs budget (to cover salaries and administrative expenditure) to cover salaries and administrative expenditure) to financial limits agreed with the Department (including in-year adjustments).

Benefit Payments (Costs)

Mr. Alasdair Morgan: To ask the Secretary of State for Northern Ireland what is the annual cost of his Department's and its agencies administration of benefit payments *(a)* in total and *(b)* as a percentage of spending on benefit payments. [124254]

Mr. George Howarth: The estimated cost of administering the social security benefit system in Northern Ireland in 1998–99, the latest year for which information is available, was £125.6 million. This equates to 4 per cent. of benefit expenditure which amounted in total in that year to £3,168.8 million.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Departmental Staff (Technology)

Mr. Alasdair Morgan: To ask the Secretary of State for Northern Ireland what staff and technology are shared between his Department and its agencies and the Department of Social Security and its agencies; what work is undertaken *(a)* on behalf of the DSS and its agencies by his Department and its agencies and *(b)* by the DSS and its agencies on behalf of his Department or agencies in the last year; and what payments have been made in each case. [124255]

Mr. George Howarth: The Department for Social Development in Northern Ireland does not share staff with the Department of Social Security (DSS) in Great Britain. The Department's Child Support Agency provides child support services for those DSS clients living in Eastern England. The Department receives £25.5 million from DSS in respect of this business. The Social Security Agency also provides benefit processing and administration services to DSS for clients living in the Lewisham, Neasden and Brixton areas of London, for which it receives an annual payment of £10.4 million from DSS. The Department also provides a storage and retrieval service to DSS for social security order book foils for which it receives an annual payment of £4.9 million.

The Department for Social Development uses the DSS computer systems to administer social security benefits and to deliver Child Support services. The Department pays DSS £7.7 million for the use of these systems and for the installation and maintenance of the equipment on which they run.

The DSS also provides the Department with a number of other ancillary services, such as publishing and distribution, fraud inspection, work measurement and Child Support decision making. DSS receive £510,000 for these services.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

CULTURE, MEDIA AND SPORT

Leisure Centres and Libraries (Access)

Caroline Flint: To ask the Secretary of State for Culture, Media and Sport what percentage of the population lives *(a)* within one mile of and *(b)* over three miles from (i) a leisure centre and (ii) a library in (A) rural and (B) urban areas. [124497]

Kate Hoey *[holding answer 5 June 2000]:* This information is not available. For leisure centres, analysis carried out by Sport England in 1998 using the Facilities Planning Model developed in association with the Scottish Sports Council and Edinburgh University estimated that 96.6 per cent. of people living in England live within 15 minutes drive of a sports hall with at least three courts, and 85.1 per cent. of people in England live within 15 minutes drive of an indoor swimming pool. I have placed a copy of the Facilities Planning Guide published by Sport England in the Library.

No information on travelling distances or travel times is available in respect of libraries.

Millennium Experience (Ticket Sales)

Mr. Jon Owen Jones: To ask the Secretary of State for Culture, Media and Sport if his Department will conduct an internal review under the Code of Practice on Access to Government Information into the non-provision of the information requested by the hon. Member for Cardiff, Central on regional ticket sales to the Millennium Experience. [124365]

Mr. Chris Smith *[holding answer 5 June 2000]:* My hon. Friend the Minister for Tourism, Film and Broadcasting wrote to my hon. Friend on 6 December 1999. Following an investigation by the New Millennium Experience Company into the pattern of ticket sales, it was discovered that most were purchased from central sales points, including the Dome call centre, and it is therefore impossible to provide any meaningful statistical breakdown of visitors by region. I am satisfied that the reason for the non-provision of information in this respect is that the information does not exist, rather than that it is being deliberately withheld.

Local Authority Funding

Mr. Sanders: To ask the Secretary of State for Culture, Media and Sport if he will list the funds which are available to local authorities on application, indicating those for which the Torbay Unitary Authority has successfully applied in each of the last two years. [124193]

Mr. Chris Smith: The following funds are available to Local Authorities on application:

DCMS/Wolfson Public Libraries Challenge Fund—£3 million a year to enhance facilities and services of English Public Libraries, of which DCMS makes available £2 million and the Wolfson Foundation £1 million.

English Heritage—Grants are available to local authorities for the conservation of Grade I and II* listed buildings and scheduled ancient monuments. Funding is also available to local authorities under EH's Heritage Economic Regeneration Scheme (HERS), under which a three year programme of grant aid is targeted at heritage-based economic regeneration.

Arts Council of England—Local authorities can have access to project funds from Regional Arts Boards.

National Lottery

Arts Council of England—A number of capital and revenue schemes for which organisations can apply with a view to developing and sustaining access to, and participation in, the arts.

Lottery Sports Fund—Lottery Sports Fund provides grants for sports facilities and sports provision.

Heritage Lottery Fund—Grants for works to buildings, structures and areas that are of historic or architectural importance and for action to widen and enhance popular access to the heritage. HLF also supports improvements to the housing and presentation of collections in museums and galleries.

New Opportunities Fund

The Information Communication and Technology for Librarians—a £50 million programme that aims to digitise a wide range of material to support lifelong learning needs and education in its broadest sense.

Out of School Hours Learning—a £205 million grant programme that aims to create regular out-of-school hours learning activities, and new summer school places.

Community Access to Lifelong Learning Programme—a £200 million grant programme that aims to improve access to lifelong learning for adults through the use of ICT with a particular focus on socially excluded adults and those in disadvantaged communities.

Successful Awards to Torbay Council

English Heritage

A grant of £150,000 has been offered by EH under the HERS towards conservation work in the Paignton Conservation Area between April 2000 and March 2003.

New Opportunities Fund

An award of £408,500 through the Out-of-School Hours Learning Programme. The Fund has also allocated funding to schools in Torbay amounting to £421,234 under a programme for ICT training for teachers and school librarians.

Arts Council of England

Over the last two years there has been one Grant in Aid award from the Arts Council to Torbay Borough Council:

a grant of £2,500 as part of the Capital Art Strategy.

Millennium Dome

Mr. Redwood: To ask the Secretary of State for Culture, Media and Sport if he will publish the letter of direction for the payment of £29 million to the Dome. [123980]

Mr. Chris Smith *[holding answer 5 June 2000]:* This is a matter for the Millennium Commission. I will write to the right hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Tourism Summit

Mr. Grogan: To ask the Secretary of State for Culture, Media and Sport when he will report on the outcome of the first Tourism summit held in London on 1 March. [124922]

Mr. Chris Smith: Copies of a full report on the summit, and of other documents tabled at the meeting, have been deposited in the Libraries of the House. A further summit will be held next year to review progress and decide further action.

Welsh Assembly

Mrs. Lawrence: To ask the Secretary of State for Culture, Media and Sport when he expects to publish the bilateral concordat between his Department and the Cabinet of the National Assembly for Wales. [124923]

Mr. Chris Smith: I am pleased to announce that the Concordat between the Department for Culture, Media and Sport and the Cabinet of the National Assembly for Wales has now been agreed. Copies of the Concordat have been placed in the Libraries of the House, and the text will also be available on the Department for Culture, Media and Sport's website http://www.culture.gov.uk.

TREASURY

EU Stability Pact

Mr. Redwood: To ask the Chancellor of the Exchequer what is his policy on the application of the EU Stability Pact to the UK. [123830]

Miss Melanie Johnson: As set out in Articles 99 and 104 of the EC Treaty, the UK once a year submits a Convergence programme as part of the Stability and Growth Pact.

Mr. Mitchell: To ask the Chancellor of the Exchequer what obligations are imposed on him in respect of public spending by the EU stability pact; and what contribution these have made to ensuring that divergences in the economic cycle between the UK and Europe are reduced. [124349]

Miss Melanie Johnson: Under Council Regulation (EC) No. 1467/97, the UK should

> endeavour to avoid excessive deficits.

Sterling Deposits

Mr. Mitchell: To ask the Chancellor of the Exchequer what was the change in 1998 and 1999 in *(a)* foreigners' holdings of sterling deposits and *(b)* UK residents' deposits overseas, including the Channel Islands and the Isle of Man. [124346]

Miss Melanie Johnson: This information can be found in tables 5A, 5B, 6A and 6B of the "BIS Quarterly Review", and table B8 of "Bank of England Monetary and Financial Statistics".

Exchange Rate

Mr. Mitchell: To ask the Chancellor of the Exchequer what commitments have been made by the UK to the EU convergence programme; how far these have been breached; and what contributions they have made to ensuring more stability in the Sterling-Euro exchange rate. [124350]

Miss Melanie Johnson: In line with the Stability and Growth Pact, the Government submit a Convergence Programme to the European Commission and the Council, which provides an annual update of our economic performance. The economic forecasts and fiscal projections for the 1999 Convergence Programme are those given in the Pre-Budget Report.

Inflation Target

Mr. Mitchell: To ask the Chancellor of the Exchequer what assessment he has made of the benefits and consequences of including asset prices in the Bank of England's inflation target; and if he will make a statement. [124348]

Miss Melanie Johnson: The Bank of England Monetary Policy Committee (MPC) is required to meet the Government's clear inflation target of 2.5 per cent. RPIX inflation. Dual target systems have in the past led to macroeconomic instability for example, in the late 1980s and early 1990s. The MPC takes into account all relevant information, including asset prices, in making its judgment on interest rates to achieve the Government's inflation target.

National Insurance

Ms Roseanna Cunningham: To ask the Chancellor of the Exchequer if he will estimate the additional annual revenue from raising the ceiling on employees' national insurance contributions to *(a)* the level at which taxpayers became liable for higher rate income tax and *(b)* £1,000 a week. [124250]

Dawn Primarolo: The full year yields from increasing the Upper Earnings Limit (UEL) and Upper Profits Limit (UPL) in 2001–02 are given in the table.

£ million

2001–02	*Exchequer yield*
Increase the UEL/UPL to:	
higher rate threshold	840
to £1,000 per week	2,560

The estimates are consistent with the March 2000 Budget.

Census

Barbara Follett: To ask the Chancellor of the Exchequer when he will publish the proposed forms of questionnaire that will be required to be completed in next year's census of population in England and Wales. [124924]

Miss Melanie Johnson: I have today laid before the House the Census Regulations 2000 (Statutory Instrument 2000–1473) which include facsimile copies of the forms to be completed by householders, individuals and persons in charge of communal establishments in respect of the next census of population in England and Wales, to be taken on 29 April 2001. The Regulations also provide for

the appointment of persons to carry out the field operations and the detailed arrangements for the conduct of the census. Pending the progress of the Census (Amendment) Bill these forms do not currently contain a question on religion.

Corresponding Regulations covering the Census in Scotland were laid before the Scottish Parliament on 5 April. Similar Regulations covering the Census in Northern Ireland were made on 25 May.

National Statistics

Mrs. Lawrence: To ask the Chancellor of the Exchequer when he will publish the Framework Document relating to National Statistics. [124930]

Miss Melanie Johnson: National Statistics will be launched tomorrow. The Framework Document and the list of statistics for initial inclusion in National Statistics will be laid before both Houses tomorrow morning. Copies will be available in the Vote Office.

SOCIAL SECURITY

Disability Living Allowance

Mr. Donohoe: To ask the Secretary of State for Social Security what proportion of independent appeals on Disability Living Allowance cases have resulted in a decision being amended (i) upwards and (ii) downwards in each of the last five years. [124708]

Mr. Bayley: The information is in the table.

Disability Living Allowance appeals

Appeal decisions	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*
All decisions	28,225	35,551	38,194	49,000	47,775
Award reduced	33	56	78	87	106
As percentage	0.1	0.2	0.2	0.2	0.2
Award increased	4,593	5,741	5,662	6,523	5,714
As percentage	16.3	16.1	14.8	13.3	12.0
Award varied	155	210	279	356	306
As percentage	0.5	0.6	0.7	0.7	0.6
Allowed	11,801	13,346	12,710	16,261	16,725
As percentage	41.8	37.5	33.3	33.2	35.0

Note:
The following categories were also included to provide a complete picture of outcomes on DLA appeals:
1. Award varied is where the length of award changes or the monetary value remains the same but components change.
2. Allowed is where Lay Review/Appeal is determined in favour of the claimant.

Source:
DSS Information Centre: 100 per cent. data.

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the *(a)* net cost and *(b)* number of beneficiaries of abolishing Attendance Allowance and removing the upper age limit for Disability Living Allowance in each of the next five years. [124416]

Mr. Bayley: The information is in the table:

Estimated cost and number of gainers from abolition of upper age limit for Disability Living Allowance

	2001–02	*2002–03*	*2003–04*	*2004–05*	*2005–06*
Cost (£ billion)	2.8	3.0	3.1	3.2	3.4
Gainers (million)	1.4	1.4	1.4	1.45	1.5

Notes:
1. Costs are in cash prices and rounded to nearest hundred million and number of gainers rounded to the nearest 50,000.
2. Estimates derived from model of entitlement based on 1996–97 Disability Survey and forecast case loads.
3. Estimates are subject to a significant margin of error reflecting underlying uncertainties of modelling entitlement from available survey data.
4. Estimated costs include effects on income related benefits.

Widows Pension

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security how many people claim the widow's pension in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency. [124715]

Mr. Rooker: At 31 March 1999 there were 29,000 recipients of Widows' Benefit living in Scotland. Information is not available below national level.

Notes:

1. The figure is the total recipients of Widow's Pension and Widowed Mother's Allowance.
2. The figures are rounded to the nearest thousand.

Source:

5 per cent. sample from Pension Strategy Computer System.

Minimum Income Guarantee

Mr. Mitchell: To ask the Secretary of State for Social Security what is the extra total cost of the minimum income guarantee for pensioners over and above the cost of income support for which pensioners were previously eligible. [124344]

Mr. Bayley: During the lifetime of this Parliament the extra total cost of the minimum income guarantee and

associated benefits for pensioners over and above the cost of Income Support for which pensioners were previously eligible is estimated to be £2.2 billion in real terms.

Mr. Flynn: To ask the Secretary of State for Social Security what methods he uses to measure the annual increase in earnings for the purpose of uprating the minimum income guarantee. [124393]

Mr. Bayley: In line with the Government's commitment to provide security in retirement for the poorest pensioners, the minimum income guarantee has been increased by 4.6 per cent., in line with the increase in average earnings. This measure of earnings growth reflects the 12-month headline rate and is based on a three-month average up to July 1999, published in The Stationery Office's "Monthly Digest of Statistics".

Mr. Flynn: To ask the Secretary of State for Social Security in what circumstances a pensioner with income above the minimum income guarantee level who claims all the benefits to which they are entitled can be worse off than if they were receiving the minimum income guarantee. [124391]

Mr. Bayley: We are not aware of a situation where an individual with weekly income above the minimum income guarantee (MIG) level would be worse off, in terms of weekly cash income, after claiming all the benefits to which they are entitled.

Receipt of the MIG does provide a pensioner with access to certain additional services, such as free school meals and social fund budgeting loans, that are not available to those not entitled.

Benefit Fraud

Mr. Swinney: To ask the Secretary of State for Social Security what estimate he has made of the level of fraud by *(a)* number of claimants and *(b)* value (i) in total and (ii) as a percentage of total benefit payments for each benefit in (1) the UK and (2) Scotland. [124252]

Mr. Rooker: The information requested is available in the last Government Statistical Service report on the Area Benefit Reviews, "Results of the Area Benefit Review April 1998–99 and measurements for the public service agreement", which was published on 28 January. A copy is available in the Library.

Invalid Care Allowance

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the *(a)* cost and *(b)* number of beneficiaries of extending entitlement to invalid care allowance to people who would otherwise be entitled but (i) earn less than the national insurance lower earnings limit, but whose earnings exceed the earnings limit for ICA, (ii) are aged over 65 years and (iii) are aged over 65 or earn less than the national insurance lower earnings limit in each of the next five years. [124417]

Mr. Bayley: The information is not available in the format requested. Such information as is available is in the table.

Estimated cost of the abolition of the upper age limit for claiming Invalid Care Allowance (ICA)

	Cost (£ million)	*Gainers (Thousand)*
2001–02	25	40
2002–03	25	40
2003–04	25	40
2004–05	25	40
2005–06	30	40

Notes:

1. Costs are given in cash prices. Costs rounded to the nearest 5 million, gainers to the nearest 10,000.
2. Estimates are based on Family Resources Survey 1997–98 and 1998–99, and caseload forecasts.
3. As estimates are based on survey data, the above will be subject to sampling error. The limitations of modelling entitlement from available survey data on the number of hours that individuals spend providing care mean that the above are subject to a significant margin of error.
4. It is assumed that all existing ICA entitlement rules remain in place after any abolition of the upper age limit for new claims. Costs include the effects on Income Support carer premium.

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the *(a)* cost and *(b)* number of beneficiaries continuing to pay for invalid care allowance (i) after the person cared for dies, (ii) after the person cared for enters permanent residential care and (iii) after care ends, for (1) four weeks and (2) eight weeks in each of the next five years. [124415]

Mr. Bayley: No information is available on the numbers/costs of an Invalid Care Allowance run-on when the disabled person enters residential care. Information on the other questions is shown in the tables.

The estimated costs and number of gainers from a four week run-on after death of the disabled person

Year	*Costs (£ million)*	*Gainers*
2001–02	1	10,000
2002–03	1	10,000
2003–04	1	15,000
2004–05	1	15,000
2005–06	1	15,000

The estimated costs and number of gainers from an eight week run-on after death of the disabled person

Year	*Costs (£ million)*	*Gainers*
2001–02	2	10,000
2002–03	2	10,000
2003–04	2	15,000
2004–05	2	15,000
2005–06	2	15,000

The estimated costs and gainers of a four week run-on when care ceases for any reason

Year	*Costs (£ million)*	*Gainers*
2001–02	11	50,000
2002–03	12	50,000
2003–04	13	50,000
2004–05	14	55,000
2005–06	15	60,000

The estimated costs and gainers from an eight week run-on when care ceases for any reason

Year	*Costs (£ million)*	*Gainers*
2001–02	22	50,000
2002–03	24	50,000
2003–04	25	50,000
2004–05	27	55,000
2005–06	29	60,000

Note:
Costs are rounded to the nearest £ million and gainers to the nearest 5,000.

Pensions

Mr. Flynn: To ask the Secretary of State for Social Security, pursuant to his answer of 18 April 2000, *Official Report*, column 439W, what the national insurance fund balance would be, and how far above the minimum level recommended by the Government Actuary, at the end of each of the years 2002–03 and 2003–04, if the basic pension and linked benefit rates remained at their present level in 2000–01 and were uprated in line with prices thereafter. [124257]

Mr. Rooker: As I said on 23 May 2000, *Official Report*, column 484W, precise long-term forecasts of any excess on the Fund reserves would be misleading given the sensitivity of the difference between forecasts of receipts and expenditure to the variables involved.

Mr. Flynn: To ask the Secretary of State for Social Security, pursuant to his answer to the hon. Member for Poplar and Canning Town (Mr. Fitzpatrick) on 11 April 2000, *Official Report*, column 144W, if the cost of uprating on the basis of earnings the basic pension shown there, including the cost of uprating the linked benefits on the same basis; and what would be the cost for each year from 1998–99 to 2001–02, if the uprating, including the linked benefits, was based on the average earnings index for the three months to July of the previous year. [124392]

Mr. Rooker: The information is in the table.

£ million

	1997–98	*1998–99*	*1999–2000*	*2000–01*	*2001–02*
Winter fuel payment (a)	200	200	760	1,380	1,210
Minimum income guarantee (b)	—	—	410	700	1,090
Total (c=a+b)	200	200	1,170	2,080	2,300
Retirement pension earning-uprated since April 1998 (d)	—	160	590	1,610	2,080
Extra spending (c-d)	200	40	580	480	220
Cumulative extra spending	200	240	820	1,300	1,520

Notes:
1. Rounded to the nearest £10 million.
2. Costs are in 1999–2000 terms.
3. Some figures do not appear to sum. This is due to rounding.
4. Average earnings assumptions for both (b) and (d) are based on an average of seasonally adjusted figures for the three months to July of the previous year, as originally published.

Benefits Administration

Mr. Swinney: To ask the Secretary of State for Social Security what is the annual cost of his Department's administration including its agencies *(a)* in total and *(b)* as a percentage of total spending on benefit payments. [124253]

Mr. Rooker: The cost of administration, in total and as a percentage of benefit expenditure for the period 1994–95 to 1999–2000, is shown in figure 41 of the Social Security Departmental Report (Cm 4614).

Winter Fuel Payments

Mr. Flynn: To ask the Secretary of State for Social Security what the estimated cost is in *(a)* 2000–01 and *(b)* 2001–02 of extending entitlement to winter fuel payments to men under 65 years; and how much of the cost in each year represents arrears for previous years. [124256]

Angela Eagle: In light of the Taylor ruling by the European Court of Justice in December 1999, we decided to extend eligibility to Winter Fuel Payments to include men aged 60–64. To do so it was also necessary to remove the qualifying benefit as an eligibility condition. This brought some newly eligible women, as well as men, into the scheme.

The estimated additional programme costs of extending the scheme in 2000–01 and 2001–02 are in the table and take into account the increase in the Winter Fuel Payment to £150 for eligible households from winter 2000–01. The cost of payments for past winters go back to the beginning of the scheme in the winter of 1997–98.

£ million

Additional costs	*2000–01*	*2001–02*
Annual costs	130	130
Cost for payments in past winters	150	0

Notes:
1. These costs are based on assumptions about take-up. The precise cost will vary depending on the level of take-up among the client group concerned.
2. Costs are in cash terms and are rounded to the nearest £10 million.

HEALTH

NHS Drugs Budget

15. **Miss Kirkbride:** To ask the Secretary of State for Health if he will make a statement on the reform of the NHS drugs budget. [122876]

Ms Stuart: By introducing unified budgets for health authorities, primary care groups and primary care trusts we have given them the flexibility to manage the growing National Health Service budget, including spending on medicines in the way that they consider best for their patients.

Elderly People

16. **Mr. Burns:** To ask the Secretary of State for Health if he will make a statement on NHS treatment of the elderly. [122877]

Mr. Hutton: We are determined that older people should have high standards of care from the National Health Service based on clinical need and no other factor. Our National Service Framework for Older People, to be published in the autumn, will set national standards in health care for older people. Our plans to develop Intermediate Care Services will play an important part in promoting the independence of older people.

Worcester Royal Infirmary

17. **Mr. Luff:** To ask the Secretary of State for Health what assessment he has made of the proposal to transfer services from Kidderminster hospital to Worcester and Redditch prior to the completion of the new Worcester royal infirmary; and if he will make a statement. [122878]

Yvette Cooper: When Worcestershire Health Authority's strategy "Investing in Excellence" was approved, the Secretary of State was satisfied that appropriate evidence and advice had been taken into account. Proposals for the early relocation of services from Kidderminster General Hospital are operational details and as such are the responsibility of the Worcestershire Acute Hospitals NHS Trust.

Drug Rehabilitation Programmes

18. **Mrs. Ann Winterton:** To ask the Secretary of State for Health what action he is taking to improve the delivery of drug rehabilitation programmes. [122879]

Ms Stuart: The Government are committed to a robust strategy to tackle drug misuse and we are backing it with extra resources: more than £200 million over three years. It is one of the Department's 13 key priorities. Through better performance management and guidance on optimum models of care we will ensure that more people benefit from treatment which is effective, including residential rehabilitation.

Skin Cancer

19. **Ms Kingham:** To ask the Secretary of State for Health if he will make a statement on the increasing incidence of skin cancer among young people. [122880]

Yvette Cooper: There are signs of increasing incidence of skin cancer among young people but it seems that any increase may be levelling off. This year the Government will be using posters, factsheets, websites and weather forecasts in a determined effort to provide accessible information enabling young people to make informed choices.

Asthma

20. **Mr. Bill O'Brien:** To ask the Secretary of State for Health how many people are suffering from asthma; what action his Department is taking to combat asthma; and if he will make a statement. [122881]

Yvette Cooper: The estimated prevalence is 4–6 per cent. in children and 4 per cent. in adults; approximately 2–3 million people in the United Kingdom. We are supporting a range of initiatives to combat the effects of asthma. Collaboration with the National Asthma Campaign, active involvement of the Chronic Disease Management Programme and over £3.5 million of Government-funded research reflect this.

Diet and Exercise

21. **Mr. Miller:** To ask the Secretary of State for Health what assessment he has made of the relationship between poverty and diet and exercise. [122882]

Yvette Cooper: The Government fully recognise the links between social deprivation, poor diet and physical inactivity. The Acheson report commissioned by the Government highlighted the phenomenon of food poverty as a very important consideration within public health. The link is confirmed by the recently published National Diet and Nutritional Survey for young people. This shows that, for example, among manual social groups only 22 per cent. of boys consume fruit compared with 39 per cent. in non-manual classes. A similar picture also emerges in the case of girls in manual classes, with only 29 per cent. consuming fruit compared to 43 per cent. among their non-manual counterparts.

The social class patterns for physical activity are less clear. Lower levels of leisure time exercise seem balanced by more active jobs for those on the lowest incomes. Based on these and other indicators like the National Diet and Nutrition Survey for young people, we are examining these issues as part of the development of the National Plan.

Camden and Islington Health Action Zone

22. **Mr. Corbyn:** To ask the Secretary of State for Health what assessment he has made of the progress of the Camden and Islington health action zone. [122883]

Mr. Denham: We expect Camden and Islington health action zone to achieve significant results in reducing health inequalities and modernising services over its seven year life. Both the independent evaluation and the performance monitoring process report good early progress in Camden and Islington and the other HAZs. We are due to receive an end of year performance report on the HAZ initiative later in the summer and a national report on progress will be published in the autumn.

Cancer Treatment

23. **Mrs. Mahon:** To ask the Secretary of State for Health what progress is being made on reducing waiting times for cancer treatment. [122884]

Yvette Cooper: I refer my hon. Friend to the reply my right hon. Friend the Secretary of State gave my hon. Friend the Member for Bolton, North-East (Mr. Crausby) today, *Official Report*, column 141.

HIV/AIDS

24. **Mr. Gerrard:** To ask the Secretary of State for Health if he will make a statement on the timing of the announcement of special allocations to health authorities for HIV/AIDS prevention, treatment and care. [122885]

Yvette Cooper: We announced special allocations for HIV/AIDS treatment and care for 2000–01, totalling £184.3 million on 18 May. This is an increase of £21 million over the baseline or 13 per cent.

£54.8 million was allocated last December for HIV Prevention.

Mental Health

25. **Mrs. Brinton:** To ask the Secretary of State for Health if he will make a statement on the provision of advocacy to people subject to compulsory treatment under the Mental Health Acts. [122886]

Mr. Hutton: All mentally ill people subject to compulsory care should have access to good advocacy. As we announced in our Green Paper on the reform of the Mental Health Act, we are commissioning work to determine and develop models of good practice. I hope to have the results of the study by early next year.

Primary Care Groups

26. **Mr. Rendel:** To ask the Secretary of State for Health what assessment he has made of the average number of hours per week used by GP members of primary care groups on PCG-related work. [R] [122887]

Mr. Denham: We estimate that on average a typical board member of a Primary Care Group would need to spend between two and 2½ days per month on board business. However, the actual time commitment which each Primary Care Group member makes will depend on his or her role, responsibilities and personal commitment.

Teenage Pregnancies (South Yorkshire)

27. **Ms Rosie Winterton:** To ask the Secretary of State for Health what steps he is taking to reduce the number of teenage pregnancies in the South Yorkshire area. [122889]

Yvette Cooper: All four South Yorkshire districts have comprehensive strategies in place to reduce teenage pregnancy and support teenage parents. They have received funds totalling £345,000 for this financial year, to boost local projects. Each health authority has appointed a co-ordinator to drive forward the strategy in their area. This follows the launch last year by my right hon. Friend the Prime Minister of the Government's strategy to halve the rates of conceptions among under-18s by 2010.

CJD

28. **Mr. Sarwar:** To ask the Secretary of State for Health if he will make a statement on the assistance offered by the Government to CJD victims and their families. [122890]

Yvette Cooper: We will shortly be publishing some new guidance for health care professionals on caring for CJD patients. Among other things, it will stress the important role a named 'key worker' plays in ensuring the response properly meets the patient's and family's needs.

A national care co-ordinator has recently joined the Government-funded National CJD Surveillance Unit in Edinburgh to provide specialist expertise in CJD for professionals and carers.

The Department of Health also funds the CJD Support Network, a voluntary organisation providing help and support to patients and families affected by all types of CJD, to employ a case co-ordinator to help local service providers respond appropriately to patients' and families' care needs. In addition, the Human BSE Foundation are funded by the Department to provide help and support specifically to patients and families affected by variant CJD.

Finally, negotiations are underway to ensure the funding of the London Prion Unit at St. Mary's Hospital, which specialises in treating vCJD patients, and also offers information, advice and support for patients, families and professionals on all types of CJD.

Treatment Inconsistencies

30. **Mr. Swayne:** To ask the Secretary of State for Health what progress he has made on eliminating inconsistent provision of treatments between health authorities. [122892]

Mr. Denham: We are setting standards through the National Institute for Clinical Excellence and the National Service Frameworks. We are ensuring local delivery through clinical governance and monitoring delivery through the performance assessment framework and the Commission for Health Improvement. We are working with relevant parties, utilising the record increases in National Health Service funding announced in the Budget, to improve NHS performance.

34. **Mr. Stephen O'Brien:** To ask the Secretary of State for Health how he plans to fund the elimination of wide variations and discrepancies between local areas in health service provision. [122896]

Mr. Denham: We allocate funding to health authorities on the basis of the relative needs of their populations. A weighted capitation formula is used to determine each health authority's target fair share of available resources, to enable them to commission similar levels of health services for populations in similar need.

It is for health authorities in partnership with primary care groups and other local stakeholders to determine how best to use their funds to meet national and local priorities for improving health, tackling health inequalities and modernising services.

Tackling unacceptable variations in performance and treatment is one of the key challenges we have set the National Health Service. We are working with key professionals and frontline staff to see how we can improve NHS performance and productivity so that we make the best use of the record increases in NHS funding announced in the Budget.

Mr. Nicholas Winterton: To ask the Secretary of State for Health what measures he proposes to take to ensure uniformity in the availability of complex and expensive medical treatments. [122870]

Mr. Denham: The availability of complex and expensive medical treatments is achieved through the work of the National Specialist Commissioning Advisory Group (for services with a national caseload) and the new regional commissioning arrangements introduced in April 1999.

In addition, national standards are being set by the National Institute for Clinical Excellence and the National Service Framework programme, local delivery is ensured through Clinical Governance, and services are monitored through the Performance Assessment Framework, the Commission for Health Improvement and national patient surveys.

Gene Technology

31. **Mr. Paterson:** To ask the Secretary of State for Health if he will make a statement on the impact of gene technology on the delivery of health services. [122893]

Yvette Cooper: We are aware of the rapid advances being made in gene technology. However, much research is still needed to determine the clinical utility of any developments. A strategy project is considering the implications for health services and the new Human Genetics Commission will keep this under review.

Podiatry Services

32. **Fiona Mactaggart:** To ask the Secretary of State for Health if he will issue guidance to primary care groups on foot care and podiatry services for elderly and disabled people and their carers. [122894]

Mr. Hutton: Guidance on the provision of podiatry services is contained in "Feet First", the report of a joint Department of Health and NHS Chiropody Task Force published in 1994. A steering group has conducted a review of "Feet First" and we shall consider carefully its recommendations.

Audiology Services

35. **Laura Moffatt:** To ask the Secretary of State for Health if he will make a statement about his plans to improve audiology services in the NHS. [122897]

Mr. Hutton: I refer my hon. Friend to the reply I gave my hon. Friend the Member for Wentworth (Mr. Henley) today, *Official Report*, columns 143–44.

NHS Reform

36. **Mr. Gill:** To ask the Secretary of State for Health what budget has been set for the public consultation on the future of the NHS. [122898]

Mr. Denham: I refer the hon. Member to the reply I gave to the hon. Member for New Forest, West (Mr. Swayne) on 18 May 2000, *Official Report*, column 240W.

Children's Hospices

Mr. Hoyle: To ask the Secretary of State for Health if he will ensure that children's hospices receive the same level of national health service funding as other hospices. [122864]

Ms Stuart: Unlike hospices for adults, children's hospices provide mainly respite care for children with complex needs and their families. To be worthwhile, such care needs to be convenient and flexible to the needs of the family, so a number of different models, including respite at home or in hospices or hospitals, are available in different localities. Where there is a hospice, I know these services are highly valued by users and by the local health economy

Health authorities must use their recurrent funding to meet the assessed health needs of their resident population, including the need for palliative or respite care for children or adults. Precise levels of funding are a matter for local discussion and agreement, based on local health needs assessment as set out in Health Improvement Programmes.

Hospital Waiting Lists (Southend)

Sir Teddy Taylor: To ask the Secretary of State for Health what progress has been made in reducing hospital waiting lists in Southend-on-Sea. [122891]

Mr. Denham: Since the fourth quarter of 1996–97, Southend Hospital NHS Trust has reduced the total number of patients on their in-patient waiting lists by 959. Out-patient long waiters are currently falling, and Southend Hospital NHS Trust has achieved its locally agreed target for reduction in the number of long waiting out-patient for 1999–00.

NHS Funding (Colchester)

Mr. Bob Russell: To ask the Secretary of State for Health if he will ensure that NHS services in Colchester receive at least the national average per capita funding. [122895]

Mr. Denham: We allocate funding to health authorities on the basis of the relative needs of their populations. A weighted capitation formula is used to determine each health authority's target fair share of available resources, to enable them to commission similar levels of health services for populations in similar need.

For 2000–01, North Essex Health Authority's allocation per weighted head of the population is £687, compared to the average for England of £688.

Health authorities allocate resources direct to their primary care groups in accordance with national guidelines. The formula used to set targets for primary care groups is essentially that used for health authorities. Health authorities determine the pace of change at which individual primary care groups within their area move towards their fair share targets.

North Essex Health Authority is currently calculating Colchester Primary Care Group's budget for 2000–01.

Osteopaths

Mr. Gale: To ask the Secretary of State for Health how many trained osteopaths have been compelled to cease practising since the introduction of the provisions of the Osteopaths Act 1993; what assessment he has made of the operation of the personal and professional profile process; and if he will make a statement. [121111]

Mr. Denham *[holding answer 8 May 2000]:* Under the provisions of the Osteopaths Act 1993, the General Osteopathic Council is responsible for the development, promotion and regulation of the profession of osteopathy. During the transitional period of registration, which ended on 8 May 2000, the Council decided to require all applicants to complete an extensive 'professional profile and portfolio' as evidence that they meet its criteria for

the safe, lawful and competent practice of osteopathy. In some cases the registrar may also request an interview or a test of clinical competence before making a decision.

We were not involved in the development of the 'professional profile and portfolio', but it appears to be based firmly on the principles of determining competence and could form a basis for professional lifelong learning. It is an innovative and comprehensive approach which should go a long way towards giving the public the assurance they deserve that all registered osteopaths are able to practice osteopathy safely and competently.

It is an inevitable consequence of an effective professional self-regulatory scheme that, either at its inception or subsequently, some practitioners will not meet the standard required for safe and competent practice and will either have to take remedial training or find alternative employment. From information provided by the General Osteopathic Council, of the 1,911 practitioners whose applications for registration have been decided so far only 80 have been refused.

NHS (Financial Assistance)

Mr. Nicholls: To ask the Secretary of State for Health how many people his Department estimates are eligible to claim financial help with *(a)* NHS prescriptions, *(b)* NHS dental treatment, *(c)* NHS wigs and fabric supports and *(d)* travel to hospital for NHS treatment. [122780]

Mr. Denham: In England, it is estimated that the following are eligible to claim financial help when they incur costs for:

(a) National Health Service prescriptions

10 million children under 16

1 million young people aged 16–18 who are in full time education

10 million people aged 60 or more

5 million people under 60 on low income grounds

up to 0.3 million war pensioners where treatment is for their pensionable disability

0.8 million people holding an exemption certificate because they are suffering from specified medical conditions

0.7 million women holding an exemption certificate because they are pregnant or who have had a child in the past 12 months;

(b) NHS dental treatment

10 million children under 16

1.2 million young people aged 16 and 17 plus 0.2 million aged 18 who are in full time education

6.5 million people on low income grounds

0.9 million women who are pregnant or who have had a child in the past 12 months

up to 0.3 million war pensioners where treatment is for their pensionable disability

(c) NHS wigs and fabric supports

10 million children under 16

1 million young people aged 16–18 who are in full time education

6.5 million people on low income grounds

up to 0.3 million war pensioners where treatment is for their pensionable disability

(d) Travel to hospital for NHS treatment

6.5 million people on low income grounds. In addition to this figure, their children and dependent young people will also be entitled to help.

Up to 0.3 million war pensioners where treatment is for their pensionable disability

(e) There is no charge for prescribed contraceptives.

In addition, around 0.3 million people may be eligible for financial assistance on a sliding scale with the costs of (b), (c) and (d) because they are named on an NHS charges certificate for limited help.

The figures cannot be totalled as there will be overlap between the groups; for example, women who have had a child in the past 12 months might also be on a low income, many war pensioners will be entitled to free prescriptions on age grounds.

NHS Messaging

Mr. Edward Davey: To ask the Secretary of State for Health (1) what the average cost is of sending externally a 1Mb message from an NHS organisation; [124090]

(2) if his Department has estimated the cost of sending externally a 1Mb message from an NHS organisation using an alternate SMPT Internet Mail system. [124091]

Ms Stuart: From 1 April 1999 the full cost of messaging is now met directly by the National Health Service Information Authority and financed by money from health authority annual allocations. The current tariff and discount structure is negotiated centrally with the service providers and is based on overall volume of traffic, so that incremental costs per individual message are not calculated. The average cost per message at current use and discount rates is 1.2p.

Chief Executive (Eastbourne)

Mr. Baker: To ask the Secretary of State for Health, pursuant to his answer of 16 December 1999, *Official Report*, column 309W, what was the work undertaken at Mid Kent Healthcare NHS Trust in Maidstone by the former Chief Executive of Eastbourne Hospitals NHS Trust; what was the total cost of this work; and which part of the NHS funded the work. [124370]

Mr. Denham *[holding answer 5 June 2000]:* The former chief executive of Eastbourne Hospitals National Health Service Trust contributed towards the preparation of an outline business case for the proposed relocation of ophthalmology services at Maidstone and Tunbridge Wells National Health Service Trust.

The total cost of the work amounted to six months of the former chief executive's salary. Costs were met by the Eastbourne Hospitals National Health Service Trust.

Food Labelling

Dr. Gibson: To ask the Secretary of State for Health what his policy is on the use of the word pure in connection with food. [124491]

Ms Stuart *[holding answer 5 June 2000]:* The Food Advisory Committee has issued guidelines on the use of the word "natural" and similar terms such as "real", "genuine" and "pure" in the labelling and advertising of foods. The Committee is currently considering the need for further action and is expected to make recommendations to the Food Standards Agency, which has responsibility for food labelling, later this year.

The Food Safety Act 1990 already makes it an offence to describe any food in a way that is false or likely to mislead as to its nature, substance or quality.

Abdominal Scans

Mr. Clapham: To ask the Secretary of State for Health what the average waiting time for abdominal scans is *(a)* nationally, *(b)* in Sheffield, *(c)* in Doncaster, *(d)* in Barnsley and *(e)* in Rotherham. [124573]

Mr. Denham: Data on the length of the waiting list and how long people are waiting are not collected at the level of individual diagnostic procedures.

MRSA

Mr. Mackinlay: To ask the Secretary of State for Health if he will make a statement on measures taken to deal with MRSA. [122865]

Yvette Cooper: Control of infection in hospitals, including MRSA, is a subject that the Government take very seriously, and one on which we are determined action will be taken. Tackling it has been set as a "must-do" for the National Health Service. A timetabled programme of action is under way to strengthen infection control arrangements and deliver improvements.

Mobile Phones

Mr. Llew Smith: To ask the Secretary of State for Health what research he has *(a)* undertaken and *(b)* commissioned into the potential health effects of chemical leakage from mobile phone handsets. [122814]

Ms Hewitt: I have been asked to reply.

We have not undertaken or commissioned any research in this area. The most likely potential health effects from leakage would be from the battery. All batteries in mobile phones should comply with the appropriate CENELEC or IEC standards.

Written Answers to Questions

Wednesday 7 June 2000

DEFENCE

Defence Intelligence and Security Centre Agency

Mr. McWilliam: To ask the Secretary of State for Defence what key targets have been set for the Defence Intelligence and Security Centre Agency for the financial year 2000–01. [125247]

Mr. Spellar: The role of the Defence Intelligence and Security Centre is to train the Armed Forces and other Intelligence agencies in intelligence and security disciplines and conduct after capture; to maintain an operational capability; and to contribute to effective and timely advice to the Armed Forces on appropriate intelligence and security matters. The Key Targets for the Agency for the 12 months from April 2000 are:

Key Target 1:

To satisfy 100 per cent. of operational taskings required by the Department to the standard specified by the tasking authority.

Key Target 2:

To deliver at least 90 per cent. of a training programme endorsed by the Defence Intelligence Training Policy Group within agreed resources.

Key Target 3:

To meet a 100 per cent. standard of quality for all training courses where there is a validated statement of customer training requirement, and a Systems Approach to Training (SAT) mechanism for measuring quality.

Key Target 4:

To reduce the real terms cost of delivering the average training place made available by the DISC by 2 per cent. in Financial Year 2000–01.

Defence Procurement Agency

Mr. Anthony D. Wright: To ask the Secretary of State for Defence what key targets have been set for the Defence Procurement Agency for the financial year 2000–01. [125248]

Dr. Moonie: Five Key Targets have been set for the Chief Executive of the Defence Procurement Agency for the Financial Year 2000–01. The first three Key Targets apply to projects covered by the Major Projects Report which have passed their Main Gate approval, and prior to their In-Service Date. The Key Targets are:

Key Target 1:

Predicted achievement of customers' core requirements for projects: 91 per cent.

Key Target 2:

Average cumulative slippage of In-Service Dates at 31 March 2001: not to exceed 20.9 months.

Key Target 3:

Average cumulative cost variation at 31 March 2001: not to exceed 4.9 per cent.

Key Target 4:

Customer Satisfaction Rating: 65 per cent.

Key Target 5:

While continuing to meet the demands of the procurement programme, reduce the operating costs of the DPA in relation to the 1997–98 costs of the Procurement Executive by: 19 per cent.

Sierra Leone

Mr. Mackinlay: To ask the Secretary of State for Defence on how many occasions in the past three months UK military or diplomatic personnel have been confronted in Sierra Leone by persons purporting to be United Nations personnel but who were not; if he will give details of such instances where United Nations insignia or colours were being worn; and if any such incidents involved the discharge of firearms. [124837]

Mr. Hoon: None.

Mr. Mackinlay: To ask the Secretary of State for Defence what instructions are given to United Kingdom service personnel when they are required to communicate or collaborate with soldiers of the Sierra Leone Army whom they suspect are below 18 years of age; if those instructions provide specifically for cases where the child soldier is armed; and if he will make a statement. [124832]

Mr. Hoon: It is the policy of the Government of Sierra Leone not to employ children under 18 in the Sierra Leone Armed Forces. Instructions were issued recently by President Kabbah that anyone under 18 currently serving in those forces should be disarmed and demobilised.

Should UK personnel come into contact with any suspected child combatant in the course of their duties, they are instructed to inform the most senior Sierra Leonean Army Commander on the scene and draw his attention to the Government of Sierra Leone's stated policy. This instruction applies whether the suspected child combatant is armed or not.

Precision Bombing

Mr. Menzies Campbell: To ask the Secretary of State for Defence what options are being considered by his Department to ensure aircraft are able to bomb with precision in all weather conditions; when a decision will be announced on the preferred option; and if he will make a statement. [124222]

Dr. Moonie *[holding answer 5 June 2000]:* This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the right hon. and learned Member.

Letter from Robert Walmsley to Mr. Menzies Campbell, dated 7 June 2000:

I am replying to your question to the Secretary of State for Defence about what options are being considered by his Department to ensure aircraft are able to bomb with precision in all weather conditions and when a decision will be announced on a preferred option. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

The Ministry of Defence is considering procuring Precision Guided Munitions to improve the accuracy with which the RAF can deliver free fall bombs in all weather conditions. A Request For Information was sent to industry and seven responses were received.

These propose a variety of technological solutions including the use of Inertial Navigation Systems augmented by information from Global Positioning System equipment.

An Integrated Project Team has formed within the Defence Procurement Agency to conduct technical and commercial assessments of the solutions available. A decision announcing the preferred option is expected in mid 2002.

HOME DEPARTMENT

Specialist Operations

Mrs. Gordon: To ask the Secretary of State for the Home Department if he will make a statement on the report by Her Majesty's Chief Inspector of Constabulary on specialist operations. [125250]

Mr. Charles Clarke: I have today placed in the Library a note of the recommendations from the report, together with responses by the Commissioners and comments by my right hon. Friend the Home Secretary in his capacity as police authority for the Metropolitan Police Service. The Metropolitan Police have accepted all 12 recommendations in the report. From 3 July, it will be the responsibility of the new Metropolitan Police Authority to monitor progress on implementation of the recommendations.

Police Costs

Mr. Dobson: To ask the Secretary of State for the Home Department if he will list the average cost per police officer for each police force in England in the last financial year. [124400]

Mr. Charles Clarke: The average estimated net expenditure per police officer for 1999–2000 is set out in the table. The figures include pay and all other revenue expenditure.

£000

Police force	*Expenditure per police officer*
Avon and Somerset	58.08
Bedfordshire	60.29
Cambridgeshire	57.93
Cheshire	54.11
City of London	77.47
Cleveland	61.00
Cumbria	57.20
Derbyshire	60.78
Devon and Cornwall	60.55
Dorset	60.13
Durham	51.67
Essex	58.03
Gloucestershire	57.33
Greater Manchester	56.58
Hampshire	56.42
Hertfordshire	58.06
Humberside	57.04
Kent	57.34
Lancashire	55.92
Leicestershire	53.14
Lincolnshire	61.43
Merseyside	57.39
Metropolitan Police	70.87
Norfolk	62.05
Northamptonshire	61.62
North Yorkshire	58.45
Northumbria	55.63
Nottinghamshire	58.04
South Yorkshire	54.07
Staffordshire	56.50
Suffolk	61.34
Surrey	61.47
Sussex	53.80
Thames Valley	61.98
Warwickshire	60.78
West Mercia	58.27
West Midlands	52.00
West Yorkshire	58.69
Wiltshire	60.46

Note:

Figures derived from net revenue estimates and projected average budgeted strengths for 1999–2000

Source:

The Chartered Institute of Public Finance and Accountancy Statistics (Estimates) for 1999–2000

Contracts

Mr. Don Foster: To ask the Secretary of State for the Home Department, pursuant to his answer of 21 December 1999, *Official Report*, column 492W, concerning contracts, if he will list the companies concerned; and whether these contracts were subject to a competitive tendering process. [124814]

Mr. Straw: Further to the reply I gave the hon. Member on 21 December 1999, *Official Report*, column 492W, the named companies and tender processes undertaken are given in the table.

Year	*Name of consultant(s)*	*Tender action*
May 1997 to March 1998	NM Rothchild and Son Ltd.	Competitive
April 1998 to March 1999	PA Consulting	Competitive
April 1999 to date	Brian Farrington	Competitive
April 1999 to date	MMM Consultancy Group Ltd.	Competitive

Mike Tyson

Ms Jenny Jones: To ask the Secretary of State for the Home Department (1) if Steve Fitch has applied to enter the UK with Mike Tyson; [124389]

(2) if he will list the names of the personnel seeking to enter the UK with Mike Tyson as part of his support team; [124388]

(3) what checks are being made on personnel seeking to enter the UK with Mike Tyson as part of his support team with regard to establishing previous convictions for serious offences. [124387]

Mr. Straw: We do not at present know who will be applying for entry to the United Kingdom as part of Mike Tyson's support team. But the question of whether entry may be granted to those accompanying him will be considered by the Immigration Officer on arrival in the normal way.

It would be open to Immigration Officers to question them about any relevant matters, including their criminal convictions. However, they are likely to do so only if there is reason to believe that any of them has a relevant conviction. This is to ensure consistency with existing

practice. Proposals in our consultation paper would introduce the requirement for all non-European Union passengers to declare convictions resulting in imprisonment. It would be premature to implement those proposals while the consultation process is still ongoing.

In the case of Steve Fitch, we are aware that he has relevant convictions. In January, Mr. Fitch was granted entry for an extremely limited period, and he observed the conditions imposed on his stay. If he is part of Mr. Tyson's entourage on this occasion, his application for entry will be considered separately in accordance with the Rules.

Community Penalties

Mr. Lepper: To ask the Secretary of State for the Home Department when he will publish the final report on the Norfolk and Greater Manchester pilot schemes in community penalties for fine defaulters and persistent petty offending; and what proposals he has to extend these schemes to other parts of the country. [124683]

Mr. Charles Clarke: The Crime (Sentences) Act 1997 provides courts with additional sentencing options for dealing with fine defaulters, persistent petty offenders and others. The provisions were piloted in Norfolk and Greater Manchester and the final report evaluating the trials was published as a Home Office Occasional Paper on 29 February this year. A decision will be taken in due course on whether to bring these measures into effect throughout England and Wales.

Football Hooliganism

Mrs. Fiona Jones: To ask the Secretary of State for the Home Department what plans he has to restrict the rights of fans to travel abroad to football matches in cases where they have been identified as being involved in incidents of hooliganism but have not been successfully prosecuted. [123717]

Mr. Straw: Only convicted football hooligans who are subject to international banning orders can be prevented from leaving the United Kingdom. The Dutch and Belgian authorities have extensive powers to refuse entry to any individual or group who they consider may pose a risk to public order. This includes people subject to domestic bans. The National Criminal Intelligence Service has provided their Dutch and Belgian counterparts with details of the 506 people currently subject to football banning orders and another 500 or so names of suspected hooligans have also been passed on. Police will be monitoring all England supporters at every United Kingdom exit point throughout the period of the tournament and the information gathered will be shared with the Dutch, Belgian and French police teams and United Kingdom police operating in these countries.

I have placed in the Library a report prepared by the Euro 2000 Co-ordinating Group on measures which have been taken in preparation for the tournament.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Dioxin Emissions

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the five largest producers of dioxin emissions in the UK. [123484]

Mr. Meacher *[holding answer 23 May 2000]:* Estimates of dioxin emissions from those industrial processes that are regulated by the Environment Agency are published in the Pollution Inventory on the Agency's website. The latest data published for 1998 list the top five as follows:

Company	*Dioxins emission to air Grams of toxic equivalents (1-TEQ) (per year)*
Corus (formerly British Steel), Llanwern Works	13
Corus (formerly British Steel), Port Talbot Works	10
Corus (formerly British Steel), Brigg Road	9
Calder Industrial Materials Ltd.	8
Allied Steel and Wire Ltd., Tremorfa Works	7

The Environment Agency are working with those industries to identify ways to reduce their emissions.

GM Crops

Joan Ruddock: To ask the Secretary of State for the Environment, Transport and the Regions what non-departmental technical advice he has sought, and what action he will take in respect of the farm-scale evaluation of GM herbicide-tolerant crops pending his review of separation distances between the crops. [123757]

Mr. Meacher *[holding answer 25 May 2000]:* When the separation distances relate to risks to human health or the environment, for example for small-scale experimental releases. I seek non-departmental technical advice from the independent Advisory Committee on Releases to the Environment, chaired by Professor Alan Gray. These distances are kept continually under review.

When the separation distances are for agronomic or commercial reasons, for example to protect crop integrity, which is the case for the farm-scale evaluations, they are a matter for the Ministry of Agriculture, Fisheries and Food, who consult appropriate bodies representing, for example, organic farmers and honey producers.

I am seeking further meetings between the Soil Association and SCIMAC (the body representing agricultural industries involved in the farm-scale evaluations) to examine case-by-case criteria for minimum separation distances for the farm-scale evaluations.

Mr. Paul Marsden: To ask the Secretary of State for the Environment, Transport and the Regions what GM crop trials are being conducted within Shrewsbury and Atcham; and if he will make a statement. [124473]

Mr. Meacher *[holding answer 5 June 2000]:* There are currently no GM crop trials authorised under Part B of Directive 90/220 within Shrewsbury and Atcham. There are trials taking place in Shropshire near Ash Parva,

Beckbury, Eyton and Prees Heath. Further details of these trials are available on the Public Register held in the Department.

Mr. Alan Simpson: To ask the Secretary of State for the Environment, Transport and the Regions on what date his Department was informed *(a)* by telephone, *(b)* by e-mail and *(c)* in writing by Advanta Seeds UK that a batch of Hyola oilseed rape seed had been found to be contaminated with GM oilseed rape seed. [124322]

Mr. Meacher: Officials from my Department and the Ministry of Agriculture, Fisheries and Food were first informed of the contamination when they met with representatives from Advanta on 17 April. At that meeting, Advanta informed them that some Hyola oilseed rape in Germany had been found to be contaminated with GM oilseed rape. Since then officials were in regular contact with Advanta to establish the facts of the case and in particular to determine which GM variety was involved and the extent to which the contamination extended to seeds in the UK.

Roadside Memorials

Mr. Bob Russell: To ask the Secretary of State for the Environment, Transport and the Regions what procedures exist for the erection of roadside memorials to commemorate the lives of those killed in accidents; and if he will make a statement. [123874]

Mr. Hill: Although Britain has a good road safety record there are still far too many people killed and injured in road traffic accidents. It is for local highway authorities to ensure that any roadside memorials to commemorate the lives of those killed in accidents comply with the provisions of the various Highways Acts and Road Traffic Acts and do not themselves become a road safety hazard either through obstruction of the highway or a distraction to road users.

New Millennium Village

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to use solar voltaics and small-scale wind power as part of the sustainable energy strategy at the New Millennium Village in Greenwich. [124046]

Ms Beverley Hughes: In winning the competition to select a developer for the Millennium Village at Greenwich, the consortium now known as Greenwich Millennium Village Ltd. proposed to include energy from both wind and solar sources. It is for the developers to decide how to incorporate such features, but I am keen that opportunities in this area should be fully explored. Photovoltaic cells and solar panels are both being considered, and the position in respect of wind power is being reviewed.

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what consultations were held with *(a)* urban sociologists and *(b)* anthropologists on assessing ways to optimise social cohesion in the New Millennium Village in Greenwich. [124047]

Ms Beverley Hughes: No consultations were held with professional anthropologists or urban sociologists. However, social cohesion is a key objective of the Millennium Village, and is being pursued through its design, through the provision of affordable housing, education and health facilities, along with other community facilities, and through physical and other linkages with existing communities.

Cap de la Hague (Radioactive Gases)

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the concentrations of radioactive gases detectable above East Sussex which can be identified as having originated from Cap de la Hague. [124236]

Mr. Meacher *[holding answer 5 June 2000]:* Under Article 37 of the Euratom Treaty, the European Commission must be satisfied that no contamination of another member state will result before any routine releases of radioactivity can be authorised; this is the case in respect of Cap de la Hague.

Environmental monitoring programmes carried out in southern England have detected no elevated levels of radioactivity above normal background. Any evaluation in the levels of ambient gamma dose rate in the UK would be immediately detected by the RIMNET network of continuously operating monitors, several of which are located along the South Coast of England.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what recent discussions he has had with the French authorities in respect of emissions from Cap de la Hague. [124217]

Mr. Meacher *[holding answer 5 June 2000]:* There have been no recent discussions between my Department and the French authorities in respect of emissions from Cap de la Hague.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what recent data he has obtained in respect of emissions from Cap de la Hague. [124218]

Mr. Meacher *[holding answer 5 June 2000]:* No recent data on emissions from Cap de la Hague have been received.

Rail Safety

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the policy of each train operating company towards *(a)* automatic train protection and *(b)* train protection and warning system. [124204]

Mr. Hill: The Railway Safety Regulations 1999 require all passenger lines, and all trains operating on them, to be fitted with a form of train protection equivalent to the train protection and warning system by the end of 2003. Each Train Operating Company has supplied to the Health and Safety Executive an action program to comply with these regulations. Where reasonably practicable, the Regulations require more advanced automatic train protection to be fitted, similar to that in service on Great Western, Chiltern, and Heathrow Express Trains.

Mr. Drew: To ask the Secretary of State for the Environment, Transport and the Regions what recent discussions he has had with *(a)* Railtrack and *(b)* all train operating companies on reducing the number of signals passed at danger. [124203]

Mr. Hill: During their normal enforcement duties, the Health and Safety Executive's Railway Inspectorate have regular and frequent meetings and discussions with both Railtrack and Train Operating Companies on reducing the number of signals passed at danger (SPADs). All SPADs, are required to be reported to the Railway Inspectorate, who investigate the more serious ones. A summary of these activities is given in the Health and Safety Executive's monthly report on SPADs, a copy of which is placed in the House Library.

The Deputy Prime Minister highlighted the issue of SPADs at his recent rail summit with the industry.

Departmental Properties

Mr. Faber: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 24 May 2000, *Official Report*, column 537W, what proposals he has for the disposal of Landau Cottage, Upton Lovell, Warminster; how the disposal will be effected; and for what reasons. [124634]

Mr. Hill: I have asked the Acting Chief Executive of the Highways Agency, Mr. Peter Nutt, to write to the hon. Member.

Letter from John Kerman to Mr. David Faber, dated 7 June 2000:

The Transport Minister, Keith Hill, has asked the Acting Chief Executive of the Highways Agency, Mr. Peter Nutt, to reply to your recent Parliamentary Question about the Agency's proposals for the disposal of Landau Cottage, Upton Lovell, Warminster. I am replying in the absence of Peter Nutt.

The Highways Agency has no current proposals for the disposal of Landau Cottage.

The route of the withdrawn A36 Codford to Heytesbury scheme remains protected whilst the Government Office for the South West carries out a study of the A36/A46 route which, between the M4 and the M27 motorways, is currently part of our non-core network. Disposal is ruled out while protection remains in place.

Departmental Initiatives

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 20 April 2000, *Official Report*, column 612W, on departmental initiatives, if he will list the amounts originally budgeted for in *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000, stating for each year what funds budgeted for were not spent, and if they were carried forward. [124413]

Ms Beverley Hughes: The budgets and underspend of the regeneration initiatives for which my Department is responsible are listed in the tables.

Under an agreement with the European Commission, the Department carries forward underspend on the European Regional Development Fund programmes from year to year. Where the carry forward of unspent resources by the Department has been permitted under the Treasury's End Year Flexibility arrangements for the other regeneration programmes, it has been for the Secretary of State to determine to which departmental programmes such resources should be allocated, and to obtain Treasury agreement and parliamentary authority in Supplementary Estimates for increases on the Department's Votes. Entitlements to end year flexibility to be carried into 2000–01 have yet to be agreed.

Holistic regeneration programmes

£ million

	1997–98	*1998–99*	*1999–2000*
Single Regeneration Budget:			
Budget	481.6	567.3	707.6
Underspend	22.8	6.4	15.3
New Deal for Communities:			
Budget	0	12.5	100.0
Underspend	0	12.3	51.5

The budget for New Deal for the Communities was reprofiled to reflect the pattern of actual spend which has emerged from the implementation of this innovatory programme which places communities at the heart of regenerating their neighbourhoods.

Other regeneration initiatives

£ million

	1997–98	*1998–99*	*1999–2000*
European Regional Development Fund:			
Budget	194.8	220.0	266.9
Underspend	124.1	176.6	245.9

The underspend figures for the European Regional Development Fund are cumulative from 1994. They cover programmes which ran from 1994 to 1999 for which expenditure is expected to continue until 2002–03.

£ million

	1997–98	*1998–99*	*1999–2000*
Coalfields Regeneration Trust			
Budget	0	17.7	10.0
Underspend	0	17.7	9.0

The budget for the Coalfields Regeneration Trust is being reprofiled to reflect the launch date of September 1999.

Home Seller's Pack Trial

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions how many people have participated in the seller's pack trial in Bristol; and how many transactions have been completed to date. [124635]

Mr. Mullin: The table gives the current number and status of people participating in the Bristol Seller's Information Pack.

	Number
Number of sellers in scheme	180
Of which, offers accepted	54
Of which, contracts exchanged	34
Of which, reached completion[1]	12

[1] The number of completions is an estimate, as participating sellers are not required to use the solicitor who assembles their pack to go on and complete their transaction.

Rail Franchises

Mr. Waterson: To ask the Secretary of State for the Environment, Transport and the Regions when he expects a decision to be announced in respect of the rail franchise for the south-east of England presently held by Connex. [124636]

Mr. Hill: Connex currently operate two franchises in the south of England—South Central (which serves Eastbourne) and South Eastern. The Franchising Director is currently evaluating two proposals—from Connex and GoVia—for a replacement South Central franchise. The preferred bidder will be announced when that evaluation process is complete. No date has been set for when that will be as this will depend on the progress of negotiations. The Franchising Director will take opportunities as they arise to replace the longer-term franchises, of which Connex South Eastern is one.

Secondments

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many employees of private companies are seconded to his Department; and what is *(a)* the length of their secondment and *(b)* the subject of their work. [124788]

Ms Beverley Hughes: The Department currently has 11 secondees from private companies. They are all envisaged to last for a period of 12 months and the areas of work covered are as follows:

Construction Industry Sponsorship (7)
Export Promotion and Construction Materials
Housing Care and Support
Integrated Transport Task Force
Environmental Protection Strategy.

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 9 February 2000, *Official Report*, columns 158–59W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124830]

Ms Beverley Hughes: From the organisations cited in the answer of 9 February 2000, *Official Report*, columns 158–59W, secondments of 12 months or less were agreed with the following companies:

Kvaerner Construction
OVE Arup
Crown House Engineering
Bovis Construction
Kvaerner Cementation Foundations
Geoffrey Reid Associates
Marks & Spencer
Bellway Urban Renewal
KPMG
ABROS
OPM
Institute for Fiscal Studies
Buro-Happold
Christiani and Nielson.

Secondments and attachments are part of the Interchange Initiative which promotes the exchange of people and good practice between the Civil Service and other organisations. All sectors of the economy are involved: Voluntary, Education, Health, Public and Private. Interchange is a key component of the reform agenda. The Modernising Government White Paper committed us to increasing interchange, in particular by bringing in more people on secondment and sending more of our people out.

Building Regulations

Mr. Chaytor: To ask the Secretary of State for the Environment, Transport and the Regions for what reason the publication of proposed changes to Part L of the Building Regulations, relating to the conservation of fuel and power, has been delayed from Autumn 1999; when he intends to publish the proposed changes; and if he will make a statement. [124331]

Ms Beverley Hughes: I refer my hon. Friend to the reply I gave him on 6 June 2000, *Official Report*, column 209W.

Bulk Hazardous Cargoes

Mr. Maclennan: To ask the Secretary of State for the Environment, Transport and the Regions if he will introduce a mandatory operating scheme for vessels carrying bulk hazardous cargoes through the Pentlands Firth. [124685]

Mr. Hill: A mandatory reporting scheme is under consideration by the Maritime and Coastguard Agency.

Currently, a voluntary reporting scheme is being used by vessels, and MCA are also looking at methods to encourage vessels to further participate in this scheme.

Discussions at IMO are nearing a close concerning the carriage of transponders by vessels in the near future. This carriage requirement will automatically provide reporting and tracking information to the MC, which will be used in future operating schemes in the Pentland Firth.

Rough Sleepers

Mr. Woodward: To ask the Secretary of State for the Environment, Transport and the Regions what initiatives the Government are putting in place in Oxford to tackle rough sleeping. [124395]

Ms Armstrong: In 1999, £621,412 funding under the homelessness action programme was allocated to projects in Oxford for the three years from April 1999. This provided support for co-ordination, outreach and resettlement work and to staff working in hostels for rough sleepers.

In addition, the Department of Health provided £52,500 in 2000–01 under the homeless mentally ill initiative for working with rough sleepers with mental health problems.

We are currently working with all local authorities with a rough sleeping problem to revise their rough sleeping strategies. Following this review process additional homelessness action programme and drug and alcohol specific grant funding may be allocated to support the revised strategies.

Mr. Woodward: To ask the Secretary of State for the Environment, Transport and the Regions what proportion of rough sleepers in the UK are from ethnic minority groups. [124396]

Ms Armstrong: Surveys and research from a wide range of sources consistently find that less than 10 per cent. of rough sleepers in England are from ethnic minority groups, with 90 per cent. or more being White UK or Irish. Tackling rough sleeping and related research in Scotland, Northern Ireland and Wales is the responsibility of the devolved Administrations.

Mr. Woodward: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of rough sleepers in Oxford in 1999. [124397]

Ms Armstrong: A single night street count was carried out in accordance with DETR guidelines in Oxford on 20 October 1999 during which 16 people were found sleeping rough across the city.

Teesside Development Corporation

Mr. Frank Cook: To ask the Secretary of State for the Environment, Transport and the Regions when the report on inquiries into allegations against the former Teesside Development Corporation will be completed; and if he will make a statement. [125244]

Ms Armstrong: I have today placed in the Libraries of the House copies of the report prepared by officials of my Department.

They sought to establish whether there was any firm evidence which would support various allegations that had been made against the former Development Corporation. In the event, insufficient documentary evidence was found that would definitively prove or disprove the allegations.

However, some evidence emerged suggesting that a grant paid by the Corporation to a local company had been diverted. The police were informed and I understand that they are making further investigations.

Community Strategies

Ms Moran: To ask the Secretary of State for the Environment, Transport and the Regions when he will publish guidance dealing with the preparation of community strategies; and if he will make a statement. [125356]

Ms Armstrong: I am today publishing draft guidance to local authorities on the preparation of community strategies. This will be the subject of wide-ranging consultation over the course of the summer. We aim to issue final guidance to authorities in the autumn.

The draft guidance, "Preparing Community Strategies", recognises that the key to any effective community planning process lies in engaging local communities, listening to their concerns and addressing their needs and priorities.

Community strategies will represent a significant shift in the way local organisations work together and the way that they relate to local people. Strategies should bring together public, private and community sector organisations, and focus their activities on responding to local needs articulated by local people.

Councils must fully involve local residents, business people and voluntary groups in the preparation of strategies which:

Establish an agreed vision for the area—setting out the sort of communities that, in the longer term, people want to live in;

identify the priorities for action that will help realise that vision; and

secure the commitment of the various partners to specific actions to help meet those priorities.

Community strategies must be holistic. They should look at all the needs of local communities—jobs and wealth creation, social conditions and the quality of the built and natural environment. They must plan for sustainable, inclusive communities which promote economic, social and environmental aims and contribute to a better quality of life for all.

I have placed copies of the draft guidance in the Libraries of both Houses.

HEALTH

HC1 Forms

Mr. Nicholls: To ask the Secretary of State for Health how many HC1 forms are incorrectly filled in each year. [122781]

Ms Stuart: Where an HC1 claim form provides insufficient information for the calculation of entitlement to remission of National Health Service charges, the Prescription Pricing Authority seeks further information or clarification by telephone wherever possible. For 1999–2000, around 169,000[1] HC1 claim forms had to be returned because the matter could not be resolved in any other way.

[1] These are in respect of GB as figures are not collected separately for England.

Mr. Nicholls: To ask the Secretary of State for Health how many people apply each year for financial help with NHS health costs using an HC1 form. [122782]

Ms Stuart: In England for the year 1999–2000, the Prescription Pricing Authority received around 903,000 applications for help with NHS Health costs on an HC1 claim form. The number of people covered by the applications is not collected.

Photodynamic Therapy

Mr. Ivan Lewis: To ask the Secretary of State for Health if he will list those health authorities which have agreed to fund the cost of drugs for use within the photodynamic therapy trials currently being conducted in Liverpool. [123892]

Ms Stuart: None of the drugs on trial in Liverpool have yet been licensed in this country. In line with normal practice for any clinical trial, all supplies at this stage are funded by the drug companies concerned. It is unlikely that health authorities will yet have considered or discussed possible future funding arrangements.

Cancer Services (Dorset)

Mr. Fraser: To ask the Secretary of State for Health what estimate he has made of the National Health Service's ability to ensure that cancer patients in Dorset will be seen by consultants within two weeks of referral. [124518]

Yvette Cooper *[holding answer 5 June 2000]:* Dorset patients with suspected breast cancef who have been referred as urgent by their general practitioner have all been seen within two weeks of referral. The South West Regional Office of the National Health Service Executive has assessed Dorset Health Authority's plans and is satisfied that they have the capacity to meet the two week target for urgent referrals in other cancers.

Non-English Speaking Patients

Mr. Dobson: To ask the Secretary of State for Health what is his Department's estimate of the extra cost to the NHS of *(a)* interpretation services and *(b)* other costs resulting from providing services for patients who do not speak English in each of the last five years. [124398]

Mr. Denham: Information on the costs of interpretation services and other services for patients who do not speak English is not collected centrally.

NHS Executive

Mr. Dobson: To ask the Secretary of State for Health what is his Department's estimate of the annual savings resulting from the location of NHS Executive staff in Quarry House, Leeds rather than in London. [124399]

Ms Stuart: The outturn review of the financial appraisal for the relocation of the National Health Service Executive carried out in July 1995 estimated net annual savings of £10.1 million from 2000–01 onwards (at 1993–94 prices).

Secondments

Mr. Don Foster: To ask the Secretary of State for Health, pursuant to his answer of 8 February 2000, *Official Report*, column 119W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124828]

Ms Stuart: Secondees from Hempsons, Dickinson Dees, Addleshaw Booth and Company, Berwin Leighton, Herbert Smith and one from Private Finance Panel Executive were appointed for a period of 12 months or less.

TRADE AND INDUSTRY

Secondments

Mr. Don Foster: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 11 February 2000, *Official Report*, columns 313–16W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124821]

Dr. Howells: Giving the information in the same format as set out in my answer of 11 February, the details of those secondments that were for a period of less than 12 months are:

1 May 1997 to 30 April 1998

British Telecom plc
Littlejon Frazer
The Institute of Exports
Mobil
EPSRC
Reuters Ltd.
Westcountry Development Corp.
Hydro Technologies Ltd.
Delamore Associates Ltd.

1 May 1998 to 30 April 1999

Lloyds TSB Group plc
British Telecom plc
Slaughter & May
Knight Piebald Ltd.
AEA Technology plc
EPSRC
Grant Thornton
Financial Service Authority
GK Communications Group Ltd.
Simmons & Simmons
LGC Ltd.

1 May 1999 to 8 February 2000

The Beaver Housing Society Ltd.
The Wellcome Trust
Proactive Associates Ltd.
British Telecom plc
Reuters Ltd.
AstraZeneca
Unipath Ltd.
The Symphony Group plc
John Laing International Ltd.
Simmons & Simmons
Shell UK Exploration & Production
Grant Thornton
One North East
BHP Petroleum Ltd.
Phoenix Timber Group plc
Biwater International Ltd.
Trades Union Congress
KCA Drilling Ltd.
Imperial Chemical Industries plc.

Contracts (Bribes)

Mr. Mackinlay: To ask the Secretary of State for Trade and Industry when the Government intends to introduce *(a)* legislative and *(b)* other steps to meet the United Kingdom's treaty obligations in respect of prosecuting British businesses and individual business personnel who offer bribes and other unlawful inducements to obtain contracts abroad; and if he will make a statement. [124839]

Mr. Caborn: The Government are already able to comply with their relevant treaty obligations. My right hon. Friend the Home Secretary plans however to set out

the Government's proposals for the reform of the law of corruption shortly. The Government will look to introduce legislation as soon as a suitable opportunity arises.

Mr. Mackinlay: To ask the Secretary of State for Trade and Industry what representations Her Majesty's Government have received from other Governments about United Kingdom action to combat the offering by British businesses and individual business personnel of bribes and other unlawful inducements in order to obtain contracts abroad; and if he will make a statement. [124838]

Mr. Caborn: The Government have received a number of representations about this issue. My right hon. Friend the Home Secretary plans to set out the Government's position as part of its wider proposals for the reform of the law on corruption shortly.

Combined Heat and Power

Mr. Reed: To ask the Secretary of State for Trade and Industry when he will be in a position to announce his decisions on those applications for gas-fired combined heat and power stations that are awaiting determination. [125246]

Mrs. Liddell: I have today announced the following decisions:

Tullis Russell Papermaking Ltd. and Scottish Power plc

Clearance has been given under section 14(1) of the Energy Act 1976 to Tullis Russell Papermaking Ltd. and Scottish Power plc to build a 49MW gas-fired combined heat and power station at the Tullis Russell works, Markinch, Fife.

Alcan Chemicals Europe and Scottish Power plc

Clearance has been given under section 14(1) of the Energy Act 1976 to Alcan Chemicals Europe and Scottish Power plc to build a 13MW gas-fired combined heat and power station at the Alcan works, Burntisland, Fife.

Tioxide Europe Ltd.

Clearance has been given under Section 14(1) of the Energy Act 1976 to Tioxide Europe Ltd. to build a 24MW gas-fired combined heat and power station at the Huntsman Tioxide works, Grimsby, North Lincolnshire.

The decisions to give clearance to these proposals on energy policy grounds are without prejudice to any decision that may be taken on whether or not planning permissions are granted.

These decisions have been taken in accordance with the policy set out in the White Paper entitled "Conclusions of the Review of Energy Sources for Power Generation and Government response to fourth and fifth Reports of the Trade and Industry Committee" (Cm 4071).

Copies of the Press Notice and clearances are being placed in the Library of the House.

Information and Communication Technologies

Mr. Ian Stewart: To ask the Secretary of State for Trade and Industry what his Department is doing to help the United Kingdom manufacturing sector, with particular reference to small and medium-sized enterprises, to maximise the potential benefits from the use of information and communication technologies. [125068]

Ms Hewitt: I have today announced the launch of the Information and Communication Technologies (ICT) Carrier Programme.

The ICT-Carrier Programme is valued at £12,000,000, including industrial contributions of £6 million.

The programme aims to improve the use of information and communication technologies (ICT) in engineering industries by adapting and transferring examples of good practice in the use of ICT from one sector to another. It forms part of the Department's drive to improve the competitiveness of manufacturing industry in a knowledge driven economy.

Internal Market Council (Brussels)

Mr. Hood: To ask the Secretary of State for Trade and Industry what was the outcome of the Internal Market Council held in Brussels on 25 May; and if he will make a statement. [124666]

Mrs. Liddell: I represented the UK at the Internal Market Council in Brussels on 25 May.

The Council discussed the Commission's first review of the Internal Market Strategy and broadly endorsed its priority actions, although I emphasised that the UK could not endorse every action, such as some of those relating to tax. The Commission presented the latest version of the Single Market Scoreboard and France and Sweden outlined their priorities for the Single Market for their Presidencies in the context of the Joint Work Programme of the Three Presidencies. The Council approved the draft Conclusions on the review of the Simpler Legislation in the Internal Market (SLIM) initiative, which took full account of input from the UK. The Council also endorsed the report of discussions of the Commission's White Paper on Food Safety. The Commission's draft *e*Europe Action Plan, which is to be implemented by the end of 2002 and is intended to enhance European competitiveness by accelerating e-commerce, reducing internet access costs and promoting skills and training, was welcomed.

The Council reached political agreement on the Winding up of Insurance Undertakings Directive (with Greece, Ireland and Luxembourg abstaining) and the Clinical Trials Directive, which will harmonise the procedures and standards of clinical trials for medicine (with Austria abstaining). The Honey Directive (with UK and Belgium abstaining) and the Chocolate Directive (with Belgium voting against) were agreed as "A" points.

The Commission presented its proposals for amending the Directives on public procurement and reported progress on the Community Design and on its proposals for making permanent its temporary ban on the use of phthalates in toys and child care articles. The Commission announced that it had decided not to carry out further work on international exhaustion of trademarks, though a number of member states, including the UK, argued that the issue needed further consideration; the Council agreed to revert to the subject at a future session.

There was no agreement on the Copyright in the Information Society Directive, which updates the framework of EU copyright law to take account of digital technology and the internet. The Council attempted to resolve issues relating to exceptions to copyright and made good progress in identifying the likely framework for a deal. Discussions will continue at Coreper, with the Portuguese intending to achieve political agreement during their Presidency.

Over lunch, the Council discussed the follow-up to the Lisbon European Council.

Limited Liability Partnerships

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what consultations he has had with the Insolvency Service about the potential for disqualified and failed directors creating limited liability partnerships for new operations. [124451]

Dr. Howells: The Insolvency Service have been closely involved at every stage in the development of limited liability partnerships. The Government's proposals include the application, by secondary legislation, of existing safeguards and sanctions relating to disqualified directors. This will ensure that those who have been disqualified on the basis of unfit conduct under any of the provisions of the Company Directors Disqualification Act 1986 will also be prohibited from being a member of, or being in any way, whether directly or indirectly, concerned with taking part in the formation or management of a limited liability partnership, unless they obtain leave of the court to so act.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what consultations he has had with the *(a)* FSA, *(b)* Competition Commission and *(c)* Office of Fair Trading about their role in regulating limited liability partnerships. [124450]

Dr. Howells: There have been discussions at official level with other Departments and the FSA. To date we have not discussed the detail either with the Office of Fair Trading or the Competition Commission.

The Limited Liability Partnerships Bill creates a new legal entity, the limited liability partnership. Other Departments will consider the limited liability partnership in the context of their policy areas and decide what, if any, amendments to existing legislation are required. Clause 15 of the Bill contains regulation-making powers which may be used to apply to LLPs any law relating to companies, other corporations and partnerships. Clause 16 contains a power to make consequential amendments. Other Departments will give consideration to whether it is appropriate to make amendments to their primary legislation under these powers or under any other legislation which the relevant Department is itself bringing forward.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what proposals he has for stopping *(a)* convicted fraudsters, *(b)* directors censured by his Department and *(c)* directors of failed companies setting themselves up as limited liability partnerships; what regulatory framework such partnerships will operate under; and what sanctions can be operated against such partnerships. [124368]

Dr. Howells: We will be applying to limited liability partnerships, under powers contained in clauses 14 and 15 of the LLP Bill, large portions of the Companies Act 1985 and the Insolvency Act 1986, with appropriate modifications. This will provide the general regulatory framework.

In addition, the Company Directors Disqualification Act 1986, which provides for the disqualification of a person from being a director of a company in certain circumstances, will also be applied to the members of an LLP.

The Company Directors Disqualification Act gives the court a power to disqualify persons on a variety of grounds, including on conviction of an indictable offence, persistent breaches of companies legislation, fraud in a winding up and participation in wrongful trading. In addition, the court will be under a duty to disqualify a person where it is satisfied that his conduct as a member of an insolvent LLP renders him unfit to so act. Simply being a director of a failed company (or, in future a member of a failed LLP) will not, though, necessarily result in disqualification—the intention is to punish abuse of limited liability, not the mere fact of failure.

The application of the Company Directors Disqualification Act to LLPs will ensure that any director who is disqualified under the provisions of the CDDA would not be eligible to be a member of an LLP or take part in the promotion, formation or management of an LLP. In a similar way a member of an LLP may be disqualified from acting as a director of a company.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what consultations he has had with *(a)* the Consumers Association and *(b)* trading standards authorities about the possibilities of fraud arising from (i) fraudsters and (ii) disqualified and failed directors setting up limited liability partnerships. [124449]

Dr. Howells: No such consultations have taken place. Secondary legislation will apply to LLPs appropriately modified parts of the Insolvency Act 1986 and the Companies Act 1985. This will include the wrongful and fraudulent trading provisions, and powers of investigation. The Company Directors Disqualification Act 1986 will also apply, such that disqualified directors will not be eligible to be members of an LLP and vice versa. In these cases the regulation of an LLP will be the same as that of a company.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what proposals he has for ensuring that limited liability partnerships set money aside for legal claims against the partnership. [124366]

Dr. Howells: After considerable consultation, and taking account of the views of the Trade and Industry Committee, the Government concluded that LLPs would not be required to maintain any kind of fund or insurance to protect against claims. The main reasons for reaching this conclusion were:

the lack of justification for requiring a higher level of funding than is required of private companies;

the difficulty of setting an appropriate level which is high enough to safeguard the interests of third parties, but does not discourage firms from either setting up in business or trading through difficulties;

the general availability of LLPs makes it difficult to design a regime which could adequately distinguish between the many types of business which might become LLPs and the different liabilities they might face;

it is more appropriate to regulate an activity, rather than an entity, so as to tailor the regulation effectively. For example, where professions require professional indemnity insurance, the level of

insurance required will vary depending on the profession. A general requirement made of LLPs would conflict with any existing requirements.

More detail on this matter is set out in the Government Observations on the Fourth Report from the Trade and Industry Committee (Session 1998–99) on the draft Limited Liability Partnership Bill (HC 529).

Premium Rate Telephone Services

Mr. Pollard: To ask the Secretary of State for Trade and Industry what plans he has to review the regulatory framework governing the promotion by businesses of premium rate telephone services so as to improve consumer protection. [124677]

Ms Hewitt: The Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS) has responsibility for regulating premium rate services. ICSTIS enforces an effective Code of Practice which has provisions to ensure that consumers are given adequate information to enable them to take informed decisions about the use of premium rate services. ICSTIS and Oftel are reviewing the regulatory framework for Premium Rate Services to ensure that consumers continue to benefit from the right level of protection.

EDUCATION AND EMPLOYMENT

Fair Funding

Mr. Allan: To ask the Secretary of State for Education and Employment what estimate he has made of the net effect on school budgets of the new Fair Funding arrangements for schools during the financial year 1999–2000 for *(a)* England and *(b)* each local education authority; and if he will make a statement. [124689]

Ms Estelle Morris: In 1999–2000, 82.4 per cent. of the Local Schools Budget was delegated to schools, compared with 79.2 per cent. of a broadly comparable figure in the previous year. This increase of 3.2 per cent. in the delegation rate represents an extra £634 million delegated to schools. Fair Funding will result in a further increase in delegation in 2000–01, since it is being implemented in two stages. Comparisons between individual local education authorities for change from 1999–2000 to 2000–01 will appear in expenditure tables to be available shortly.

Women 2000

Mr. Reed: To ask the Secretary of State for Education and Employment what contribution the Government are making to the United Nations Conference, Women 2000: Gender, Equality, Development and Peace for the Twenty-first Century. [125249]

Ms Jowell: We published yesterday and have placed in the Library two documents: "Equality in practice" and "Women and Men in the UK: facts and figures 2000".

"Equality in practice" is a short, practical and lively document which shows how the UK Government are improving women's lives at home and overseas by focusing on five vital areas: women and the economy, making equality happen, education, health and the resolving of crime and violence. It also describes some of the work being carried out with partner countries and organisations in Asia, Africa, Latin America and the Caribbean and Eastern Europe.

"Women and Men in the UK: facts and figures 2000" tells the story of women and men's changing position in society. It highlights both change and continuity with facts and figures. It is a celebration of women's achievements and a reminder of what more still needs to be done. The UK Government are working to create a more just society, one in which women and men are equal. To achieve this, we have to understand what has and has not changed. These facts and figures are vital to inform our thinking and policy making.

Class Sizes

Mr. Burstow: To ask the Secretary of State for Education and Employment how many *(a)* schools have expanded their published roll, *(b)* extra teachers have been recruited and *(c)* additional classrooms have been built, as a result of implementing the class size initiative. [124076]

Ms Estelle Morris *[holding answer 5 June 2000]:* We are making available £620 million to local education authorities to deliver our pledge to reduce infant class sizes to 30 pupils or fewer. This will allow authorities to provide some 6,000 extra teachers and to build over 2,000 additional infant classrooms. We do not keep information on the number of schools which have adjusted their standard numbers in order to meet the infant class size limit. However, we estimate that around 12,000 additional places are being provided in popular schools as a result of our initiative to eliminate large infant classes.

Primary Schools (Access)

Caroline Flint: To ask the Secretary of State for Education and Employment what definition he uses of a reasonable distance when determining access to a primary school. [124668]

Ms Estelle Morris *[holding answer 5 June 2000]:* My right hon. Friend the Secretary of State does not determine access to primary schools for school admissions. School admission authorities may, however, use distance when determining how to allocate places if the school is oversubscribed. If a pupil is attending his or her nearest suitable school, and that school is beyond statutory walking distance, the local education authority must provide free transport. Statutory walking distances are two miles for pupils aged up to seven and three miles for those aged eight and over.

CULTURE, MEDIA AND SPORT

National Lottery

Mr. Alasdair Morgan: To ask the Secretary of State for Culture, Media and Sport for each year since the National Lottery began, how many Lottery funding applications from organisations in *(a)* Dumfries and

Galloway, *(b)* Galloway and Upper Nithsdale parliamentary constituency were (i) successful and (ii) unsuccessful, broken down by National Lottery good cause category. [124723]

Kate Hoey: We have contacted the Scottish Arts Council, the National Lottery Charities Board, the New Opportunities Fund, Sport Scotland, the United Kingdom Sports Council, the Heritage Lottery Fund and the Millennium Commission to request the information required, and I will write to the hon. Member as soon as it is available, placing copies of my letter in the Libraries of the House.

Departmental Expenditure

Mr. Welsh: To ask the Secretary of State for Culture, Media and Sport if he will list the projects funded by capital expenditure from his Department in each of the last six years, indicating the nature of the project, its start date and its value. [124706]

Mr. Chris Smith: My Department has funded the following capital projec

Project	*Year of start*	*Year of completion*	*Total cost (£ million)*
British Library: St. Pancras	1978–79	1999–2000	512.8
Windsor Castle: Fire restoration	1992–93	1999–2000	10.65

In addition, my Department has spent the following administration capital expenditure mainly on office refurbishment, IT equipment and office furniture:

Year	*£ million*
1994–95[1]	2.131
1995–96[1]	1.197
1996–97[1]	1.110
1997–98[1]	0.643
1998–99[1]	0.701
1999–2000[2]	1.128

[1] Outturn

[2] Provision

The above expenditure is for my Department only; capital expenditure by my Department's NDPBs is not recorded centrally and has therefore been excluded.

Forms

Mrs. Lait: To ask the Secretary of State for Culture, Media and Sport what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123952]

Mr. Chris Smith: The Department for Culture, Media and Sport has not required charities or other voluntary organisations to complete any such forms since May 1997. Various returns are, however, required of non-departmental public bodies funded by the Department, and of these 22 have charitable status, most of which are national museums and galleries.

INTERNATIONAL DEVELOPMENT

Conservation Projects (Africa)

8. **Mr. Andrew George:** To ask the Secretary of State for International Development if she will make a statement on the impact of her Department's aid programme on conservation projects in Africa. [123177]

Clare Short: We have recently completed a major evaluation of our environmental work in Africa and elsewhere. This concluded that we have been focusing too much on screening development projects to prevent environmental damage. Our future efforts will be focused on promoting better livelihoods for people and sustainable development of their economies.

Romania

9. **Ms Ward:** To ask the Secretary of State for International Development what discussions she has had on the condition of Romanian orphans. [123178]

Mr. Foulkes: My Department and our Embassy in Bucharest are in close touch with the Romanian authorities and other key players to support ongoing efforts to improve care for Romanian orphans. Progress has been disappointingly slow. Romania is only now starting to take the problem seriously. I will be visiting Romania on 19–20 June and will press for faster progress.

Ethiopia and Eritrea

10. **Mr. Jon Owen Jones:** To ask the Secretary of State for International Development if she will make a statement on the current humanitarian situation in Ethiopia and Eritrea. [123180]

Clare Short: The situation in Ethiopia and Eritrea is a tragedy. Two of the poorest countries in the world have spent considerable resources in prosecuting a border war over the past two years where it is estimated that over 100,000 people have died. The Government of Ethiopia estimate eight million people will need humanitarian assistance this year. The UN are currently assessing the numbers of people in Eritrea displaced by the war. The international community will provide humanitarian relief for those affected by drought and displaced by war. But what the people of both countries need is peace and development.

Customs Officers (Caribbean)

11. **Mr. Blunt:** To ask the Secretary of State for International Development what the changes will be in the next two financial years in her Department's funding of training for customs officers in *(a)* St. Lucia and *(b)* other parts of the Caribbean. [123181]

Clare Short: We are currently funding Customs Reform and Modernisation projects in St. Lucia and Grenada at a cost of £1.1 million. The projects aim to enhance the organisational, operational and management capacity of the Customs Departments in those islands and are scheduled for completion in December. We also provide support for the Caribbean Customs Enforcement Council in this provision of training for Customs Officers.

Sub-Saharan Africa

12. **Mr. Gordon Marsden:** To ask the Secretary of State for International Development what resources she is devoting in her aid programmes to support for school infrastructure and equipment in sub-Saharan Africa. [123182]

Clare Short: We are committed to the International Development Target of achieving universal primary education by 2015. This is the priority for our education assistance to Sub-Saharan Africa, where over the last two years we have committed over £150 million to support the development of universal primary education programmes, which include support for primary school infrastructure and equipment. Our aim is to help African countries build and sustain effective and equitable education systems which give priority to primary education for all. This requires a shift from the traditional projects-based approach to a sector-wide approach to basic and primary education, with development agencies working together around a focused, agreed strategy drawn up by the Government of the country concerned. Uganda is a good example. In collaboration with five other donors and the Government of Uganda, we have played a key role in the establishment of a sector-wide approach to education, resulting in 1998 in our largest ever commitment to a programme in Africa (£67 million) towards the Education Sector Support Programme. This will provide flexible budget support to the Government for five years.

Southern Africa

13. **Mr. Boswell:** To ask the Secretary of State for International Development what recent assessment she has made of the extent of hunger in southern Africa. [123183]

Clare Short: There have been good rains across southern Africa this year and prospects for the grain harvest are good. Given recent floods, there are likely to be pockets of food insecurity in some countries. Food security is being monitored carefully within the Southern Africa Development Community region and our representatives participate in donor/Government consultation groups and receive regular reports from national and regional production forecasting organisations.

EU Aid Programmes

14. **Mr. Wells:** To ask the Secretary of State for International Development what reforms she will propose to the European Union to increase the effectiveness of its whole aid programme. [123184]

Clare Short: We have published an 18-point strategy to improve the poverty focus and effectiveness of EC development assistance. The new European Commission has taken several positive steps, including the reduction of the number of Commissioners responsible for European Community development programmes from five to two, the establishment of poverty reduction as the overarching objective of the successor to the Lomé Convention and the restructuring of the European Development Fund, including the recent publication of a draft development policy statement and of proposals to reform the administration of EC external programmes. However, most of the proposed changes have not yet been implemented. We are pressing the Commission to draw up clear action plans to put the proposals that have been made into practice. We will continue to work closely with the Commission and other member states to improve the poverty focus, effectiveness and efficiency of EC programmes.

27. **Mr. Gapes:** To ask the Secretary of State for International Development when she last met her EU counterparts to discuss EU aid programmes; and what subjects were discussed. [123197]

Clare Short: I last met my EU counterparts to discuss EC aid programmes at the Development Council on 18 May. The following subjects were discussed:

- Sierra Leone, Côte d'Ivoire and Guinea Bissau
- EC development co-operation policy
- Action Plan to implement the May 1999 conclusions on the evaluation of EC development assistance
- Reform of the management of Community aid
- Operational co-ordination between the Community and member states
- Structural adjustment
- Integrating the environment and sustainable development into EC development policy
- HIV/AIDS, malaria and tuberculosis
- Zimbabwe
- Great Lakes (Rwanda/Burundi)
- Ethiopia/Eritrea
- AIDS
- Evaluation of humanitarian aid
- Crisis and conflict situations in developing countries (emergency, rehabilitation, development and unstable situations)
- New procedures for legislative acts in the field of development
- Preparation for the third UN conference on Least Developed Countries
- Development aspects of the 6th Conference of the Parties of the UN Convention on Climate Change
- Support to development education.

A copy of the report on the outcome of the Development Council is in the Library of the House.

Climate-related Disasters

15. **Mr. Chaytor:** To ask the Secretary of State for International Development what assessment she has made of Christian Aid's recent reports on the impact of climate-related disasters on developing countries. [123185]

Clare Short: I share many of the concerns for developing countries expressed in Christian Aid's recent reports. The impact of climate change is likely to constitute one of the biggest global environmental problems for the 21st century. It is likely to affect developing countries and particularly poor people disproportionately, since they are both more vulnerable to disaster and less able to cope in its event.

Our objectives in assisting countries to deal with disasters are to save lives through emergency relief, to protect and rebuild livelihoods and communities, and to reduce vulnerability to future disasters. We are working to improve understanding of the possible impacts of climate change on developing countries in order to help them take account of these in their development planning and so reduce their future vulnerability. We also work with developing countries to help improve their energy efficiency and reduce their own greenhouse gas emissions.

Women (Developing World)

16. **Mr. Geraint Davies:** To ask the Secretary of State for International Development what action her Department has taken to improve the education and productivity of women to reduce poverty in the developing world. [123186]

Clare Short: Educating girls and the economic empowerment of women are top priorities in our international development programme. The evidence shows that educating girls is the single most effective way of promoting development. We are committed to helping achieve the international development target of closing gender gaps in primary and secondary education by 2005. Our bilateral and multilateral programmes are placing increasing emphasis on this work.

The pursuit of gender equality in all areas of development lies at the heart of our programme. A good deal of effort is being directed towards improving women's livelihood security, productivity, and economic independence.

Mozambique

17. **Mr. McWalter:** To ask the Secretary of State for International Development what assessment she has made of the effectiveness of development moneys provided to Mozambique to remedy flood damage. [123187]

Clare Short: We have a permanent office in Mozambique, which was strengthened following the floods to allow constant monitoring and ensure effective use of funds. All reports to date indicate that the UK-funded relief and rehabilitation activities are being well managed.

In May, the Government of Mozambique held a conference to present to the international community reconstruction needs following the floods. Donors responded by pledging over USD453 million to support these efforts. We have provided support to the United Nations Development Programme for a project to assist the Mozambican authorities with the effective prioritisation and channelling of donor reconstruction contributions. We will continue to monitor progress over the coming months.

Sierra Leone

18. **Mr. Salter:** To ask the Secretary of State for International Development if she will make a statement on the humanitarian situation in Sierra Leone. [123188]

Clare Short: Humanitarian specialists from my Department have just returned from a week-long assessment mission in Sierra Leone. Chronic humanitarian problems are being exacerbated by the conflict, which is also restricting access to those in need. We are currently looking at the most effective way to provide further humanitarian assistance.

28. **Mr. Stephen O'Brien:** To ask the Secretary of State for International Development if she will make a statement on British aid to Sierra Leone. [123198]

Clare Short: We have been strongly engaged in supporting the development of Sierra Leone since the return to democratic Government there in March 1998. In the period since then we have allocated almost £70 million to programmes and projects which are designed to help restore peace, stability and promote good governance on a sustainable basis. Some projects will need to be revised in the light of recent events. Others, including humanitarian assistance, will continue as soon as access is possible to those areas where they are to be implemented.

Debt Relief

19. **Mr. McFall:** To ask the Secretary of State for International Development what representations she has received from voluntary organisations and charities regarding the debt reduction initiative in advance of the G8 summit at Okinawa. [123189]

Clare Short: I continue to receive many letters from Church and other voluntary organisations on debt relief, many referring to the G8 Summit in Okinawa in July. When the Prime Minister met the Japanese Prime Minister last month, they agreed the importance of discussing debt issues in Okinawa.

The Government are committed to keeping up the momentum on the implementation of the Heavily Indebted Poor Countries (HIPC) Initiative in the run up to the Summit, and beyond.

22. **Mr. Jim Murphy:** To ask the Secretary of State for International Development if she will make a statement about debt relief in southern Africa. [123192]

Clare Short: Mozambique, Malawi and Zambia are all Heavily Indebted Poor Countries, and in need of the exceptional debt relief provided under the HIPC Initiative. Mozambique received debt relief totalling $1.72 billion in June 1999, and will receive a further $250 million under the enhanced HIPC Initiative. Following the flooding there multilateral and bilateral creditors took special action to free up resources for reconstruction. The World bank and the IMF agreed to provide 100 per cent. relief on debt service payments in the first year, and the Paris Club has suspended all payments until Mozambique reaches its Completion Point under the revised HIPC framework, which is expected to be early next year.

Malawi and Zambia are both working towards qualifying for debt relief under the enhanced HIPC Initiative. To do so they need to maintain progress on economic reform and to develop national poverty reduction strategies.

23. **Mr. Blizzard:** To ask the Secretary of State for International Development when she expects the targets on debt relief for HIPC countries to be reached. [123193]

Clare Short: So far, only five countries have qualified for debt relief under the enhanced Heavily Indebted Poor Countries (HIPC) Initiative. This is disappointing. But at the recent Spring Meetings of the IMF and World bank, it was agreed to establish a joint World bank/IMF committee to oversee the implementation process, as the Chancellor and I had suggested. The committee has now begun its work, and should provide a focus for efforts towards meeting the commitment that three quarters of eligible countries will start to receive debt relief before the end of 2000.

Globalisation

20. **Mr. Goggins:** To ask the Secretary of State for International Development when she expects to publish the White Paper on globalisation. [123190]

Clare Short: The Government intend to publish their White Paper on Globalisation and Development in the autumn.

Plan Colombia

21. **Mr. Allan:** To ask the Secretary of State for International Development if she will make a statement on Her Majesty's Government's response to the Plan Colombia proposals made by the Colombian Government. [123191]

Clare Short: Plan Colombia is a first step in efforts to bring peace to Colombia. Much remains to be done. The UK is discussing with its EU colleagues how best to respond to the Plan.

On-line Communications

24. **Mr. Wyatt:** To ask the Secretary of State for International Development what plans she has to promote the development of on-line communications in the developing world. [123194]

Clare Short: Over the next decade these new technologies have the potential significantly to improve poor people's access to information, markets and other services, but also the very real potential to increase the gap yet further between the rich and the poor. We intend to play a significant role in helping to bridge this emerging digital divide. Our new Development White Paper will specifically address the issue of information and communication as one of the key factors in globalisation. The White Paper will outline what role the UK can play, both directly and indirectly, to promote widespread access to information and communication in developing countries.

Zimbabwe

25. **Mr. Bercow:** To ask the Secretary of State for International Development if she will make a statement on aid programmes for Zimbabwe. [123195]

Clare Short: Our country strategy paper for Zimbabwe was published in April 1999. It outlines the case for economic reform and land redistribution in order to improve the life opportunities of poor Zimbabweans. It makes clear our willingness to provide resources up to £36 million for this purpose. Unfortunately there has been no such reform and the economic and political situation is very worrying. Our programme is therefore focused on HIV/AIDS, water and rural livelihoods. Our spending is £12 million.

Biotechnology

26. **Dr. Lynne Jones:** To ask the Secretary of State for International Development what discussions *(a)* she and *(b)* her officials have held with the Governments of countries in receipt of aid on the use of biotechnology. [123196]

Clare Short: My officials and I hold many discussions with partner Governments on issues in which the use of biotechnology may be raised.

The kinds of biotechnology most likely to benefit the world's poorest are processes which improve crop yields, vaccine production, water treatment and contraceptive technologies, antibiotics and diagnostic techniques.

St. Helena

Dr. Marek: To ask the Secretary of State for International Development, pursuant to her answer of 23 May 2000, *Official Report*, columns 408–09W, if the Comparative Study of air and sea access to and from St. Helena will consider emergency medical evacuations. [124801]

Clare Short: The Comparative Study will consider health issues including emergency medical evacuations from the island.

Dr. Marek: To ask the Secretary of State for International Development how much of the aid to St. Helena in *(a)* cash and *(b)* constant terms was spent on the island itself in each of the last 10 years for which figures are available. [124811]

Clare Short: The figures for aid to St. Helena for the period 1988–89 to 1998–99 in current and constant (1998–99) prices are:

£000

	Current prices	*Constant prices*
1988–89	18,652	27,760
1989–90	24,170	33,570
1990–97	11,636	14,988
1991–95	7,910	9,594
1992–93	8,658	10,165
1993–94	8,603	9,838
1994–95	7,786	8,778
1995–96	8,695	9,528
1996–97	7,781	8,261
1997–98	8,385	8,661
1998–99	8,587	8,587

The figures for the period 1988–89 to 1990–91 include construction costs for the RMS St. Helena. Disaggregated figures for offshore and local expenditure are not readily available.

Ministerial Visits

Mr. Mackinlay: To ask the Secretary of State for International Development if she will give details of the visits made to each Overseas Territory by Ministers in her Department since 1 May 1997. [124831]

Mr. Foulkes: I have visited Montserrat on two occasions. The first was from 31 August until 2 September 1997, and the second from 12 January to 13 January 1999. Neither the Secretary of State nor I have made other visits to Overseas Territories during this time.

Aid Programmes (Religious Affiliation)

Mr. Streeter: To ask the Secretary of State for International Development what account she takes of religious affiliation in the planning of aid programmes. [124565]

Clare Short: The Department for International Development does not take account of religious affiliation in planning development programmes. All our work places a strong emphasis on human rights. Freedom of worship is a fundamental freedom. Persecution of people for their religious belief is a breach of international human rights conventions.

Where we support civil society organisations which have an evangelising role, we make it clear that our support is for programmes and activities which contribute to the elimination of poverty and which are delivered without religious or sectarian bias.

Opinion Research

Mr. Streeter: To ask the Secretary of State for International Development how much her Department spent on opinion research in the financial year 1999–2000. [123923]

Clare Short: As announced in our "Building Support for Development" strategy paper, we are committed to regular monitoring of public and young people's attitudes to development in order to inform and monitor the impact of the public education work of the Department. Studies were undertaken in July 1999 on general public attitudes and in March 2000 on young people's attitudes. The results are available on DFID's website and copies have been placed in the Libraries of both Houses. In 1999–2000 we spent £42,625 on this research. In addition, we spent £1,804 on a readership survey of "Developments" magazine, in order to test the impact and reach of the magazine. The results of this are available through the website.

AGRICULTURE, FISHERIES AND FOOD

Crop Contamination

Mr. Malcolm Bruce: To ask the Minister of Agriculture, Fisheries and Food what reports he has sought from Canada as to how the contamination of oil seed rape with GM produce occurred. [123766]

Ms Quin *[holding answer 5 June 2000]:* One of my officials has visited the Canadian Authorities in Ottawa to seek information on possible sources of the contamination. Further investigations are being carried out by the Canadian Authorities.

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food what discussions he has had with the Swedish Board of Agriculture concerning their action on contaminated oilseed rape seed; and what action he intends to take as a result. [124352]

Ms Quin *[holding answer 5 June 2000]:* MAFF has discussed the recent Advanta incident with the Swedish Board of Agriculture and took account of the position in Sweden and elsewhere in the EU in deciding on appropriate action in the UK.

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food what reports he has received about conventional maize seed which was contaminated by GM maize being grown in this country. [124341]

Ms Quin *[holding answer 5 June 2000]:* We have received no such reports. Suggestions have been made in the press that some GM seeds of maize may be present in stocks of non-GM maize seeds. I announced on 17 May 2000, *Official Report*, column 173W, an urgent study of the risk of GM seeds in imported conventional seeds.

Mr. Malcolm Bruce: To ask the Minister of Agriculture, Fisheries and Food what implications planting of oil seed rape contaminated with GM produce has for *(a)* the separation policy for GM crop trials and other crops and *(b)* the regulations governing GM crops. [123762]

Ms Quin *[holding answer 5 June 2000]:* The Government have initiated a review of separation distances for GM crops and are pressing for new international seed purity standards relating to the presence of GM seeds in conventional seed stocks.

EU Regulations (Appeal Procedures)

Sir Michael Spicer: To ask the Minister of Agriculture, Fisheries and Food what plans he has to introduce appeal procedures in cases where farmers incur penalties for what they conceive to be genuine errors in filling in paperwork to comply with EU regulations. [124676]

Ms Quin *[holding answer 5 June 2000]:* We are well aware of the industry's strength of feeling on this issue which was reflected in the recommendation of the IACS and Inspection Working Group that an appeal mechanism is set up and that industry be consulted on proposals. We expect shortly to be in a position to consult on possible options, in addition to the existing provisions, that might be of benefit to the industry. We are keen to ensure that any mechanism we decide to introduce is streamlined, efficient and not an additional burden in terms of cost and time to all parties that are involved in the process.

Forms

Mrs. Lait: To ask the Minister of Agriculture, Fisheries and Food what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123953]

Ms Quin: With one exception for the activity and expenditure of one organisation, the Department does not issue any forms which are required to be completed specifically by charities or other voluntary bodies. If organisations within these sectors wish to apply for schemes operated by the Department they would be subject to the same requirements as other applicants.

Animal By-products

Judy Mallaber: To ask the Minister of Agriculture, Fisheries and Food what procedures are in place to provide authority to a contractor to dispose of animal by-products under the Animal By-Products Order 1999. [124082]

Ms Quin: The Animal By-Products Order 1999 requires any person who has in his possession or under his control any animal by-product to dispose of it in accordance with that Order. Such disposal must usually be by rendering or incineration; no prior authority is required.

However, in certain circumstances, for example if there is a lack of capacity at rendering premises or incinerators, the appropriate Minister may serve a notice on the person in charge of animal by-products requiring those by-products to be disposed of by burning or burial.

Judy Mallaber: To ask the Minister of Agriculture, Fisheries and Food what monitoring his Department undertakes of the implementation of the Animal By-Products Order 1999 requiring disposal of animal by-products by incineration or rendering. [124102]

Ms Quin: Members of the State Veterinary Service visit premises registered or approved under the Animal By-Products Order 1999, regularly to monitor compliance with the provisions of the Order. It is a requirement of the Order that detailed records of despatch and receipt of animal by-products are kept.

Bovine TB

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what controls his Department has put in place in order to monitor any threat from the importation of cattle suspected of bovine TB. [123910]

Ms Quin: Under EU legislation, all cattle imported from another member state must come from a herd which is officially free of TB. They must be tested for TB within 30 days prior to import unless the member state is officially recognised as being free of TB. Once the cattle are imported, they are subject to random non-discriminatory inspections and to our TB monitoring programme, which is also governed by EU legislation. Cattle imported from countries outside the EU have to enter via an approved Border Inspection Post where they are subjected to clinical inspection immediately upon arrival. Such cattle must also have had a pre-export TB test and originate from a TB-free herd.

Flood Plains (Northamptonshire)

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the proposals for development on flood plains in Northamptonshire. [124140]

Ms Beverley Hughes *[holding answer 5 June 2000]:* I have been asked to reply.

Local planning authorities in Northamptonshire are conscious of the need to avoid increasing the risk of flooding and exercise a precautionary approach in considering planning applications for development that is either in the flood plain or likely to increase surface water run-off. They take into account advice from the Environment Agency in deciding whether or not planning permission should be granted. A Northampton Liaison Group including representatives from the Environment Agency, local authorities, developers and local groups meets regularly to consider development proposals.

The draft replacement Northamptonshire Structure Plan contains a policy which provides that development will not be permitted in areas at direct risk from flooding, or where flood risk would be increased, unless satisfactory mitigation measures are proposed. This issue was debated at the Examination in Public of the Plan in February and the Report of the Panel is awaited.

TREASURY

Secondments

Mr. Don Foster: To ask the Chancellor of the Exchequer, pursuant to his answer of 27 March 2000, *Official Report*, column 47W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124818]

Miss Melanie Johnson: Eleven.

Pension Funds

Mrs. Curtis-Thomas: To ask the Chancellor of the Exchequer what initiatives he has launched to attract new sources of finance, including pension funds, to the risk investment sector. [124758]

Miss Melanie Johnson: Risk capital is a vital source of finance for small and medium-sized enterprises (SMEs) with the potential for rapid growth. The Government have introduced a number of measures to encourage individuals, institutional funds and companies to invest more in this sector.

For individuals, this year's Finance Bill introduces significant reductions in capital gains tax (CGT) for investment in unquoted companies. All such holdings, with no minimum threshold, now qualify as "business assets", and higher rate taxpayers who now invest in such shares for at least four years will pay an effective rate of only 10 per cent. on the capital gains realised.

The Finance Bill also makes several improvements to the operation of the Enterprise Investment Scheme (EIS), which provides tax incentives for individuals to invest in smaller higher risk trading companies. Income tax reliefs will now be available on shares held for at least three years (rather than the previous five year limit), and SMEs will be able more easily to seek capital from both EIS investors and venture capital funds. Parallel changes to the tax reliefs for individuals investing in risk capital via Venture Capital Trusts are also being introduced.

With the aim of reducing the regulatory cost to SMEs in raising risk capital from individuals, the Government have consulted, and are considering responses, on whether to create specific exemptions from the prohibition on financial promotion for defined classes of "high net worth individuals" and "sophisticated investors". This would enable smaller companies and others to communicate more easily with potential investors who are able and willing to invest without the standard protection offered by financial services legislation.

For institutional funds, the Government are creating a series of public-private partnerships to stimulate the supply of small scale and early stage venture capital across the UK's regions. The Department of Trade and Industry's Small Business Service (SBS) is in the process of establishing a UK High Technology Fund with a target size of £120 million, using a £20 million Government investment to lever in further capital from UK pension funds and other institutional investors. The SBS is also supporting the creation of a network of Regional Venture Capital Funds across the English regions. These will enable institutional funds and banks to invest, with SBS

support, in venture funds which will specialise in financing the growth of smaller companies in particular regions.

The Chancellor announced in this Budget a further £100 million of Government funding for this activity over the next three years, with the aim of creating a £1 billion target umbrella fund by levering in significant additional amounts of private investment capital. The umbrella fund will encompass the public-private partnerships currently being established, along with further regional funds. SBS will work with the Regional Development Agencies and a new Small Business Investment Task Force to strengthen the risk capital market for SMEs through this programme.

In addition to creating specific incentives to encourage institutional funds to invest in certain types of risk capital, the Government are also concerned to understand whether there are factors encouraging institutional investors to follow industry-standard investment patterns which focus on quoted equities and gilts. The Chancellor has asked Paul Myners, Chairman of Gartmore investment managers, to conduct a review of institutional investment, to consider this and other issues, which will report back by Budget 2001.

To encourage UK companies to become more active risk capital investors in SMEs with growth potential, the Finance Bill introduces a new corporate venturing scheme. This will provide relief against corporation tax where a company takes a minority shareholding for a minimum period in a smaller higher risk trading company. It is likely to be particularly useful for high technology SMEs which can benefit from the investment and other non-financial support of larger companies operating in similar technology fields.

Mrs. Curtis-Thomas: To ask the Chancellor of the Exchequer how much is invested in venture capital in the UK as a percentage of all pension funds; and what are the comparable figures for the USA. [124757]

Miss Melanie Johnson: Definitions of venture capital vary between countries: the UK definition normally includes leveraged buyout funds, whereas the US definition does not. In both countries, figures are based on surveys of some, rather than all pension funds and are therefore not precise.

The British Venture Capital Association has calculated figures based on the 1999 Annual Survey of the National Association of Pension Funds. According to these calculations, approximately 0.6 per cent. of the assets of those pension funds who responded to the Survey were invested in a broad definition of venture capital. A survey of 189 pension funds in the US (Source: Report on Alternative Investing by Tax Exempt Organisations 1999, Goldman Sachs and Frank Russell Company) showed 116 of them investing in alternative assets. Those 116 funds invested 6 per cent. of their assets in venture capital and leveraged buyout funds.

Tax Allowances

Mrs. Curtis-Thomas: To ask the Chancellor of the Exchequer what assessment he has made of the benefits of introducing a system of tax allowances for entrepreneurial new companies. [124760]

Mr. Timms: The Government are introducing a wide range of initiatives that will benefit entrepreneurial new companies. Small companies will benefit from the new 10 per cent. starting rate for Corporation Tax. R&D tax credits will encourage innovation by small and medium-sized companies. They increase tax relief for R&D spending, and companies not in profit such as start-up ventures, can take the relief up front as a cash payment. The Corporate Venturing Scheme will encourage companies to invest in small, higher-risk trading companies. The investment will attract corporation tax relief at 20 per cent. Enterprise Management Incentives will make it easier for new companies to attract and retain the best people. Companies can reward key staff with share options free of income tax and national insurance charges. The development of each of these three schemes has involved detailed consultation with businesses and representative bodies. All three have been welcomed.

Capital Gains Tax

Mrs. Curtis-Thomas: To ask the Chancellor of the Exchequer what assessment he has made of the impact of the increase in capital gains tax on share options in each year since 1996. [124759]

Dawn Primarolo: There is no Capital Gains Tax (CGT) on the exercise of share options. CGT may be payable when shares acquired on exercise of the options are sold if the gains exceed the annual exempt amount. The effective rate of CGT depends on the size of the gain, whether the shares were business or non-business assets, and how long the shares have been held. The effect of taper relief is to reduce the tax on gains the longer the shares are held. CGT taper relief normally runs from the date that the shares were acquired.

The November 1999 Pre-Budget Report announced the intention to make further improvements in CGT in order to promote productivity. Following consultation, the Budget announced proposals to improve the CGT treatment of shares owned by employees and officers in the trading companies in which they work. For periods from 6 April 2000 such shares will be treated as business assets, and will benefit from more generous taper rates. Business asset treatment applies whether the shares were acquired through share options or by other means.

The Government are introducing in the current Finance Bill two new employee share plans. Under the All Employee Share Plan, employees who keep their shares in the plan until they sell them will have no CGT to pay however great the increase in value of those shares. In addition, under the Enterprise Management Incentive (EMI) scheme, companies will be able to grant each of their key employees share options worth up to £100,000, normally without any Income Tax or National Insurance charge on exercise. When the shares are sold, CGT taper relief will normally start from the date the options were granted.

Tobin Tax Initiative

Mr. Sheerman: To ask the Chancellor of the Exchequer what discussions he has had with financial organisations on the *(a)* viability and *(b)* acceptability of the Tobin Tax initiative. [123179]

Miss Melanie Johnson: The Chancellor meets regularly with members of the international financial community to discuss a range of measures designed to reduce currency market instability.

The Government believe the Tobin tax idea is, in principle, interesting, but has a number of practical drawbacks. In particular, it could introduce serious economic distortions to the international financial system, and is unlikely to have much effect in a crisis. It would be practically impossible to achieve global coverage, and there would be huge scope for avoidance.

Child Care

Ms Harman: To ask the Chancellor of the Exchequer what tax relief is available to companies which wish to help their employees with child care; and if he will make a statement. [124778]

Dawn Primarolo: Employers can get tax relief, under the normal business tax rules, for their day-to-day expenditure on child care provision for employees' children, whether given directly or indirectly. The relief is given by deducting such expenditure when working out their business profit for tax purposes.

They can also claim relief through the capital allowances system for certain capital expenditure on furnishing and equipping nurseries and playschemes (and for the buildings if the employer is carrying on a qualifying trade in the industrial sector).

Royal Taxation

Mr. Baker: To ask the Chancellor of the Exchequer, pursuant to paragraph 20 of the Memorandum of Understanding on Royal Taxation, if an inventory exists to distinguish assets held by the Queen *(a)* as Sovereign and *(b)* as a private individual. [124214]

Mr. Gordon Brown *[holding answer 5 June 2000]:* There is a computerised inventory of the Royal Collection which identifies assets held by the Queen as Sovereign and as a private individual.

Mr. Baker: To ask the Chancellor of the Exchequer for what reason inheritance tax is not payable on private possessions passed from one sovereign to the next. [124212]

Mr. Gordon Brown *[holding answer 5 June 2000]:* The tax arrangements for the Queen and Prince of Wales are set out in the Memorandum of Understanding on Royal Taxation, attached to the Report of the Royal Trustees published on 11 February 1993 (HC 464).

Mr. Baker: To ask the Chancellor of the Exchequer (1) what variations have been notified under paragraphs 33 to 35 of the Memorandum of Understanding on Royal Taxation; [124216]

(2) on how many occasions a disagreement has occurred under the terms of paragraph 31 of the Memorandum of Understanding on Royal Taxation. [124215]

Mr. Gordon Brown *[holding answer 5 June 2000]:* Amendments to the original Memorandum of Understanding were announced in October 1996 to reflect changes in the arrangements for paying tax under self-assessment.

A copy of the amended Memorandum was placed in the House of Commons Library.

The normal rules of taxpayer confidentiality apply to matters under paragraph 31 of the Memorandum of Understanding.

Royal Trustees

Mr. Baker: To ask the Chancellor of the Exchequer if he will list the Royal Trustees and the dates on which they have met since 1 May 1997. [124421]

Mr. Gordon Brown *[holding answer 5 June 2000]:* Under the Civil List Act 1952, the Royal Trustees are designated to be those holding the offices of First Commissioner of HM Treasury (the Prime Minister), the Chancellor of the Exchequer and the Keeper of HM Privy Purse. Consequently the current Royal Trustees are:

The right hon. Tony Blair MP

The right hon. Gordon Brown MP

Sir Michael Peat KCVO.

No formal meeting of the Royal Trustees has occurred since 1 May 1997, but regular communications are maintained through their officials and through correspondence.

Royal Collection

Mr. Baker: To ask the Chancellor of the Exchequer if he will make a statement on the tax position in respect of the Royal Collection. [124213]

Mr. Gordon Brown *[holding answer 5 June 2000]:* The Royal Collection is administered under the terms of a charitable trust. The tax treatment is the same as for any other charitable trust.

Free Television Licenses

Mr. Chope: To ask the Chancellor of the Exchequer if he will give the basis of his oral statement of 6 April 2000, *Official Report*, column 1137, that 11,000 pensioners in the Christchurch constituency will receive free colour television licences. [123919]

Mr. Andrew Smith *[holding answer 5 June 2000]:* The basis of the Chancellor's oral statement to the House on 6 April was his Pre-Budget Report announcement in November 1999 that free TV licences will be available to all pensioners aged 75 and over from autumn 2000.

Aggregates Tax

Mr. Levitt: To ask the Chancellor of the Exchequer (1) what analysis has been *(a)* carried out and *(b)* published by the Government on the price sensitivity of demand for primary aggregates and to quantify the impact of the proposed aggregates tax on demand for primary aggregates; [124440]

(2) what analysis has been *(a)* carried out and *(b)* published by the Government about price sensitivity of demand for recycled and secondary aggregates and to quantify the impact of the proposed aggregates tax on demand for recycled and secondary aggregates. [124441]

Mr. Timms: The estimated impact of the proposed aggregates levy on the demand for aggregates is given in the Aggregates Levy Regulatory Impact Assessment, published on 21 March 2000.

Mr. Levitt: To ask the Chancellor of the Exchequer (1) what assessment has been made by the Government about the impact of an aggregates tax on total vehicle mileage involved in the supply of aggregates from all sources of supply; [124432]

(2) what assessment has been made of the impact of an aggregates tax on the volume of aggregates transported by Rail Freight. [124433]

Mr. Timms: The introduction of the aggregates levy will make the price of aggregates better reflect their true social and environmental costs and encourage the use of recycled aggregates. We do not expect there to be a significant impact on the transportation of aggregates.

Working Families Tax Credit

Mr. Browne: To ask the Chancellor of the Exchequer how many households in *(a)* Scotland, *(b)* East Ayrshire and *(c)* Kilmarnock and Loudoun are eligible for the working families tax credit which are (i) single parent families where the woman is the sole earner, (ii) single parent families where the man is the sole earner, (iii) couples where the male is the sole earner, (iv) couples where the female is the sole earner and (v) dual-income families. [124652]

Dawn Primarolo: It is estimated that 98,800 families in Scotland have been awarded the Working Families Tax Credit to the end of March 2000, of which 3,300 were in the East Ayrshire local authority and 1,700 were in Kilmarnock and Loudoun parliamentary constituency.

The breakdowns requested are as follows:

Family type	*Scotland*	*East Ayrshire*	*Kilmarnock and Loudoun*
Single parent—female earner	61,100	1,700	900
Single parent—male earner	2,100	[1]—	[1]—
Couple—male sole earner	21,800	1,000	600
Couple—female sole earner	8,500	[1]—	[1]—
Couple—both earning	5,400	[1]—	[1]—
Total	98,800	3,300	1,700

[1] There are too few cases in the 5 per cent. sample used for these analyses to provide a complete breakdown for East Ayrshire, or for Kilmarnock and Loudoun.

PRIME MINISTER

Ministerial Meetings

Mr. Flynn: To ask the Prime Minister, pursuant to his answer of 17 April 2000, *Official Report*, column 361W, on ministerial meetings, how many formal meetings he has had over the last two years with representatives of *(a)* farming unions, *(b)* the Country Landowners' Association, *(c)* the Country Sports Organisation and *(d)* pensioners' groups. [124577]

The Prime Minister: As I made clear in my earlier answer, I have met pensioners and countryside representatives at No.10 in the course of my official duties as well as during my visits throughout the country, and will continue to do so.

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 7 June. [124330]

The Prime Minister: This morning I delivered a speech to the Women's Institute Conference and had meetings with Ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

SCOTLAND

Laptops

Mr. Keith Simpson: To ask the Secretary of State for Scotland how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123743]

Dr. Reid: *[holding answer 25 May 2000]* From May 1997 to June 1999, the Scottish Office had 14 laptops stolen and five were lost.

Since 1 July 1999, one laptop used by a Scotland Office official was stolen.

Secondments

Mr. Don Foster: To ask the Secretary of State for Scotland, pursuant to his answer of 10 February 2000, *Official Report*, columns 279–80W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124819]

Dr. Reid: The following secondments from the Scotland Office were for periods of 12 months or less:

Private Sector Secondments

	May 1997 to April 1998	*May 1998 to April 1999*	*May 1999 to June 1999*
Balfour and Manson	1	1	0
BP	1	—	—
Shepperd & Wedderburn	—	1	—

NORTHERN IRELAND

Contracts

Mr. Don Foster: To ask the Secretary of State for Northern Ireland, pursuant to his answer of 29 February 2000, *Official Report*, column 203W, concerning contracts, if he will list the companies concerned; and whether these contacts were subject to competitive tendering. [124824]

Mr. Ingram: Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

RUC Investigations

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following reports on the night of 7–8 August of attacks upon *(a)* the Presbyterian church hall in Ballyroney, County Down,

(b) the Orange hall in Ballyroney, County Down and *(c)* the Free Presbyterian church; in each case, how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions, what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105463]

Mr. Ingram: *(a)* and *(b)* Police were assigned from Banbridge at 0711hrs on 8 August and arrived 0747hrs.

(c) Police were assigned from Castlewellan at approximately 1130hrs. on 8 August and arrived approximately 20 minutes later.

No estimate of the cost of damage is available. There is no record of similar incidents in the area. The attacks may be linked on an 0700hrs. service held on 11 July commemorating the 150th Battle of Dolly's Brae. The number of perpetrators is not known but they are believed to be from a Nationalist background. The investigation remains open.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a petrol bomb attack on a property in Ligoniel, north Belfast on 13 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105446]

Mr. Ingram: This incident was reported at 0403hrs. Police attended the scene at 0420hrs., having checked the authenticity of the call. There is no estimate of the cost of damage which was slight because the petrol did not ignite. There have been no similar incidents in the area although a brick was thrown at the window of this house on 9 August. It is not thought that parades had any bearing. The community affiliation of the perpetrators is not known. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on the BT Target Sports Club near Loughbrickland, County Down, on 22 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105437]

Mr. Ingram: There was no attack at this location on 22 August 1999. However there was an attack on the night of 4 August. That incident was reported at 0059hrs. Police arrived on the scene at 0110hrs. Damage to a tracked excavator has been estimated at £29,000. There have been no similar incidents in the area. Parades are not believed to have had a bearing. The community affiliation of the perpetrator(s) is not known. The investigation remains open but is subject to further information becoming available.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a pipe bomb attack on property in Sallagh Park South, Larne, on 30 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105444]

Mr. Ingram: This incident was reported at 0106 hrs. Police arrived on the scene at 0107 hrs. There was no apparent damage. There have been a number of similar attacks in the area. It is not thought that parades had any bearing. The attack is believed to have been carried out by Loyalists. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a pipe bomb being discovered at St. Peter the Rock church, Lisburn, on 29 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105442]

Mr. Ingram: This incident was reported at 1936 hrs. Police attended the scene at 2003 hrs. having verified the authenticity of the call. There was no damage. There have been similar incidents in the area. It is believed that the perpetrators may be Loyalist. It is not thought that parades had any bearing. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an assault on a woman in Kilkeel on 14 August 1999; how long it took for police to arrive on the scene; what injuries were sustained as a result of the attack; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105447]

Mr. Ingram: Three men have been charged and are due to appear in court in connection with this incident. It would therefore be inappropriate to comment further.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on St. Mary's Gaelic Athletic Association club in Ahoghill, County Antrim, on 29 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached so far on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105441]

Mr. Ingram: This incident was reported at 0307 hrs. Police arrived on the scene at 0320 hrs. Damage was extensive but an estimate of cost has not yet been received. There have been a number of similar incidents

in the area. It is not thought that parades had a bearing. The attack is believed to have been carried out by Loyalists. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on a Church of Ireland hall in Strabane on 15 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached so far on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105448]

Mr. Ingram: Police saw smoke coming from the hall and took appropriate action. No estimate of damage has yet been received. There have been six previously recorded incidents involving arson of places of worship in the area between 1995 and 1998. It is not thought that parades had any bearing. The attack is believed to have been carried out by Nationalists. The investigation remains open.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of attacks on property and residents on Craigwell Avenue, Portadown, on 17 August; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; what is the present stage of the investigation; and what is his estimate of the number of families that have moved out of the area or sought rehousing as a consequence of community tensions in the past four years. [105436]

Mr. Ingram: There is no record of any such incidents on or about the date given. It is not possible to give the numbers of families who may have moved from the area because of community tensions; however, there have been 12 successful SPED applications during the last four years.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a serious assault upon a 16 year-old boy from the Lower Ormeau Road, Belfast, on 26 August 1999; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached so far on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105439]

Mr. Ingram: When the assault by occupants of a vehicle was reported, police immediately circulated the limited details of the vehicle which was not located. The scene was visited and potential witnesses were interviewed but no further evidence came to light. There is nothing to suggest that this was a sectarian attack. There have been no recent incidents of this type in the area. Parades in the area have caused tension but it is not thought that they had a bearing on the incident. The community affiliation of the three assailants is not known. The investigation remains open but is dependent on additional information becoming available.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a paint bomb attack on a property on the Curryneirin estate, Derry, on 15 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105449]

Mr. Ingram: This incident was reported at 0104hrs. Because of incidents of serious disorder that evening, including hijacking, criminal damage and intimidation, police were unable to attend the scene until 0303hrs. Damage to property is estimated at £800. It is not thought that parades had any bearing. Police believe the perpetrators may have been Nationalists. The investigation remains open.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on Ryan's Presbyterian church hall outside Rathfriland, Co. Down, on 9 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105445]

Mr. Ingram: This incident was reported at 0238hrs. Police arrived on the scene at 0247hrs. Damage is estimated at £109,995. There are no recently recorded similar incidents in the area. Parades are not believed to have had a bearing. The community affiliation of the perpetrator(s) is not known. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of a petrol bomb attack on a residential property in the early hours of 9 August; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105464]

Mr. Ingram: It is assumed that this question refers to an incident at Hampton Crescent, Larne, on 9 August 1999. This incident was reported at 0316hrs. Police arrived on the scene at 0318hrs. No estimate of the cost of the damage is available. There have been a number of similar attacks in the area. It is not thought that parades had a bearing. The attack is believed to have been carried out by Loyalists. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on the home of councillor Danny O'Connor in Larne, on 28 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what bearing controversial parades have on these actions; what conclusions he has reached

so far on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105440]

Mr. Ingram: This incident was reported at 0434hrs. Police arrived on the scene at 0437hrs. No damage was caused. There have been a number of similar attacks in the area. It is not thought that parades had any bearing. The attack is believed to have been carried out by Loyalists. The investigation is ongoing.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of an attack on the home of Mr. Kevin O'Connor in Larne on 30 August 1999; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what conclusions he has reached on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105443]

Mr. Ingram: This incident was reported at 0916hrs. Police arrived on the scene at 0922hrs. There was scorch damage to the area of the hallway and fine nails embedded in a wall. No estimate of the damage is currently available. The attack is believed to have been carried out by Loyalists. The investigation remains open.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the report of attacks on vehicles and properties on the Shankill Road, Belfast, on the night of 30–31 July; how long it took for police to arrive on the scene; what is his estimate of the damage to property; what record of similar incidents exists in that area; what conclusions he has reached so far on the number and community affiliation of the perpetrators; and what is the present stage of the investigation. [105460]

Mr. Ingram: Police have no records of any attacks of the type described.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following reports of an incident on Craigwell Avenue, Portadown, on 31 July; how long it took for police to arrive on the scene; how many shots were fired; what conclusions he has reached on the community affiliation of the perpetrator; how many persons were *(a)* arrested and *(b)* charged; and what is the present stage of proceedings. [105461]

Mr. Ingram: A man has been charged and is due to appear in court in connection with this incident. It would therefore be inappropriate to comment further.

Tourist Intimidation (Bushmills)

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC has taken to respond to reports of verbal abuse and intimidation of tourists in the Bushmills area, County Antrim; and how many meetings have been held with the Bushmills Community Association in the past 12 months. [105438]

Mr. Ingram: There have been no reports of verbal abuse or intimidation reported to the police. There have been six meetings with the Bushmills Community Association in the last year.

Hurling Summer Scheme

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps the RUC took following the Irish News newspaper report of 5 August concerning threats received by organisers and children participating in a hurling summer scheme to have taken place on the O'Neill Park, Dungannon; when the police first learned of the threats against the scheme; and what measures were taken to address the community relations aspects of this incident. [105462]

Mr. Ingram: As a result of information on 3 August, police personally informed two representatives of the Gaelic Athletic Association at O'Neill Park that day and a third representative on 4 August of a possible threat to the summer scheme. Appropriate crime prevention and security advice was given and all police patrols were briefed to give attention to the area at the times given by GAA representatives.

Robert Hamill and Gregory Girvan

Mr. Corbyn: To ask the Secretary of State for Northern Ireland what progress has been made with the investigation by the Royal Ulster Constabulary into the assault on Gregory Girvan in Portadown town centre on 27 April 1997. [119711]

Mr. Ingram: A file was forwarded to the Director of Public Prosecutions on the 31 July 1997 in respect of this assault. However, he directed that there was insufficient evidence to press charges. The investigation therefore remains open and I would implore anyone who has not already done so to contact the police and provide whatever information they can to assist in catching those responsible for this despicable crime.

Mr. Corbyn: To ask the Secretary of State for Northern Ireland (1) if he will list by rank and the time at which they attended, those officers above the rank of constable who attended the scene of the assaults on Robert Hamill and Gregory Girvan in Portadown town centre on 27 April 1997; [119713]

(2) pursuant to his answer of 10 January 2000, *Official Report*, column 32W, on Robert Hamill, for what reasons police did not cordon off the location of the attack on Robert Hamill in Portadown on 27 April 1997 until 07.27 hours. [119714]

Mr. Ingram: The Independent Commission for Police Complaints are actively considering whether disciplinary proceedings will be instigated against police officers in this particular case and it would therefore be inappropriate to comment on such details at this time.

Parades Commission

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will list the applications for judicial review of a decision of the Parades Commission since its creation, in each case describing the *(a)* issue involved, *(b)* the result of the application hearing and *(c)* the result of the substantive hearing and summarising of the findings of the Court. [124107]

Mr. Ingram: To date there have been five occasions when applications for judicial review have been made on determinations made by the Parades Commission:

1. Ormeau Road parade on 13 July 1998:

(a) The Commission's decision not to impose route restrictions on the Orange Order parade was the subject of an application for judicial review on 7 July 1998. The grounds of the application were that, in not prohibiting the parade from parading on the Lower Ormeau Road as it had done in relation to previous parades, the Commission had exceeded its statutory powers. It was argued that the functions of the Commission were the balancing of local interests, and that the meaning of "community" in the Public Processions Act 1998 was confined to the people living in the area through which it was proposed that the parade should pass. The Commission could not, therefore, come to a different conclusion in relation to the 13 July parade if, as it was bound to do, it restricted itself to local considerations.

(b) The application was dismissed. The decision, when appealed, was upheld.

(c) No substantive hearing.

2. Apprentice Boys Parade in Dunloy on 8 August 1998:

(a) The Commission's decision not to permit the Dunloy Apprentice Boys to parade through the village of Dunloy was the subject of an application for judicial review on 6 August 1998. The grounds of the application were, among others, that the Commission had failed to distinguish the various groups which are commonly described as the 'loyal orders' and had imposed an obligation on those loyal orders to engage with the local community. This, it was argued, had fettered the Apprentice Boys discretion.

(b) The application was dismissed.

(c) No substantive hearing.

3. Parkmount Junior LOL No. 150 parade in Portadown on 29 May 1999:

(a) The Commission's decision not to impose conditions on the parade along a section of the lower end of Garvaghy Road in Portadown was the subject of an application for judicial review on 27 May 1999. The grounds for the application were that in deciding not to impose conditions the Commission had not acted in accordance with its own procedures.

(b) Leave to apply was not granted. The applicant appealed the decision and the Court of Appeal subsequently granted leave and heard and determined the application.

(c) The judgment found that the Commission had taken into account relevant factors, and had not taken into account irrelevant factors, and that the decision to impose no restrictions was lawful, procedurally proper and reasonable in the circumstances.

4. Long March Parade on 3 July 1999 (Lurgan to Portadown):

(a) The Commission's decision to re-route that part of the march notified to pass through Lurgan was the subject of an application for leave to apply for a judicial review on 2 July 1999. The grounds for the application were that the Commission had not complied with its own procedures in failing to consult with the organiser of the march in order to facilitate mediation.

(b) The court considered that the Commission had not acted " in a way which was clearly outside its powers or contrary to its prescribed procedure". The application was refused. The applicant appealed the decision on 2 November 1999. A preliminary hearing was held on 8 November 1999, and the substantive hearing on 1 December 1999. The appeal was dismissed.

(c) Dismissed on invitation of appellant's counsel.

5. St. Patrick's Day parades in Kilkeel on 17 March 2000:

(a) The Commission's decision to permit parades by two nationalist bands to proceed along their notified route was the subject for an application for a judicial review on 16 March 2000. The ground for the application was that the Commission had failed to comply with its procedures in not consulting widely enough to gain sufficient information on which to base its decision. It had therefore failed to take into account previous disorder in relation to the parade, and to consider the adverse impact of the parade on community relations, and had not advised anyone that "they were minded to alter the status which had existed for over 20 years".

(b) The judge agreed, in view of the time constraints, that he would deal with both the leave application, and if this were successful, the substantive hearing. The Court held that the Commission had not acted outside its powers or contrary to its procedures, and the application was dismissed.

(c) No substantive hearing.

RUC Personnel

Mr. McNamara: To ask the Secretary of State for Northern Ireland what is the composition by gender and perceived community origin of the *(a)* RUC Special Branch and *(b)* RUC Criminal Investigation Department. [123956]

Mr. Ingram: The following table details the current composition by gender and perceived community background of the RUC Special Branch and RUC Criminal Investigation Department:

	Special Branch	*CID*
Male	739	886
Female	88	150
Perceived Protestant	762	898
Perceived Roman Catholic	54	98
Undetermined	21	40

It should be noted that these figures include all police officers in both Departments, unlike the answers given on 10 February 2000, *Official Report*, column 239W, and on 11 February 2000, *Official Report*, column 322W, which only stipulated the number of officers with detective status in RUC Special Branch and CID.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what are the process of selection and entry requirement for officers to serve in the *(a)* RUC Special Branch and *(b)* RUC Criminal Investigation Department. [123955]

Mr. Ingram: Vacancies in the ranks of Constable to Inspector are circulated throughout the force in accordance with force orders. Applicants, who must have completed their probationary period, are required to complete an application form and receive a line manager's recommendation before being interviewed by a selection panel consisting of officers of at least Chief Inspector rank, one of whom is from the specialism involved. The Chairman of the panel is always from outside the specialism. Successful candidates undergo a one-year aideship and only on successful completion will an appointment to the branches be made permanent. Appointments at the ranks of Chief Inspector and above are the responsibility of Force Command, advised by Personnel Branch, who consider the number of vacancies and the policing experience of potential appointees before making recommendations.

RUC (Compensation Claims)

Mr. McNamara: To ask the Secretary of State for Northern Ireland if he will provide a breakdown from

(a) 1 May 1998 to 30 April 1999 and *(b)* 1 May 1999 to 30 April 2000 of compensation claims against the RUC broken down into (i) new claims, (ii) claims disposed of, (iii) damages paid, (iv) plaintiff's solicitor's costs, (v) Crown solicitor's costs and (vi) Crown solicitor's outlay. [123884]

Mr. Ingram: The following table provides a breakdown of costs associated with compensation claims against the Royal Ulster Constabulary. It should be noted that the figures cover the 1998–99 and 1999–2000 financial years.

	April 1998 to March 1999	*April 1999 to March 2000*
New Claims	654	693
Claims disposed of	480	365
Damages paid (£)	1,046,115	1,127,632
Plaintiff's solicitor's costs (£)	619,885	668,050
Crown Solicitor's costs (£)	735,637	900,738
Crown Solicitor's outlay (£)	408,159	386,033

RUC (Disciplinary Proceedings)

Mr. McNamara: To ask the Secretary of State for Northern Ireland *(a)* if he will set out the stages of disciplinary proceedings in the RUC from initial complaint to final outcome, *(b)* what considerations affect the time taken for the completion of each stage in the procedure, *(c)* when procedures were last reviewed and *(d)* what proposals have been adopted in the past five years to enhance the prompt and efficient administration of the system. [124106]

Mr. Ingram: The various stages of disciplinary proceedings are contained within The Police (Northern Ireland) Order 1987, the Royal Ulster Constabulary (Complaints etc.) Regulations 1988, The Royal Ulster Constabulary (Complaints)(Informal Resolution) 1988, The Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988, The Royal Ulster Constabulary Reserve (Part-Time)(Discipline and Disciplinary Appeals) Regulations 1988 and Guidance to the Chief Constable of Police Complaints and Discipline Procedures.

The time taken to complete each stage of the disciplinary procedure is affected by many factors, including the nature and extent of the allegations, the complexity and availability of evidence, the resources devoted to the investigation, the progress of related criminal or civil proceedings and the level and nature of co-operation afforded by the complainant.

A comprehensive review of the police complaints system in Northern Ireland was carried out by Dr. Maurice Hayes, who published his report in January 1997. The present Independent Commission for Police Complaints will be replaced by the Office of the Police Ombudsman on 1 October 2000. The Police Ombudsman will receive and investigate all complaints about the police and will make recommendations for criminal and disciplinary action.

Garvaghy Road

Mr. McNamara: To ask the Secretary of State for Northern Ireland what undertakings he has entered into in relation to parades in the vicinity of Garvaghy Road, Portadown on 9 July with *(a)* the Orange Order, *(b)* the Garvaghy Road Residents Coalition, *(c)* political parties and *(d)* the Irish Government. [123954]

Mr. Ingram: In the absence of a local agreement, it is entirely the responsibility of the Parades Commission to decide whether or not to allow a parade to take place, or to impose restrictions.

SOCIAL SECURITY

Disability Living Allowance

Mr. Donohoe: To ask the Secretary of State for Social Security what proportion of decisions by adjudication officers and decision makers on Disability Living Allowance have proceeded to (i) review stage and (ii) an independent appeal tribunal in each of the last five years. [124707]

Mr. Bayley: The information is not available in the format requested. Such information as is available is in the table.

Decisions/submissions	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*[1]
Initial claim decisions	503,170	515,795	466,960	383,794	371,431
Renewal decisions	154,102	167,794	176,164	194,579	185,518
Reviews inside time[2]	165,367	188,548	210,256	173,832	160,349
Reviews outside time[3]	167,594	170,786	159,798	126,964	116,234
Appeal submissions	33,761	39,323	48,047	46,986	46,574

[1] Figures for January were estimated for initial claims, renewals and reviews.
[2] Figures include reconsiderations under the new decision making process from October 1999.
[3] Figures include supersessions under the new decision making process from October 1999.
[4] Some reviews and appeals relate to claims made or reviewed in the previous year. It is therefore not possible to provide the exact proportion of the claims made in any year which proceed to review or appeal.
Source:
DSS Information Centre: 100 per cent. data.

Mr. Donohoe: To ask the Secretary of State for Social Security how many recipients of each rate of Disability Living Allowance there have been in each of the last five years. [124711]

Mr. Bayley: The information is in the table.

Disability Living Allowance:recipients by rate and year

Thousand

Components and rates	*1995–96*[1]	*1996–97*[1]	*1997–98*[1]	*1998–99*[1]	*1999–2000*[1]
All awards[2]	1,589	1,768	1,926	2,014	2,084
Higher rate care	290	336	369	383	396
Middle rate care	418	487	543	567	599
Lower rate care	287	348	405	451	488
Higher rate mobility	1,126	1,229	1,313	1,342	1,360
Lower rate mobility	272	327	378	415	448

[1] Figures based on five per cent. data relating to 31 August
[2] Columns do not sum because many claimants are awarded both care and mobility components
Source:
DSS Information Centre

Mr. Donohoe: To ask the Secretary of State for Social Security how much money has been paid out in Disability Living Allowance in each of the last five years. [124712]

Mr. Bayley: The information is in the table.

Disability Living Allowance:expenditure by year

Year	*£ million*
1995–96	3,802
1996–97	4,498
1997–98	4,953
1998–99	5,336
1999–2000[1]	5,630

[1] Figure estimated
Source:
DSS Information Centre

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the *(a)* cost and *(b)* number of beneficiaries, in each of the next five years, of raising the upper age limit to *(a)* 70, *(b)* 75 and *(c)* 80 years for the Disability Living Allowance mobility component. [124688]

Mr. Bayley: The information is in the tables.

Raising age limit of Disability Living Allowance (DLA) mobility component

	to age 70		*to age 75*		*to age 80*	
	Cost (£ billion)	*Gainers (Million)*	*Cost (£ billion)*	*Gainers (Million)*	*Cost (£ billion)*	*Gainers (Million)*
2001–02	0.3	0.15	0.8	0.4	1.4	0.75
2002–03	0.4	0.2	0.9	0.45	1.6	0.75
2003–04	0.4	0.2	1.0	0.45	1.7	0.8
2004–05	0.5	0.25	1.0	0.5	1.8	0.85
2005–06	0.5	0.25	1.1	0.5	1.9	0.85

Notes:
1. Costs are in cash prices and rounded to nearest hundred million and number of gainers rounded to the nearest fifty thousand.
2. Estimates derived from model of entitlement based on 1996–97 Disability Survey and forecast caseloads.
3. Estimates are subject to a significant margin of error underlying uncertainties of modelling entitlement from available survey data. It is assumed that cases leave the benefit at an average rate for all DLA mobility cases.
4. Estimated costs include effects on income-related benefits.

Mr. Burstow: To ask the Secretary of State for Social Security if he will estimate the *(a)* cost and *(b)* number of beneficiaries in each of the next five years, of removing the upper age limit for the Disability Living Allowance (i) mobility component and (ii) lower rate care component. [124687]

Mr. Bayley: The information is in the table.

Estimated cost of and numbers of gainers from abolition of upper age limit for Disability Living Allowance mobility component and care component

	Cost of extending mobility component (£ billion)	*Gainers (million)*	*Cost of extending care component (£ billion)*	*Gainers (million)*
2001–02	2.6	1.30	0.2	0.30
2002–03	2.7	1.35	0.2	0.30
2003–04	2.8	1.35	0.3	0.30
2004–05	3.0	1.40	0.3	0.30
2005–06	3.1	1.45	0.3	0.30

Notes:
1. Costs are in cash prices and rounded to nearest 100 million and number of gainers rounded to the nearest 50,000.
2. Estimates derived from model of entitlement based on 1996–97 Disability Survey and forecast case loads.
3. Estimates are subject to a significant margin of error reflecting underlying uncertainties of modelling entitlement from available survey data.
4. Estimated costs include effects on income related benefits.

Social Security Numbers

Mr. Hancock: To ask the Secretary of State for Social Security what steps are taken by his Department to ensure that social security numbers are given to the right person and linked to the right department; what is the cost of this; how many incidents in the years *(a)* 1998–99 and *(b)* 1999–2000 were found where people were (i) allocated and (ii) used the wrong national insurance number; and if he will make a statement. [124557]

Mr. Rooker: The National Insurance Number (NINO) exists to allow this Department and the Inland Revenue to differentiate accurately between the millions of people

who do business with them. When a person applies for a NINO, the Department checks its records to see that a NINO has not already been issued and then interviews the person to confirm identity. The interviewer checks the person's circumstances, background and history by asking questions. Answers are confirmed and any documents produced as evidence are authenticated before a NINO is allocated.

The current annual cost of allocating NINOs is £5.4 million.

The total number of NINOs allocated in 1998 was 272,844 compared with 284,144 for 1999. Inevitably, with these volumes, the system is subject to instances of existing numbers not being traced correctly and duplicate accounts being created in error. Unfortunately, data on wrongly allocated NINOs are not available in the format requested. However, in order to address this issue the Department has established a comprehensive programme of data cleansing.

The Identity Fraud Unit has recorded 1,314 false NINOs and accounts since it was established in 1997.

The Department is committed to ensuring that NINOs are issued, used and controlled consistently. Our overall aim is to always establish the correct identity of a person prior to providing a benefit or service to ensure that we are dealing with the right person. We will continue to develop and implement strategies that enable us to achieve this aim.

Non-local Offices

Mr. Dobson: To ask the Secretary of State for Social Security what is his Department's estimate of the annual savings to the social security budget of the disposal of non-local offices from London in each of the last five years. [124401]

Mr. Rooker: Prior to 1 April 1998 and within the last five years, the Department vacated only one "non-local office[1]" in the London area, where it was the major Government occupier. This was Euston Tower, but being a leasehold building there was no disposal value; savings simply accrued through the discontinuance of rent, rates and the service charge.

On 31 March 1995, an initial release of space at Euston Tower produced net annual savings of £436,694, after the deduction of additional occupation costs following relocation of the Headquarters staff involved to the Adelphi. The final moves, involving a number of units, took place in 1996. The net annual savings after relocation were in the region of £1.4 million.

On 1 April 1998 the Department subsequently transferred all of its property, both freehold and leasehold, to the private sector consortium Trillium plc under the PRIME Agreement. We now no longer own nor rent any buildings. Instead, serviced office accommodation is purchased from Trillium. So now, if we withdraw entirely from a building, or hand back only a proportion of our space, it is for Trillium to dispose of.

In the two years since the PRIME contract began, as part of estates strategies in the London area, the Department has handed back some 45,431m^2 of space in both local office and non-local office buildings. However, the only buildings that we have withdrawn from entirely are local office buildings. Consideration is presently being given also to taking on additional space elsewhere in London.

Note:

1. A non-local office has been defined as a building without public caller facilities.

Secondments

Mr. Don Foster: To ask the Secretary of State for Social Security, pursuant to his answer of 9 February 2000, *Official Report*, column 213W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124820]

Mr. Rooker: All three of the secondees listed were appointed for a period of 12 months or less.

Benefits Agency

Mrs. Curtis-Thomas: To ask the Secretary of State for Social Security what action he is taking to improve the quality and accuracy of postcode data with the Analytical Services Division within the Benefits Agency. [124686]

Angela Eagle: The Department's Analytical Services Division currently produces a range of local level information by matching a claimant's postcode against the Office for National Statistics postcode directory for the key benefits including Income Support, Jobseeker's Allowance and Incapacity Benefit. For some benefits, incomplete or missing postcode information makes such a process unreliable and work to improve the accuracy of this information is ongoing. For example, August 1999 Child Benefit data were recently enhanced through the imputation of postcode from claimant address details. A final phase of work to match this against the 2000 postcode directory will soon result in the production of reliable small area estimates for child benefit for the first time.

A copy of the child benefit data for all parliamentary constituencies will be placed in the Houses of Parliament Libraries by the end of July 2000.

Pension Funds

Mrs. Curtis-Thomas: To ask the Secretary of State for Social Security what assessment he has made of the minimum funding requirements for pension funds with reference to venture capital. [124756]

Mr. Rooker: The Minimum Funding Requirement (MFR) does not prescribe how pension funds should invest their assets. Investment practice is a matter for pension schemes. The MFR is intended to provide a reasonable level of security for members in the event of the employer becoming insolvent and requires defined benefit schemes to hold a minimum level of assets to meet their liabilities valued according to a prescribed methodology. We have asked the Faculty and Institute of Actuaries to carry out a review of the minimum funding requirement and will be consulting shortly on the proposals in their report. My right hon. Friend the Chancellor of the Exchequer has also asked Paul Myners to conduct a review of institutional investment which is considering this and other issues.

FOREIGN AND COMMONWEALTH AFFAIRS

Lord Levy

Dr. Julian Lewis: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to the oral answer of 11 April 2000, *Official Report*, column 179, if Lord Levy has held meetings with representatives of foreign *(a)* intelligence and *(b)* security agencies. [118947]

Mr. Hain: In line with long standing practice of successive Governments we do not comment on intelligence matters.

Mr. Maude: To ask the Secretary of State for Foreign and Commonwealth Affairs from which officials Lord Levy has received briefings on the Middle East. [119672]

Mr. Hain: Lord Levy has been briefed by officials responsible for the regional and bilateral issues on which he has passed messages from the Prime Minister, and by Ambassadors in the countries where he has passed such messages. As I know from having talked to the Ministers and others in these countries, his work is greatly appreciated and has helped enhance both Britain's standing and our contribution to the Middle East peace process.

British Council

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs how many British Council offices there were overseas on 1 April. [123376]

Mr. Hain: On 1 April there were 243 British Council offices overseas, in 110 countries.

Joint Entry Clearance Unit

Mr. Derek Twigg: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement about the Joint Entry Clearance Unit. [125245]

Mr. Vaz: As I told the House on 20 March 2000, *Official Report*, column 833–36, the Foreign and Commonwealth Office and the Home Office have signed a Memorandum of Understanding on the establishment of the Joint Entry Clearance Unit (the JECU). Copies of the document have been placed in the Libraries of both Houses. This week the JECU has moved to its new offices at 89 Albert Embankment. By bringing together Foreign and Commonwealth Office and Home Office expertise in a single unit, it will provide a better co-ordinated and more effective service to entry clearance applicants. More information about the new Unit, including contact numbers within it, will be circulated to Members.

Export Licences (Iran)

Ann Keen: To ask the Secretary of State for Foreign and Commonwealth Affairs if he has recently authorised the issue of export licences for Iran as an exception to the national arms embargo. [125251]

Mr. Hain: We have recently issued, as an exception to the national arms embargo on Iran, an export licence for the export of night vision equipment for the use of Iranian drug enforcement personnel. This equipment has been procured by a private company on behalf of the UN Drugs Control Programme (UNDCP) as a contribution to the UNDCP in Iran. These goods require a UK export licence as they are transiting the UK en route to Iran.

The UK fully supports assistance for the considerable efforts being made by the Iranian authorities to stem the trafficking of drugs through Iran. Since early 1999 the UK has contributed £1.5 million to support Iranian counter drugs activity.

Secondments

Mr. Don Foster: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 11 February 2000, *Official Report*, columns 337–38W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124822]

Mr. Battle: There were *(a)* 14 private sector staff who undertook secondments of 12 or less months to my Department between May 1997 and April 1998, *(b)* 11 between May 1998 and April 1999 and *(c)* 19 between May 1999 and February 2000.

Overseas Territories

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) which Overseas Territories legislatures have e-mail addresses; and which of these can be used to contact individual members of those legislatures; [124842]

(2) when his Department will make an up-to-date list of members of all Overseas Territories legislatures, together with their point of contact, available in the Library; and if he will make it his Department's practice for this to be updated regularly. [124841]

Mr. Battle: My Department is in the process of compiling a list of elected members of those Overseas Territories which have a legislature, together with contact details, including e-mail addresses where these exist. This will be placed in the House of Commons Library and will be updated after elections in the territories. The Commonwealth Parliamentary Association is in regular contact with elected members both in the UK and in the territories and provides a forum for direct liaison between the two.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on progress in implementing the proposals outlined in the recent White Paper on Overseas Territories; and if he will make a statement. [124843]

Mr. Battle: Good progress has been made in key areas covered by the White Paper. Preparations for an Overseas Territories Bill granting British citizenship have reached an advanced stage; structured political dialogue has been effected by the establishment of an annual Consultative Council between British and Overseas Territories Ministers; a process of constitutional modernisation has been initiated; a draft environmental charter has been distributed for consultation; capital and corporal punishment have been abolished in most territories, with agreement to do so in the others, and an independent review of the regulation of financial sectors in the Overseas Territories is being conducted by consultants.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the visits made to each Overseas Territory by Ministers in his Department since 1 May 1997; and if he will make a statement. [124840]

Mr. Battle: The information is in the table.

Outward ministerial visits to the Overseas Territories since 1 May 1997

Country	*Visitor*	*Position held*	*Date of visit*	*Purpose of visit*
Montserrat	Baroness Symons	PUSS	17 to 18 June 1997	Official
Montserrat	Baroness Symons	PUSS	late June 1997	Official
Montserrat	Robin Cook	Secretary of State	14 February 1998	Official
Falkland Islands	Tony Lloyd	Minister of State	21 to 25 April 1998	Official
British Virgin Islands	Baroness Symons	PUSS[1]	8 to 10 September 1998	Official
Turks and Caicos Islands	Baroness Symons	PUSS	10–11 September 1998	Official
Cayman Islands	Baroness Symons	PUSS	18–20 January 1999	Official
Montserrat	Baroness Scotland	PUSS	15–16 September 1999	Official
Bermuda	Baroness Scotland	PUSS	8–11 March 2000	Official

[1] Formally designated a Minister responsible for the Overseas Territories in July 1998

Gibraltar

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library the speeches and press releases and documents pertaining to the United Kingdom's bilateral and EU relations with Spain which have related to Gibraltar, since the recent agreement was reached with Spain on Gibraltar. [124835]

Mr. Vaz: A copy of the documents relating to the arrangements covering a number of issues within the European Union concerning Gibraltar which were agreed with Spain following extensive consultation with the Government of Gibraltar were placed in the Library of the House on 19 April 2000, and details were given to the House by the Foreign Secretary on the same day, *Official Report,* columns 499–500W. The Foreign Secretary's statement announcing the arrangements on 19 April will also be placed in the Library.

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) what information he has collected relating to the average time of waiting at the Spain-Gibraltar border for motor vehicles entering or leaving Gibraltar since the recent agreement reached with Spain on Gibraltar; [124834]

(2) if he will list, for each day since the recent agreement with Spain about Gibraltar, the *(a)* longest and *(b)* average waiting time for vehicles entering or leaving Gibraltar. [124833]

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs if there has been a diminution of delays at the border between Gibraltar and Spain as a result of the recent Anglo-Spanish agreement. [124798]

Mr. Vaz: The border did not form part of the discussions between Her Majesty's Government and the Spanish Government, which concluded on 19 April, with the support of the Government of Gibraltar. The table shows maximum and average delay times for cars entering and leaving Gibraltar since 19 April, based on figures collated by the Royal Gibraltar Police.

Minutes

Date	*Delay exiting Gibraltar*		*Delay entering Gibraltar*	
	Maximum	*Average*	*Maximum*	*Average*
April				
19	75	41	30	11
20	45	31	15	5
21	20	15	20	12
22 Saturday	45	35	60	35
23 Easter	60	40	30	5
24 Bank Holiday	60	41	20	15
25	60	41	45	14
26	60	45	45	23
27	90	43	20	3
28	90	44	45	10
29 Saturday	75	47	60	24
30 Sunday	75	41	75	25
May				
01 Bank Holiday	75	48	60	25
02	75	52	30	6
03	75	49	30	7
04	45	33	30	5
05	90	30	60	15
06 Saturday	90	65	30	7
07 Sunday	60	35	15	3
08	60	45	15	5
09	45	41	25	5
10	60	31	45	9
11	75	35	40	6
12	90	34	45	10
13 Saturday	45	32	40	9
14 Sunday	90	54	20	2
15	90	51	20	4
16	60	37	0	0
17	120	38	45	8
18	60	43	30	5
19	90	47	45	7
20 Saturday	75	61	20	1
21 Sunday	180	76	0	0
22	90	47	40	7
23	75	49	20	5
24	90	40	45	7
25	75	37	20	1
26	90	44	30	4
27 Saturday	60	36	15	2
28 Sunday	30	12	0	0
29 Bank Holiday	30	14	30	9
30	90	39	30	6
31	90	52	45	8
June				
01	60	40	20	3
02	60	33	40	8
03 Saturday	60	40	20	5
04 Sunday	40	28	0	0
05	90	33	30	5

Note:
Average delays are measured for the period 0900 to 2100, when most traffic crosses the border.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs what role his Department will play in respect of matters covered by the recent Anglo-Spanish agreement. [124812]

Mr. Vaz: A United Kingdom Government/Gibraltar Liaison Unit for EU Affairs has been established in the Foreign and Commonwealth Office with responsibility for conveying formal communications between Gibraltar authorities and their counterparts in other EU member states under the new arrangements concerning Gibraltar competent authorities. The Department will also play a role in facilitating as necessary the implementation of other aspects of the various new arrangements, including the development of practical cooperation between the Royal Gibraltar Police and the Spanish police forces under the new police cooperation arrangements.

Dr. Marek: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the visits made by himself or his ministers to Gibraltar within the last two years, stating the *(a)* purpose and *(b)* outcome of the visit. [124799]

Mr. Vaz: My right hon. Friend the Member for Gateshead, East and Washington, West (Ms Quin) visited Gibraltar on 22–23 July 1999 and I visited on 18–19 May 2000.

The main purpose of the visits was to enable Ministers responsible for Gibraltar to meet and hear the views of the people of Gibraltar and their elected representatives. This was achieved.

My hon. Friend the Member for Newcastle upon Tyne, North (Mr. Henderson) also visited Gibraltar from 7–8 October 1997.

CABINET OFFICE

Laptops

Mr. Keith Simpson: To ask the Minister for the Cabinet Office how many laptop computers used by Ministers, officials and special advisers in her Department have been *(a)* lost and *(b)* stolen since May 1997. [123731]

Mr. Stringer: No laptop computers have been reported lost from my Department, excluding its agencies, since May 1997. Two laptop computers have been reported stolen.

LORD CHANCELLOR'S DEPARTMENT

Secondments

Mr. Don Foster: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his answer of 8 February 2000, *Official Report*, column 132W, concerning secondments, if the secondee to the Law Commission listed was appointed for a period of 12 months or less. [124826]

Mr. Lock: The secondment in question lasted for less than 12 months.

Vaccine Damage Payments Scheme

Mr. Baker: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will list the members of the panel from which boards are drawn to determine cases under the vaccine damage payments scheme; what are their qualifications; and which members have registered links with pharmaceutical companies. [124754]

Mr. Lock: There are a number of legal and medical members. Legal members must be qualified lawyers of at least five years' standing. Medical members must have at least five years' experience treating patients as a fully registered medical practitioner in the UK or other EEA state, and in addition must either be on a specialist register maintained in the UK or other EEA state, or hold a vocational training certificate. In the time available, it has not been possible to collate all the information requested. When we have the information I will write to the hon. Member and put a copy of my letter in the Libraries of both Houses of Parliament.

Written Answers to Questions

Thursday 8 June 2000

TRADE AND INDUSTRY

Forms

Mrs. Lait: To ask the Secretary of State for Trade and Industry what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123942]

Dr. Howells: There are no forms issued by the Department specifically aimed at charities or other voluntary organisations. Where charities are incorporated as companies under the Companies Acts they will of course need to file company accounts and other event-generated forms in the normal way.

Efforts are continually being made to simplify these forms. A recent example is the repeal of the requirement to list a director's other directorships on the company annual return.

European Structural Funds

Mr. Cox: To ask the Secretary of State for Trade and Industry what has been the total amount received by the UK under the European Union structural funds in each of the last five years. [124743]

Mr. Caborn: The total European Union Structural Funds allocation to the United Kingdom for the period 1995–99 is 12,590 million Euros, which is £8,229 million in 1999 prices. The table breaks this total into the yearly sums. This figure includes the European Social Fund allocation.

	Euro million	*£ million*
1995	2,341	1,530
1996	2,455	1,604
1997	2,552	1,668
1998	2,569	1,679
1999	2,673	1,748

The figures in the table are for allocations rather than receipts. Some receipts are not recorded centrally and, in any case, receipts in one year include reimbursement of some claims submitted in respect of previous years, while some claims submitted during the year in question will not be paid in that year. Programmes have until the end of 2001 to spend and claim the amounts allocated and committed for the period 1994–99.

Petroleum Prices

Mr. Pollard: To ask the Secretary of State for Trade and Industry what estimate he has made of when the OPEC member countries' decision to restore their production to pre-March 1999 levels will be reflected in petroleum prices in the United Kingdom; and if he will make a statement. [124205]

Mrs. Liddell: OPEC production increases, agreed in March 2000, led to a significant fall in crude oil prices, which has subsequently been reversed due to low stock levels and high product demand.

In recent months, historically low product stocks and significant European refinery maintenance have reduced the supply of petroleum to the market, putting pressure on prices.

ECGD

Mr. Stinchcombe: To ask the Secretary of State for Trade and Industry what plans he has to limit the provision of export credits for non-productive exports. [124660]

Mr. Caborn: I refer my hon. Friend to the reply I gave to a question from the hon. Member for South-West Devon (Mr. Streeter) on 8 February 2000, *Official Report*, column 216–18W

There are no plans at present to extend this initiative to other countries.

Power Lines

Miss McIntosh: To ask the Secretary of State for Trade and Industry what representations he has received calling for the undergrounding of the proposed Lackenby to Shipton overhead transmission line to prevent damage from lightning storms. [124227]

Mrs. Liddell: Other than the hon. Member's letter of 24 May 2000 to my right hon. Friend the Secretary of State, to which I am replying separately, I am aware of no such representations.

Scottish Highlands

Mr. Charles Kennedy: To ask the Secretary of State for Trade and Industry what assessment he has made of the current economic impact of assisted area status on the Scottish Highlands; and if he will make a statement. [124775]

Mr. Caborn: Assisted area status is widely considered to have a positive economic impact on those areas—such as the Scottish Highlands—covered by the assisted area map.

World Petroleum Congress

Dr. Tonge: To ask the Secretary of State for Trade and Industry which representatives of the UK Government will be attending the World Petroleum Congress in Calgary this month. [125015]

Mrs. Liddell: The Department will be represented by senior officials.

Energy Council

Mr. Pickthall: To ask the Secretary of State for Trade and Industry if he will make a statement on the outcome of the Energy Council on 30 May. [125577]

Mrs. Liddell: The Council considered several matters of interest to the United Kingdom.

The centre-piece of the Council was a structured debate on energy liberalisation where the Commission presented a paper outlining progress on building a single energy market with proposals for accelerating liberalisation. Ministers were asked to comment on measures needed to monitor progress, further harmonisation requirements, social implications and public service obligations. The UK welcomed the Lisbon agreement on accelerating liberalisation, called for 100 per cent. liberalisation by a specific date and supported further structural measures including unbundling and regulated third party access. The UK circulated a report on the UK's experience of the social effects of energy liberalisation aimed at providing the Council with a balanced analysis of social effects of energy liberalisation. Also the UK/Netherlands circulated preliminary results of a joint study providing both qualitative and quantitative data on the development of competition in gas and electricity markets across Europe and urged the Commission to take this work forward. The Commission and most member states welcomed this work. Copies of both documents have been placed in the Libraries of both Houses. The Council adopted conclusions welcoming progress on implementation of the electricity directive and the agreement of the European electricity regulatory forum on a cross border transmission pricing mechanism, effective from 1 October, and acknowledged that further work was needed on congestion management. On gas the conclusions noted the work of the European gas regulatory forum.

In addition, the Commission presented a draft proposal on access for renewables to the internal electricity market and an energy efficiency action plan. The UK welcomed both dossiers identified as priorities in the UK Presidency. The first is a particularly important single market measure and both are key elements of the energy/environment integration strategy developed as part of the EU's response towards our Kyoto targets. The Council agreed conclusions on the energy efficiency action plan which recognised the need for Community policies and measures to complement, coordinate and add value to national actions, and invited the Commission, working in cooperation with member states, to come forward with specific proposals quickly.

The Council agreed conclusions on gas security of supply which invited the Commission to continue to monitor the supply position in Europe and to establish a group on an informal basis to discuss mutual areas of interest to improve coordination between member states.

Also, the Council adopted a decision enabling the European Community to sign an agreement with the United States on the coordination of energy-efficient labelling programmes for office equipment—energy star—and reached political agreement on a draft regulation for implementation of the energy star scheme.

Finally, the Council noted reports on Euro-Med Cooperation including conclusions and the Energy Charter Treaty.

CABINET OFFICE

Grace and Favour Residences

Mr. Kemp: To ask the Minister for the Cabinet Office what the *(a)* number and *(b)* locations are of grace and favour residences not within royal palaces. [118871]

Marjorie Mowlam: I refer my hon. Friend to the answer given to the hon. Member for Lewes (Mr. Baker) by the Prime Minister on 5 June 2000, *Official Report*, columns 50–51W.

HOUSE OF COMMONS

Guillotine Motions

Mr. Shepherd: To ask the President of the Council if she will list *(a)* the Bills since May 1997 that have been subject to a guillotine and *(b)* the date of each guillotine motion, indicating which were all-party programme motions. [124847]

Mrs. Beckett: The information requested is as follows:

	Date
Session 1997–98	
Bills subject to allocation of time (guillotine) motions:	
Referendums (Scotland and Wales)	3 June 1997 30 July 1997
Finance Bill	14 July 1997 23 July 1997
European Communities (Amendment)	17 December 1997
Bills subject to allocation of time (programme) motions:	
Scotland Bill	13 January 1998[1]
Government of Wales Bill	15 January 1998[1]
Regional Development Agencies Bill	27 March 1998
Northern Ireland (Elections) Bill	22 April 1998
Teaching and Higher Education Bill *[Lords]*	19 May 1998
Human Rights Bill *[Lords]*	1 June 1998[1] 21 October 1998
Northern Ireland (Sentences) Bill	11 June 1998
Crime and Disorder Bill *[Lords]*	16 June 1998
Landmines Bill	9 July 1998
Northern Ireland Bill	17 July 1998
Bills subject to Allocation of Time (Business of the House) Motions	
Criminal Justice Bill (Terrorism and Conspiracy)	2 September 1998
Session 1998–99	
Bills subject to allocation of time (guillotine) motions:	
European Parliamentary Elections Bill	2 December 1999
Local Government Bill	24 March 1999 26 July 1999
Welfare Reform and Pensions Bill	20 May 1999 3 November 1999
Health Bill *[Lords]*	15 June 1999
Immigration and Asylum Bill	15 June 1999 9 November 1999
Tax Credits Bill	22 June 1999
Access to Justice Bill *[Lords]*	22 June 1999
Youth Justice and Criminal Evidence Bill *[Lords]*	8 July 1999

	Date
Food Standards Bill	22 July 1999 8 November 1999
Employment Relations Bill	22 July 1999 26 July 199
Greater London Authority Bill	8 November 1999
Bills subject to Allocation of Time (Programme) Motions	
Greater London Autfiority Bill	13 January 1999 30 April 1999
Northern Ireland Bill	13 July 1999
Session 1999–2000	
Bills subject to allocation of time (guillotine) motions:	
Representation of the People Bill	20 January 2000 8 March 2000
Nuclear Safeguards Bill *[Lords]*	22 May 2000
Sea Fishing Grants (Charges) Bill	22 May 2000
Royal Parks (Trading) Bill	22 May 2000
Television Licences (Disclosure of Information Bill)	22 May 2000
Bills subject to allocation of time (programme) motions:	
Northern Ireland Bill	8 February 2000
Financial Services and Market Bill	9 February 2000
Transport Bill	9 May 2000

[1] Indicates programme motion subsequently amended. For details see Sessional Returns 1997–98)142), pp 10–12.

CULTURE, MEDIA AND SPORT

Opinion Research

Mr. Don Foster: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 25 May 2000, *Official Report*, column 581W, on opinion research, what steps have been taken to ensure that his Department makes such results publicly available as required by paragraph 19 of the Cabinet Office May 1999 Guidelines on Research into Public Attitudes and Opinions. [124903]

Mr. Alan Howarth: Officials in the Department and its agencies and staff in our NDPBs are aware of their obligations under the Code of Practice on Access to Government Information, to which paragraph 19 of the Cabinet Office Guidelines refers, and I expect them to ensure that the Code of Practice is followed. A senior official in my Department wrote to all chief executives of DCMS NDPBs on 10 December 1999, drawing their attention to the publication of the Freedom of Information Bill and reminding them of the need to comply, until a Freedom of Information Act is brought into force, with the Code of Practice.

National Lottery

Mr. Steen: To ask the Secretary of State for Culture, Media and Sport if he will list the *(a)* health and *(b)* education projects that have been funded from the National Lottery in each of the last two years; and how much each has received. [123634]

Kate Hoey: Lottery funding for health and education projects is primarily distributed through the New Opportunities Fund, although some awards made by other distributors, such as Sport England, the Arts Council and the National Lottery Charities Board, will certainly have educational or health benefits.

Over the past two years, the New Opportunities Fund has made nearly 1,000 separate awards distributing £75 million to its educational and health programmes. These awards have included nearly £65 million to 980 out of school hours child care and learning schemes, and £10 million to create six Healthy Living Centres. The Fund is about to begin distributing to NHS Trusts over £90 million worth of equipment for detecting and treating cancer.

I have asked the Chief Executive of the Fund to write to the hon. Member with full details of all of the health and education awards. Copies of this letter will be placed in the Libraries of the House.

INTERNATIONAL DEVELOPMENT

Health Projects

Ms McCafferty: To ask the Secretary of State for International Development if the level of funding granted by her Department for reproductive health projects in (1) 2000–01 will be set at 85 per cent. for the entire duration of such projects; [124901]

(2) 2001–02 will be set at 70 per cent. for the entire duration of such projects. [124902]

Clare Short: The levels of funding granted by my Department, under the Civil Society Challenge Fund for new reproductive health projects funded in the following fiscal years, are:

funded in 2000–01—up to 85 per cent. funding available

funded in 2001–02—up to 70 per cent. funding available

funded in 2002–03—up to 50 per cent. funding available.

The funding level agreed in the first year of each project will be set for the entire duration of the project.

Central Reserve (Humanitarian Emergencies)

Dr. Tonge: To ask the Secretary of State for International Development how many times her Department has accessed the Treasury's central reserve to fund humanitarian emergencies this year; and if she will make a statement. [124998]

Clare Short: My Department has not accessed the Treasury's central reserve during the 2000–01 financial year. During 1999–2000, DFID accessed the central reserve on two occasions to help fund humanitarian emergencies in Kosovo and East Timor.

Kosovo

Dr. Tonge: To ask the Secretary of State for International Development how much of the United Kingdom's assistance to Kosovo is paid from her Department's conflict and emergency fund; and how much is met from Her Majesty's Treasury's central reserve. [125001]

Clare Short: I refer the hon. Member to page 86 (Box 6d) of the Department for International Development's Departmental Report 2000, a copy of which is in the Library of the House.

Sumatra

Dr. Tonge: To ask the Secretary of State for International Development what assessment her Department has made of the humanitarian effects of the recent earthquake in Sumatra. [125019]

Clare Short: The worst affected areas are Bengkulu and Lampung Provinces and the island of Enggano. Over 100 people are confirmed as dead and a further 700 people have been injured. These figures are likely to rise. There has been extensive damage to housing and public buildings, including Bengkulu city hospital. Communication with the Bengkulu area is extremely difficult as the telephone system is down and access has been restricted due to damage to the airport, major roads and bridges. However, initial reports indicate that the damage was not as devastating as might have been expected, given the size of the earthquake.

The Indonesian authorities have rapidly mobilised civil and military assets to respond to the disaster and are supported by the local Red Cross Society. A six-person United Nations Disaster Assessment and Coordination team has been deployed to the region to assist with the relief effort.

My Department has contributed £250,000 for the purchase and distribution of relief items, such as shelter, blankets and the provision of clean water and first aid. This support is being channelled through the Red Cross and will target 140,000 of the worst affected people. We will continue to monitor the situation and stand ready to respond further to assessed needs.

India

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on the humanitarian impact of the drought affecting the Indian states of Rajasthan and Gujarat. [125018]

Clare Short: A team from my Department has recently returned from India where they made a humanitarian assessment of the impact of the drought and the likely needs of the population. The team found Rajasthan and Gujarat to be among the three states in India worst affected by the drought. The principal humanitarian impacts of the drought include a significant reduction in household income; an increase in temporary migration; death of livestock; weakening of remaining herds; and health problems associated with scarcity of water and reduced food intake.

The Government of India have launched a large-scale drought relief effort which appears to be reaching a significant proportion of the affected population. United Nations agencies and non-governmental organisations are also active in providing humanitarian assistance to those suffering as a result of the drought.

We have committed nearly £3 million for relief projects in response to the drought regionally, including Pakistan and Afghanistan which are also badly affected. £500,000 of this support is being channelled through Oxfam for their relief programme in Rajasthan and Gujarat. We are considering what further assistance to provide.

Southern Africa

Dr. Tonge: To ask the Secretary of State for International Development what progress has been made with the implementation of the EU's initiative on prevention of trafficking of light weapons in southern Africa launched in 1998. [125020]

Clare Short: Progress has been made in a number of areas. Key organisations such as the Southern Africa Development Community (SADC) and the Southern African Regional Police Chiefs Co-operation Organisation (SARPCCO) have made significant efforts to take forward components of the agreed agenda in order to better address small arms questions, and are playing a growing role in bringing together a regional approach. The regional action programme has itself been an important mechanism around which the actions of donors can be co-ordinated with the needs and priorities of partner countries.

We have continued to provide support through non-governmental organisations such as Saferworld and the South African Institute for Security Studies (ISS) to take the regional action programme forward. In addition, we are also supporting a number of relevant police and customs service development projects which increase security and thereby decrease the need for, and availability of, small arms.

We are committed to continuing support for the regional action programme and to working closely with other UK Departments to ensure that this important initiative remains a priority activity for the EU.

FOREIGN AND COMMONWEALTH AFFAIRS

Questionnaires

Mr. Bercow: To ask the Secretary of State for Foreign and Commonwealth Affairs how many questionnaires have been compiled by his Department since 1 May 1997 for public distribution; and what has been the response rate for each. [123611]

Mr. Hain: I refer the hon. Gentleman to previous answers given by my hon. Friend the Minister for Europe about the questionnaire attached to the "Your Britain, Your Europe" leaflet on 10 April 2000, *Official Report*, column 77W; on 2 May 2000, *Official Report*, column 67W; and on 15 May 2000, *Official Report*, column 28W. In addition, at two FCO Open Days in October 1999 we distributed just under 720 questionnaires to canvass reactions from visitors. We received 227 replies.

Sri Lanka

Mr. Kidney: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the support for the Government forces in Sri Lanka from Israel. [124357]

Mr. Hain: None.

Intergovernmental Conference

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 8 May 2000, *Official Report*, column 259W, on the inter-Governmental conference, in what manner applicant states will be permitted *(a)* to operate fisheries within community waters and *(b)* otherwise to participate in execution of common policies. [124373]

Mr. Vaz: *(a)* Negotiations on Fisheries have started with six applicant countries (Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia). The EU Common Positions agreed for these negotiations will make clear that all new member states will be expected to apply the Common Fisheries Policy in full and that access to fisheries resources within EU waters will be based on the principle of relative stability, which allocates national quotas according to historic catch levels. In their position papers, these countries have accepted the principle of relative stability and are only seeking to maintain access to stocks and waters which they already fish.

(b) The participation of new member states in the execution of Common Policies will be determined in the accession negotiations. At the opening of the accession negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia on 31 March 1998 during the UK Presidency, my right hon. Friend the Secretary of State laid down the principles for negotiation, emphasising the necessity of "full acceptance of the actual and potential rights and obligations attaching to the Union system and its institutional framework, known as the 'acquis' of the Union". This principle covers all the Common Policies of the EU. The applicant's acceptance of the 'acquis' may give rise to technical adjustments, and exceptionally to non-permanent transitional measures. The same principles govern the accession negotiations with Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia, which began in February.

European Judges

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs which published documents relating to the Court of the European Communities contain the *(a)* required qualifications for persons appointed to it as judges and decision makers concerning its preliminary proceedings including those conducted by the advocate general and the Court of First Instance, *(b)* procedures for their selection and appointment and the names of the persons appointing them and their staff; together with the names and previous experience and qualifications of the current judges and advocates general, together with the dates of their appointment and the expiry of their terms of office. [124638]

Mr. Vaz: The criteria for nomination and the appointment procedure for judges and advocates general at the European Court of Justice are set out in Article 223 TEC. The criteria for judges at the Court of First Instance are set out in Article 225.3. Profiles of the judges can be found on the Court of Justice website at www.curia.eu.int.

Nuclear Non-proliferation Treaty

Mr. Llew Smith: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will set out the differences between the commitments *(a)* made in the final declaration of the Review Conference of the Nuclear Non-proliferation Treaty, held in New York in April-May and *(b)* entered into in 1970 by nuclear weapons states in respect of Article VI of the Treaty. [124794]

Mr. Hain: The unequivocal undertaking to the total elimination of their nuclear arsenals contained in the final document of the 2000 NPT Review Conference is the most explicit pledge ever made by the Nuclear Weapon States to work for complete global nuclear disarmament. It is an important statement of intent which we hope will provide a timely boost to international non-proliferation and disarmament efforts. The UK played a key role in securing agreement with the New Agenda Coalition for this important achievement.

EU Council

Ms Squire: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the forthcoming business in the Council of the European Union to June and also list the major European Union events for the next six months. [125576]

Mr. Vaz: The information is as follows:

European Calendar: June-November 2000

This calendar is primarily concerned with European Union matters, but certain other relevant events are also included. Events and dates quoted are based on the information available on the date of issue.

Date	*Venue*	*Event*
June		
6	Luxembourg	Social Affairs Council
8	Luxembourg	Education Council
13–14	Luxembourg	General Affairs Council
13–16	Strasbourg	European Parliament Plenary
15	Luxembourg	Research Council
16	Luxembourg	Fisheries Council
19–20	Luxembourg	Agriculture Council
19–20	Sta. Maria da Feira	European Council
21–23	Cyprus	3rd Euro-Mediterranean Conference of the Ministers of Industry
22–23	Luxembourg	Environment Council
26–27	Luxembourg	Transport Council
28	Lisbon	EU/India Summit
July		
3–7	Strasbourg	European Parliament Plenary
7–8	Paris	—
10–11	Brussels	GAC
15–16	Paris	Environment Council (Informal)
17	Brussels	ECOFIN Council
17–18	Brussels	Agriculture Council
17–18	Brussels	Agriculture Council
20–21	Lille	Culture Council (Informal)
27	Bangkok	ASEAN Regional Forum (ARF) Ministerial
28–29	Bangkok	ASEAN Post Ministerial
28–29	Marseilles	Justice and Home Affairs Council (Informal)
20	Tokyo	EU/Japan Summit
August		
There are no Councils scheduled for this month		
September		
1–2	Evian	Gymnich
3–5	Biarritz	Agriculture Council (Informal)
15	Paris	EU/Ukraine Summit

Date	Venue	Event
9–10	Versailles	ECOFIN Council (Informal)
18–19	Brussels	General Affairs Council
25–26	Brussels	Agriculture Council
29	Brussels	ECOFIN Council
28	Brussels	Internal Market/Consumer Council
28	Marseilles	Justice and Home Affairs Council
October		
2	Luxembourg	Transport Council
3	Luxembourg	Telecommunications Council
9–10	Luxembourg	General Affairs Council
10	Luxembourg	Environment Council
13–14	Biarritz	European Council
16 (tbc)	Paris	EU/US Ministerial Meeting
16–17	Luxembourg	Labour and Social Affairs Council
17	Luxembourg	ECOFIN-JHA Council
19	Luxembourg	Fisheries Council
19–21	Seoul	Europe/Asia Summit
23	China	EU/China Summit
23–24	Luxembourg	Agriculture Council
25	Luxembourg	Education Council
30 (tbc)	Paris	EU/Russia Summit
November		
3 (tbc)	Paris	EU/Canada Summit
7	Brussels	ECOFIN Council
7	Brussels	Environment Council
9	Marseilles	Education/Youth Council
13	Brussels	Euro-Med Ministerial
16	Brussels	Research Council
14	Marseilles	Euro-Mediterranean Summit
17	Brussels	Fisheries Council
20–21	Brussels	General Affairs Council
20–21	Brussels	Agriculture Council
23	Brussels	Culture/Audio Council
23	Montbeliard	European Conference Ministerial
23–24	Brussels	Budget Council
27–28	Brussels	ECOFIN Council
27–28	Brussels	Labour and Social Affairs Council
30	Brussels	Justice and Home Affairs Council
30	Brussels	Internal Market/Consumers Council
29–30	Gaborone	EU/SADC Ministerial

Monthly Forecast of EU Business: June 2000

This calendar is primarily concerned with European Union matters, but certain other relevant events are also included. Events and dates quoted are based on the information available on the date of issue.

5 June—Luxembourg—ECOFIN Council

Preparation of the European Council (Santa Maria da Feira)

The Broad Economic Policy Guidelines—Report to the European Council

Taxation

Fiscal package, including Taxation on savings

(poss.) Code of Conduct (Business Taxation)—Report concerning the revision of the Code

Study on company taxation—Presentation by the Commission

Ad hoc Working Party on tax fraud—Presentation of a report and possible Council conclusions

Excise Duties: Derogation given to Denmark, Sweden and Finland on travellers allowances—Presentation of a Commission report

Second progress report on the Financial Action Plan—Orientation debate

Efficient financial management

Protection of financial interests

Annual reports on fight against fraud for 1999

Commission work programme

AOB

Date	Venue	Event
June		
6	Luxembourg	Social Affairs Council
7	Fiji	ACP/EU Ministerial
8	Fiji	Signing of Post Lomé convention
8	Luxembourg	Education Council
13–14	Luxembourg	General Affairs Council
13–16	Strasbourg	European Parliament Plenary
15	Luxembourg	Research Council
16	Luxembourg	Fisheries Council
19–20	Luxembourg	Agriculture Council
19–20	Sta. Maria da Feira	European Council
21–23	Cyprus	3rd Euro-Med Conference of the Ministers
22–23	Luxembourg	Environment Council
26–27	Luxembourg	Transport Council
28	Lisbon	EU/India Summit

No agendas yet known.

Step Change Project

Mr. Stephen O'Brien: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Step Change Project, listing its aims, objectives and methods. [124332]

Mr. Vaz: Following Britain's Presidency in 1998, the Prime Minister called for a "Step Change" in Britain's relations with its European partners. The initiative is intended to increase ministerial and official contacts across Europe and thereby promote British interests in the EU. As Minister for Europe, I co-ordinate Whitehall's "Step Change" efforts through the "Ministerial Group for European Co-ordination" (MINECOR).

Embassies (Party Political Activities)

Mr. Stephen O'Brien: To ask the Secretary of State for Foreign and Commonwealth Affairs what are the rules concerning use of British embassies overseas by *(a)* Ministers and *(b)* hon. Members for party political activities. [124333]

Mr. Robin Cook: It is established policy that Government property should not be used for party political activities.

Lockerbie Bombing

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs when *(a)* he, *(b)* other Foreign Office ministers and *(c)* officials were informed of statements made by Mr. Ahmad Behbahani, in respect of the bombing of Pan Am flight 103. [124946]

Mr. Battle: Officials were informed of Mr. Behbahani's remarks on 5 June 2000. Ministers were informed on 6 June 2000.

Sir Teddy Taylor: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will obtain and assess the text of the statement made in the USA on 4 June by Mr. Ahmed Behbahani in relation to the Lockerbie bombing; and if he will make a statement. [124897]

Mr. Battle: Since Mr. Behbahani's alleged remarks relate to the current trial at the Scottish Court in the Netherlands, it would be inappropriate to comment on them.

Drugs Control

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with the United States counterparts concerning the use of Fusarium Oxysporum in drug eradication strategies in Colombia and Peru. [124999]

Mr. Battle: Field trials on Fusarium Oxysporum have not yet been conducted by UNDCP in Colombia. Before these take place further research would need to be carried out inter alia to confirm that it is specific to coca and would not harm agricultural crops and other plant species. Field testing and any subsequent eradication campaign would also have to be approved by the Colombian Government.

Her Majesty's Government are not funding UNDCP research into Fusarium Oxysporum. The Foreign Secretary has not discussed it with the US Government.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his UN counterparts about the effectiveness of the UN Drugs Control Programme's drug reduction strategy for drug-producing regions. [125017]

Mr. Battle: The UK is an active participant in UN drugs policy forums and is a key supporter of the United Nations Drugs Control Programme. In co-ordination with the United States and EU partners, the UK is supporting improved evaluation and management procedures in UNDCP drugs assistance projects. Examples of UK contributions include support for effective action by the UNDCP in reducing the cultivation of coca bush in Bolivia.

East Timor

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what progress has been made with the return of East Timorese refugees from West Timor. [125016]

Mr. Battle: More than 162,000 refugees have now returned to East Timor. The UK continues to press the Indonesian authorities to resolve outstanding issues (eg civil service pensions) to allow those refugees who still wish to return to do so safely and speedily.

Small Arms

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his EU counterparts concerning the implementation of the 1999 EU resolution on combating the excessive and uncontrolled accumulation and spread of small arms. [125021]

Mr. Hain: None, but officials regularly discuss small arms issues with EU counterparts and the Commission. These issues include the implementation of the resolution and the related December 1998 Joint Action on small arms proliferation.

Rights of the Child Convention

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs when the Government plan to ratify the protocol to the UN Convention on the Rights of the Child prohibiting states from allowing children under the age of 18 years to fight in armed conflicts. [125022]

Mr. Hain: The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted by the UN General Assembly on 25 May 2000. It is expected to be opened for signature and ratification later this year. The Government welcome adoption of the Optional Protocol. We are looking closely at the implications for the UK Armed Forces and the measures that would be required to allow the UK to ratify.

Colombia

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant to his answer of 17 April 2000, *Official Report*, column 394W, if he will make a statement on progress made in the hosting of an international gathering to discuss the details of Plan Colombia before the donors conference in July. [125013]

Mr. Battle: The Foreign and Commonwealth Office will host a preparatory meeting of senior officials and technical experts on Colombia on Monday 19 June. The Colombian Government will be represented as well as the Inter-American Development Bank, World Bank, selected NGOs and the UN Secretary General's Special Representative for Colombia. We have invited all EU member states, the Commission, Japan, Canada, the US, Norway and Switzerland.

On 5 June I hosted a meeting in the FCO with academics and NGOs in order to hear a wide range of views of academics, NGOs and officials prior to the London and Madrid meetings.

Pristina

Mr. Hilary Benn: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the current security situation in Pristina and its effect on the safety of returning refugees. [124906]

Mr. Vaz: The security situation in Pristina is described as generally calm by the NATO-led Kosovo Force (KFOR). There is no general threat to Kosovo Albanian refugees returning to Pristina. In the case of Serb refugee returns, UNMIK and KFOR are doing their utmost to facilitate their return, offering protection where necessary.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Housing

Mr. Nicholas Winterton: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of total capital spending Government spending on housing and construction represented in each of the last 10 years. [123007]

Mr. Mullin: Central Government capital expenditure on housing in England as a percentage of total capital public spending for England over the last 10 years is set out in the table. Expenditure consists mainly of grants and subsidies provided through local authorities and the Housing Corporation. By 2001–02, the Government will have doubled the annual level of capital expenditure on housing that it inherited from the previous administration.

Year	*Percentage*
1990–91	12.9
1991–92	14.7
1992–93	16.0
1993–94	14.8
1994–95	11.9
1995–96	10.1
1996–97	11.4
1997–98	9.7
1998–99	10.5
1999–2000[1]	10.7

[1] Provisional

Note:

Calculations based on housing capital expenditure figures in the Department of the Environment Annual Report, 1996, the Department of the Environment, Transport and the Regions Annual Report 2000 and Table 4.1 of HM Treasury's Public Expenditure Statistical Analysis 2000–01

London Underground

Mr. Mitchell: To ask the Secretary of State for the Environment, Transport and the Regions which EU legislation governs direct expenditure by London Underground Ltd. and its successors, in undertaking or supervising by a combination of direct and contracted operations, measures necessary to ensure the standards of operational performance required by the long-term contracts proposed by the Government. [124637]

Mr. Hill: All arrangements will need to be compatible with the relevant provisions of the EC Treaty and associated legislation.

Camping

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 12 May 2000, *Official Report*, column 485W, how many prosecutions under section 59(8) of the Environmental Protection Act 1990 have been made concerning waste left by unauthorised camping. [124746]

Mr. Mullin: The Department holds no central records of prosecutions made under this provision.

Flight Safety

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the result of the trials on the effects of mobile phones on flight safety carried out by the CAA; what recommendations have been made by the CAA as a result of these trials; and what changes will be made to flight safety rules as a result. [124783]

Mr. Mullin: The CAA carried out tests on the level of interference from passengers' mobile phones on the avionics systems of two aircraft parked at Gatwick Airport in February. These tests confirmed that mobile phone transmissions (including those made when a phone is on standby) made near an aircraft's flight deck or avionics equipment will produce interference that exceeds certification levels for some equipment. Consequently, the CAA will maintain their policy of prohibiting the use of mobile phones by passengers while an aircraft's engines are running.

The CAA is also consulting airport operators and airlines about the viability and value of additional measures to further minimise the risks of inadvertent operation of portable telephones. Such additional measures could include reminder notices in airport departure lounges and at aircraft boarding points and the introduction by airlines of detection equipment and related procedures to ensure telephones are switched off.

The full report of the tests is available on the CAA's website: www.srg.caa.co.uk/srg/srg—news.asp.

Waste Disposal

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 25 May 2000, *Official Report*, column 570W, concerning the main waste disposal facilities in the East of England, if he will list the quantity of waste dealt with at each facility in 1998–99 or the nearest available year. [124804]

Mr. Mullin *[holding answer 7 June 2000]:* The quantity of waste dealt with, in tonnes of waste for 1998–99 (or the nearest available year), at the main waste disposal facilities in the East of England, is shown in the table.

Site operator	*Site location*	*Type of facility*	*Waste planning authority area*	*Annual input (tonnes)*
Shanks & McEwan	Brogborough	'—	Bedfordshire	2,235,514
Cory Environmental	Mucking	'—	Thurrock	983,427
Cleanaway	Pitsea	'—	Essex	824,659
Shanks & McEwan	Stewartby	'—	Bedfordshire	766,707
Cleanaway	Ockendon	'—	Thurrock	627,848
Greenways Waste Management	Aveley	'—	Essex	381,867
Viridor	Gt. Blakenham	'—	Suffolk	264,244

Site operator	Site location	Type of facility	Waste planning authority area	Annual input (tonnes)
Cory Environmental	Stanway	[1]—	Essex	248,378
SITA	Godmanchester	[1]—	Cambridgeshire	240,510
Shanks & McEwan	Arlesey	[1]—	Bedfordshire	224,203
Lafarge Redland	Radlett	[1]—	Hertfordshire	[2]—
Shanks & McEwan	Dogsthorpe	[1]—	Peterborough	212,052
Fenside Waste Management	Warboys	[1]—	Cambridgeshire	197,995
Star Quarry Products	Hertford	[1]—	Hertfordshire	[2]—
Anti Waste	Milton	[1]—	Cambridgeshire	148,383
Greenways Waste Management	Ongar	[1]—	Essex	147,962
Cory Environmental	Barling	[1]—	Essex	144,722
Anti Waste	Buckden	[1]—	Cambridgeshire	139,980
Pioneer Aggregates Ltd.	Ware Quarry	[1]—	Hertfordshire	[2]—
Hales	Ugley	[1]—	Essex	118,028
Greenham Construction Materials	Elsenham	[1]—	Essex	115,780
Anti Waste	Feltwell	[1]—	Norfolk	113,055
Mick George Haulage Ltd.	Southorpe Quarry	[1]—	Peterborough	108,766
Hales	Attlebridge	[1]—	Norfolk	97,633
Lafarge Redland	Roxwell	[1]—	Essex	96,300
St. Albans Sand and Gravel	Ware	[1]—	Hertfordshire	[2]—
St. Albans Sand and Gravel	St. Albans	[1]—	Hertfordshire	[2]—
Suffolk Waste Disposal Co.	Lackford	[1]—	Suffolk	92,624
M Dickerson	Hemingford Grey	[1]—	Cambridgeshire	92,218

[1] Landfill
[2] Not available

The data for landfills in Hertfordshire is missing. This is because the Environmental Protection Act 1990 makes provision for licensees to request that such information be kept off the public register on the grounds of commercial confidentiality. The Agency is in the process of reviewing these cases.

Central Railway

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions what discussions his Department has had with Central Railway in relation to the company's plans for a high speed freight rail link with particular reference to the part of the route adjacent to or in the vicinity of the M25; and if he will make a statement. [124844]

Mr. Hill *[holding answer 7 June 2000]:* None.

Mr. Lidington: To ask the Secretary of State for the Environment, Transport and the Regions what contacts have taken place between *(a)* officials, *(b)* special advisers and *(c)* Ministers in his Department and representatives of the Central Railway. [125062]

Mr. Hill: Officials met representatives from Central Railway in 1998 to discuss its revised proposals for a freight railway between Liverpool and Lille. Ministers have received further representations from the company from time to time, including copies of its consultation documents.

Rail Subsidies

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions what steps he takes to ensure that Government subsidies to privatised railway companies are not passed on to shareholders. [124805]

Mr. Hill *[holding answer 7 June 2000]:* Government subsidies to privatised railway companies take two forms: payments under franchise agreements to passenger train operating companies, and grant payments to rail freight operators under the track access and freight facilities grant schemes.

Franchise subsidies are agreed by the Franchising Director following competitive tender. Franchise payments are for specific contractual obligations, including minimum service levels, which the operator must fulfil.

Grant payments to rail freight operators are available on application in accordance with the published terms of the grant schemes. The grant payments are calculated at the lower of the environmental benefit gained, the economic need of the business, and, where applicable, the level of track access charge. Grant is paid only where the service or investment in question is actually delivered.

North Wales Main Line

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 23 May 2000, *Official Report*, column 436W, which external consultants the Franchising Director used to satisfy himself of the validity of the Virgin rail study on electrification of the North Wales main line; and what their terms of reference were. [124802]

Mr. Hill *[holding answer 7 June 2000]:* The Franchising Director commissioned MVA Ltd. in connection with the Virgin study. Their terms of reference were to make an assessment of the study to allow the sSRA to reach a view on the robustness of methodology and the merits of the proposed North Wales electrification scheme.

Rail Ticket Pricing

Dr. Marek: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to ensure that rail passengers are not overcharged when buying tickets. [124800]

Mr. Hill *[holding answer 7 June 2000]:* A condition of station operators' licences from the Rail Regulator is that accurate and impartial advice on ticket pricing must be given to passengers.

Bus Monitors

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions how many bus monitors have been employed by the Vehicle Inspectorate in each year from 1997 to date. [124909]

Mr. Hill: The Vehicle Inspectorate employed 12 bus monitors in a successful pilot project in 1999. The same number will be employed in 2000.

Traffic Commissioner

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what recent assessment he has made of the sufficiency of the personnel available to the Traffic Commissioner within the South Eastern and Metropolitan traffic areas. [124908]

Mr. Hill: The level of resources, including the number of staff, required to support the Traffic Commissioner for the South Eastern and Metropolitan Traffic Area is assessed each year as part of the normal budgeting process. More generally, the Traffic Area Network is engaged in a major modernisation programme—called TAN 21—designed to equip all the Traffic Area Offices across the country with up to date management and business systems. This has involved a fundamental review of all the business processes carried out in the offices. The aim is to provide improved support to the Traffic Commissioners and a better customer service to the commercial transport industries.

Local Government Codes of Conduct

Mr. Field: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the local authorities which do not include in their codes of conduct the 15 principles of conduct set out in the White Paper, "Local Government: In Touch with the People". [125101]

Ms Armstrong: It is not yet a statutory requirement for local authorities to have their own code of conduct. The obligation on local authorities to adopt a code of conduct, based on the general principles of conduct, is contained within Part III of the Local Government Bill, currently in Committee in this House.

Mr. Field: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the local authorities which have not yet established formal whistleblowing arrangements in accordance with the Public Interest Disclosure Act 1998. [125103]

Ms Armstrong: My Department collects no information on whether local authorities have such procedures in place. While many employers, including local authorities, will wish to introduce procedures that facilitate internal whistleblowing, the Public Interest Disclosure Act 1998 does not require them to do so, nor to inform the Government of their actions in this respect.

South-east Airports

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with the London Chamber of Commerce and Industry regarding projected passenger numbers and numbers of flights into airports in the south-east of England. [124488]

Mr. Mullin: None. The London Chamber of Commerce and Industry (LCCI) report, "Options for Growth—meeting demand at London's airports", was received by my Department after it had been published and the contents widely reported.

The work was commissioned independently and there were no discussions between my Department and the LCCI regarding the report.

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received regarding new runways in the south-east of England. [124490]

Mr. Mullin: The commissioning of the South East and East of England Regional Air Services (SERAS) study, and the consultation on the proposed appraisal framework to be used in that study, has resulted in a wide range of organisations making representations about new runways in the south-east of England.

These are being carefully considered as part of the ongoing SERAS work. We are currently in the early stages of assessing options, both at existing airports and possible new sites. We will proceed through successive sifts to narrow down options to a final shortlist, on which there will be a full public consultation before Ministers come to decisions.

House Demolitions, Liverpool

Mr. Wareing: To ask the Secretary of State for the Environment, Transport and the Regions how many representations he has received in respect of the possible demolition of houses in Broad Lane, Liverpool; what his response has been; and if he will make a statement. [125106]

Mr. Mullin: I have received a total of nine representations regarding the concerns of tenants and residents in Broad Lane, Liverpool. I have been assured by Liverpool City Council that tenants and residents will continue to be consulted throughout the development of proposals for the area, and my responses have reflected this.

Oceans

Dr. Ladyman: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the outcome of the recent United Nations meeting on the oceans. [125404]

Mr. Prescott: The United Nations Informal Consultative Process on Oceans and Law of the Sea met for the first time in New York last week. This is a new initiative to provide a global forum where we can identify ways to improve co-ordination at a national and international level, in order to ensure effective implementation of the framework provided by the UN Convention on the Law of the Sea and Chapter 17 of

Agenda 21 (Oceans and All Seas). Participants include states, non-governmental and inter-governmental organisations.

The first meeting succeeded in providing a forum both for a general debate on oceans issues and for a more detailed discussion of particular topics. The scope for further action to counter piracy and armed robbery at sea, and improving co-ordination of global oceans management, particularly by making use of the Secretary General's annual report on all aspects of oceans use, were among the issues covered by the general debate.

The two issues given special consideration at this meeting were improved fisheries management, particularly to counter the problem of illegal, unregulated and unreported (IUU) fishing, and the economic and social implications of marine pollution.

On fisheries, one of the main priorities to emerge was the need for early adoption by the UN Food and Agriculture Organisation (FAO) of an International Action Plan on IUU fishing. There was also support for the newly agreed co-operation between the FAO and the International Maritime Organisation on developing control measures. Regional fisheries organisations were recognised as pivotal instruments through which states can manage particular fisheries, taking account of scientific stock assessments and balancing priorities, including food security and the need for sustainable economic base for fishing communities.

On marine pollution, the meeting acknowledged the recent progress that had been made in implementing the 1995 Washington Global Programme of Action to Protect the Marine Environment against Land-Based Activities (GPA), but urged states and inter-governmental agencies to do more in this regard. It was also suggested that the United Nations Environment Programme (UNEP) might identify what international support is needed to overcome the obstacles to the implementation of the GPA at national and local levels. The need to integrate action on marine pollution and degradation into mainstream investment programmes, as well as the need for capacity building to facilitate the integrated management of the coastal zone, were both highlighted.

The report of the meeting will be submitted to this Autumn's UN General Assembly debate on Oceans and Law of the Sea, where I hope it will help produce a focused General Assembly resolution covering the priority areas for action.

There will be a further meeting of the new process next year. A number of possible issues for special discussion have already been identified. These include improved development and use of marine science, and capacity building in developing countries.

Particularly today, World Oceans Day, I am pleased to confirm that the UK will continue to support and encourage this new informal consultative process. As well as participating in the meeting, this year we helped to shape the agenda and were able to help broaden participation by funding the attendance of a number of experts from developing countries. I hope that others will follow this lead.

Central Trains Ltd.

Mr. Russell Brown: To ask the Secretary of State for the Environment, Transport and the Regions if there is an exemption order for the fleet of new Class 170/5 and 170/6 trains to be introduced into service by Central Trains Ltd. in respect of any of the provisions of the Rail Vehicle Accessibility Regulations 1998; and if he will make a statement. [125526]

Mr. Hill: We have received an application from Central Trains Ltd. relating to the new Class 170/5 and 170/6 trains they wish to introduce into service. The exemptions have been discussed with our statutory advisers the Disabled Persons Transport Advisory Committee. An exemption order relating to the exemption of these trains was laid in Parliament on Thursday 1 June. Copies are available from the Library.

The exemptions will not prevent disabled people from using the new trains. Indeed, we believe that the introduction of the new trains will make a significant contribution to improving mobility opportunities for disabled people.

SOCIAL SECURITY

Maternity Benefits

Mr. Hancock: To ask the Secretary of State for Social Security how many people have claimed under the Sure Start Maternity Grant scheme; what steps his Department is taking to make sure that people eligible for this grant are aware of it; and if he will make a statement. [124548]

Angela Eagle: Sure Start Maternity Grant was introduced on 27 March of this year for babies due or born on or after 11 June. The Maternity Payment scheme remains in operation for babies due or born on or before 10 June. Both schemes will continue to run concurrently during the transitional period. In the first full month of the new payment's operation (up to 30 April), there were an estimated 5,224 claims. During the same period there were 8,430 claims for Maternity Payments. The number of claims made for Sure Start Maternity Grant will inevitably be lower now than they will be when claims for Maternity Payments finally come to an end.

To raise awareness of the new grant a special leaflet and poster have been produced jointly by this Department and the Department of Health. These are being distributed to outlets likely to be used by lower income families with newly born babies. The leaflet is included in a free pack that expectant mothers can obtain from Mothercare. The leaflet and a poster are being distributed through a number of major retail and pharmaceutical chains. They are also available through doctors' surgeries, through advisory organisations, through key Employment Service offices offering ONE and departmental local offices.

The leaflet and poster are available in Welsh as well as in English and are available in Braille and cassette versions. Information on Sure Start Maternity Grant is also included in departmental leaflets "Expecting a Baby?" and "Babies and Children". These are available in English, Welsh and eight ethnic languages. To coincide with the launch of the new payment, articles were placed in women's magazines. Advice on the grant can also be accessed through the departmental website pages.

Mr. Hancock: To ask the Secretary of State for Social Security when he will extend maternity benefit to those lower-paid women who are excluded from receiving payment; how many people will be beneficiaries of this payment; and if he will make a statement. [124550]

Mr. Bayley: More women will be able to qualify for Maternity Allowance (MA) under new rules which apply to women expecting babies on or after 20 August 2000. The improvements will extend MA to low-paid women who earn at least £30 a week on average, and who are employed or self-employed for 26 weeks in the 66 week period ending with the week before the week the baby is expected.

Around 11,000 employed women and 2,000 self-employed women will receive a maternity payment for the first time. The changes will also increase MA by 15 per cent. for around 11,000 self-employed women who, until now, received less MA than employed women.

Pensions

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security how many people *(a)* are eligible for and *(b)* claim the state pension in (i) Scotland, (ii) Dumfries and Galloway and (iii) Galloway and Upper Nithsdale parliamentary constituency. [124729]

Mr. Rooker: The information is not available in the format requested. Such information as is available is as follows.

There were an estimated 919,600 people of pensionable age resident in Scotland in mid-1998. It is not known how many of these were eligible for the State Retirement Pension.

31,800 people of pensionable age were estimated to be resident in Dumfries and Galloway unitary local authority in mid-1998 and 14,700 people of pensionable age were estimated to be resident in Galloway and Upper Nithsdale parliamentary constituency in 1991.

An estimated 875,500 people were receiving State Retirement Pension in Scotland in March 1999.

Notes:

1. Population of pensionable age defined as men aged 65 and over and women aged 60 and over.

2. Population estimates provided by the Office for National Statistics and are rounded to the nearest 100 persons.

3. Population estimates are not available at constituency level. Constituency level data are derived from the 1991 Census.

4. Numbers of retirement pension recipients derived from a 5 per cent. sample of the Pensions Computer Strategy System. Estimates rounded to nearest 100 persons. Local authority and constituency level data are not available.

Mr. Flynn: To ask the Secretary of State for Social Security what the amount of the basic pension would be if it had been uprated in line with hon. Members' salaries since 1987. [124247]

Mr. Rooker *[holding answer 6 June 2000]:* The basic State Pension for a single person in 1987 was £39.50 a week. By 2000 it would have been raised by a factor of 2.61, had it been increased in line with hon. Members salaries over this period.

By definition a salary would be presumed to be enough to live on whereas the basic State Pension is not intended to be more than the foundation of total pensioner income, which for the 1997–98 tax year averaged £132 per week net for a single pensioner, this is of course more than twice the level of the basic State Pension for that year.

Winter Fuel Payments

Mr. Hancock: To ask the Secretary of State for Social Security how many people were recipients of winter fuel payments in 1999–2000; how many people who were eligible he estimates did not take advantage of these payments; and if he will make a statement. [124546]

Angela Eagle: In the winter of 1999–2000 around 10 million people in over 7.5 million households received winter fuel payments.

In the first three winters of the winter fuel payment scheme, eligibility was based on receipt of one of a number of Social Security benefits. We were able to identify those eligible through the benefit computer systems, and then make payments automatically. There was therefore no need for anyone to claim their winter fuel payment, and all those eligible should have received the payment.

As a result of changes to the winter fuel payment eligibility rules announced in December 1999, it has been necessary to introduce a claims process so that people aged 60 and over can establish whether they are eligible. The new rules are being backdated to the beginning of the scheme in the winter of 1997–98. The claims process will enable newly eligible people, many of whom are not in receipt of benefits and who will therefore not be identifiable through the benefit computer systems, to claim their winter fuel payments for past winters. It is too early to say what proportion of the newly eligible population will apply for such payments.

Minimum Income Guarantee

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security how many people in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency have claimed support under the minimum income guarantee. [124714]

Mr. Bayley: Approximately 21,000 new claims have been made for the minimum income guarantee in Scotland since its introduction in 1999.

Current numbers of pensioners in receipt of the minimum income guarantee—February 2000

Parliamentary Constituency/Local Authority Area/Country	*Number*
Scotland	162,000
Dumfries and Galloway Local Authority Area	4,000
Galloway and Upper Nithsdale Parliamentary Constituency	2,000

Notes:

1. Figures are rounded to the nearest thousand.
2. Pensioners are defined as a benefit unit where the claimant and/or partner are aged 60 or over.
3. Sample size 5 per cent.
4. Figures are allocated by matching the postcode against the 1999 version 2 of the Postcode Directory.

Source:

Income Support Quarterly Statistical Enquiry, February 2000.

ONE Service

Mr. Hancock: To ask the Secretary of State for Social Security when the ONE service operation currently piloted in 12 locations will be extended to other areas; when the Portsmouth area will be covered; and if he will make a statement. [124554]

Angela Eagle: The 12 pilots of the new ONE service are planned to run until March 2002. The pilots have been designed to test the effectiveness of work-focused interviews for all working-age clients and to develop appropriate models for the integration and improvement of welfare services. No decision has yet been made as to when ONE might be extended beyond the current pilot areas.

Disability Living Allowance (Children)

Mr. Derek Twigg: To ask the Secretary of State for Social Security (1) what percentage of children who had their first claim for Disability Living Allowance disallowed, appealed against the decision in *(a)* Halton, *(b)* the North West and *(c)* England and Wales in (i) 1997, (ii) 1998 and (iii) 1999; [123927]

(2) what percentages of children under the age of five years making their first claim for Disability Living Allowance, had their claim *(a)* disallowed and *(b)* allowed in (i) Halton, (ii) the North West and (iii) England and Wales in *(a)* 1997, *(b)* 1998 and *(c)* 1999; [123928]

(3) how many children aged under five years in *(a)* Halton, *(b)* the North West and *(c)* England and Wales made a first claim for Disability Living Allowance in (i) 1997, (ii) 1998 and (iii) 1999. [123929]

Mr. Bayley: The administration of Disability Living Allowance is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to the hon. Member.

Letter from Charlie MacKinnon to Mr. Derek Twigg, dated 6 June 2000:

The Secretary of State for Social Security has asked Alexis Cleveland to respond to your recent Parliamentary Questions about claims for Disability Living Allowance (DLA). Due to annual leave I am replying on her behalf.

Information about claims for DLA is not available in relation to an individual constituency or an unsuccessful applicant. However, I am able to provide the information as shown in the attached appendices.

Information about children who had their first claim for DLA disallowed and then appealed against the decision is shown in Appendix 1.

The reviews figures noted in the tables refer to claims which were originally disallowed and then subsequently awarded as a result of a review by DLA. The appeal figures refer to claims that were originally disallowed, subject to a review and disallowed and then awarded as the result of an appeal.

The details about children under the age of five making their first claim for DLA are shown in Appendix 2.

It should be noted that figures held for Halton Parliamentary Constituency which are relevant, are unreliable because of the small number of cases in the 5% data source. The review figures quoted are for claims which were originally disallowed and awarded following a review and the appeals figures, are for claims which were disallowed after review and subsequently awarded as a result of an appeal.

I regret that figures held by the Department for all claims are not in a form that enables me to supply you with the information requested.

I hope this is helpful.

Appendix 1:

(1) Children aged under 16 in England and Wales awarded Disability Living Allowance

	1997	*1998*	*1999*
All awards	34,300	32,000	33,100
On initial claim	27,500	26,500	27,700
On review	5,300	4,000	4,000
On appeal	1,500	1,500	1,400

Appendix 1:

(2) Children aged under 16 in the North West awarded Disability Living Allowance

	1997	*1998*	*1999*
All awards	2,200	2,900	4,800
On initial claim	1,600	2,200	3,700
On review	[1]400	600	800
On appeal	[1]200	[1]100	[1]200

[1] Number too small to be statistically reliable

Note:

Please note that the figures have been rounded up

Appendix 2:

(1) Children aged under 5 in England and Wales awarded Disability Living Allowance

	1997	*1998*	*1999*
All awards	16,500	15,800	15,200
On initial cl.	13,700	13,500	13,300
On review	2,400	1,900	1,700
On appeal	500	[1]400	[1]300

[1] Please note that the figures have been rounded up

Appendix 2:

(2) Children aged under 5 in the North West awarded Disability Living Allowance

	1997	*1998*	*1999*
All awards	1,000	1,500	2,200
On initial claim	700	1,100	1,800
On review	[1]200	[1]300	[1]400
On appeal	[1]100	—	—

[1] Please note that these figures have been rounded up

Pension Books

Mr. Efford: To ask the Secretary of State for Social Security (1) what performance targets exist for the issue of pension books; [124234]

(2) what is the average length of time it takes for a widow to receive her pension book from the date of bereavement; [124233]

(3) how many pension books have been recalled due to errors by the Benefits Agency in each of the past three years. [124235]

Mr. Rooker: The administration of benefits is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to my hon. Friend. If he has a particular constituency problem then perhaps he will write to me.

Letter from Charlie MacKinnon to Mr. Clive Efford, dated 6 June 2000:

The Secretary of State for Social Security has asked Alexis Cleveland to reply to your recent Parliamentary questions about the performance targets for the issue of pension books, the average time it takes a widow to receive her pension book from the date of bereavement and the number of pension books that have been recalled due to errors by the Benefits Agency in each of the past three years. Due to annual leave I am replying on her behalf.

At April 2000, 56% of widows and retirement pensioners received their payments by order book, out of a customer base in excess of 11 million.

The Benefit Agency does not have a target for the issue of order books. It measures performance from the date a claim is received to the date the benefit is awarded. The current clearance targets for straightforward Retirement Pension claims is 95% within 60 days and for Widows Benefit claims 85% in 30 days. On average a Widows Benefit claim is awarded within seven days of receipt of the claim.

Once the benefit has been awarded on the Pension Strategy Computer System an electronic interface between that system and the Area Computer Centre arranges for the production and issue of the order book to the relevant destination. This can be the post office or the customer's home address.

I am unable to advise you of the number of pension books that have been recalled over the last three years due to Benefit Agency error as Pension order books are recalled for a number of reasons including changes in customer's circumstances. Detailed records are not kept on the reasons for recall.

I hope this is helpful.

Reciprocal Agreement (Yugoslavia)

Mr. Lidington: To ask the Secretary of State for Social Security what reciprocal agreement exists between the United Kingdom and Yugoslavia over the payment of social security benefit; which benefits it covers; if it applies to asylum seekers; and if he will make a statement. [125033]

Angela Eagle: The UK has had a bilateral social security agreement with the former Socialist Republic of Yugoslavia since 1958. Following the break-up of the Republic, the UK continues to apply the agreement to the now separate independent states until such time as revised agreements are entered into with them individually.

The agreement covers Retirement Pension, Widows Benefit, Incapacity Benefit, contribution-based Jobseeker's Allowance, Maternity Benefits, Industrial Injuries Disablement Benefit and Child Benefit. Where a person does not fully satisfy the conditions for any of those benefits, the agreement can help them qualify if they have contributed to both countries' social security schemes. There is no special provision in the agreement for asylum seekers.

Fraud

Mr. Field: To ask the Secretary of State for Social Security if he will list those local authorities that have not introduced penalties for fraud under the Social Security (Fraud) Act 1997. [125100]

Angela Eagle: All local authorities have the power to offer administrative penalties to those shown to be claiming Housing Benefit fraudulently, as an alternative to criminal proceedings. From 1999–2000, local authorities have been asked to provide data on the number of penalties offered. These figures are not yet available.

Opinion Research

Mr. Don Foster: To ask the Secretary of State for Social Security, pursuant to his answer of 25 May 2000, *Official Report*, column 619W, concerning market and opinion research, if he will list the title and purpose of each item of research. [124848]

Mr. Rooker: A title and brief description of all research commissioned under the Department's Research Programme, including public opinion research, can be found in the Department's Research Yearbook published annually. A copy of the annual Research Yearbook is available from the House of Commons Library.

In addition, the War Pensions Agency carries out an annual survey among its customers entitled "War Pensions Agency Customer Research Survey". The objective of this survey is to assist the Agency in determining the needs, expectations and satisfaction of current and future war pensioners.

A list of research conducted by the Communications Directorate since 1 May 1997 is available in the Library.

Integrated Child Credit

Mr. Hancock: To ask the Secretary of State for Social Security what is the cost of introducing the integrated child credit; what steps are being taken to ensure that the scheme is delivered at the planned time; and if he will make a statement. [124549]

Dawn Primarolo: I have been asked to reply.

The integrated child credit announced by the Chancellor of the Exchequer in his Budget Speech will be introduced from 2003 and administered by the Inland Revenue alongside the employment tax credit.

The Budget Paper "Tackling Poverty and Making Work Pay: Tax Credits for the 21st century" gives more details of the proposals.

HEALTH

Surrey and Sussex Healthcare Trust

Mr. Blunt: To ask the Secretary of State for Health when he will make a decision on the future provision of acute services by the Surrey and Sussex Healthcare Trust. [124945]

Ms Stuart: Ministers are fully aware of the strength of local feeling about this issue. A final decision, which will be made as soon as possible, will only be made in the best interests of the local community.

Correspondence

Mr. Lidington: To ask the Secretary of State for Health when he will reply to the letter of 1 February from the hon. Member for Aylesbury about the case of Mrs. Sylvia Morgan. [125063]

Ms Stuart: Unfortunately, we do not appear to have received the hon. Members letter on behalf of Mrs. Sylvia Morgan. If he passes me a copy of the letter I will ensure that a response is forthcoming as soon as possible. I apologise for any inconvenience caused.

Norfolk and Norwich Hospital

Mrs. Shephard: To ask the Secretary of State for Health how many intensive care beds there were at the Norfolk and Norwich Hospital on *(a)* 1 June 2000 and *(b)* 1 April 1997. [125059]

Ms Stuart: The Norfolk and Norwich Hospital had six intensive care beds at 1 April 1997 and 1 June 2000. However, as part of their planning for the 1999–2000 winter period, the trust made provision for two additional intensive care beds by transferring resources from its high dependency beds, which reduced in number from six to four.

We have recently announced a significant investment of £150 million of additional resources to improve capacity of critical care services and the Eastern Regional Office of the National Health Service Executive is currently discussing with Norfolk and Norwich Health Care NHS Trust how the trust will improve its critical care services for the coming winter.

Organic Food

Mr. Tyler: To ask the Secretary of State for Health what recent research his Department has carried out on the *(a)* composition and *(b)* impact on health of organic food. [118571]

Ms Stuart: The Department has not carried out any research on either the composition or impact on health of organic food.

Responsibility for matters relating to the safety and composition of food now rests with the Food Standards Agency. I am advised by the agency that although it has not carried out any research into the composition of organic food it is aware that a number of studies on this subject have been carried out over the last 10 years. I am also advised that the agency has a programme of research assessing microbiological safety issues that are relevant to the production of both organic and conventionally grown fruit and vegetables.

Mobile Phones

Dr. Gibson: To ask the Secretary of State for Health what plans he has to implement the recommendations of the Stewart Committee on Mobile Phones and Health. [122311]

Yvette Cooper: The Stewart report published on 11 May includes over 30 wide-ranging recommendations. We issued our initial response on the same day and copies are available in the Library. We will implement the research in a comprehensive programme costing several million pounds. We plan to launch this programme by September. Further discussions have been held with the Stewart Group about the provision of information to the public about the use of mobile phone technology. Other recommendations are being taken forward by the appropriate Government Departments and agencies.

Mr. Pollard: To ask the Secretary of State for Health what research his Department has commissioned on the health risks of *(a)* mobile telephones and *(b)* telecommunication masts; and if he will make a statement. [122354]

Yvette Cooper: The Department has funded two research projects on possible effects of radio frequency fields similar to those emitted by mobile phones and base stations. (i) a behavioural study of rodents and (ii) a human study involving psychological tests under simulated mobile phone use. The Department is also providing support for the World Health Organisation International Electromagnetic Fields Project and a multinational study of brain cancer and mobile phone use.

Preparations are currently under way to set up a substantial programme of research funded jointly by Government and industry. Details will now be taken forward in the light of the recommendations of the independent group on mobile phones and health (Stewart Report). This report was published on 11 May and copies have been placed in the Library.

Mr. Gordon Prentice: To ask the Secretary of State for Health what research he has commissioned into the possible links between proximity to mobile phone transmitter masts and the development of cancers; and if he will make a statement. [124095]

Yvette Cooper: The Department has not commissioned any research into links between proximity to transmitter masts and cancers. The Independent Expert Group on Mobile Phones (the Stewart group) was set up to investigate the broader public health implications of mobile phone technologies. The group's report was published on 11 May and copies are in the Library. The report includes a number of recommendations for research which are being taken forward by Government in a comprehensive programme of research costing several millions of pounds. It is planned to launch this programme by September.

Paramedics

Mr. Swayne: To ask the Secretary of State for Health what plans he has to increase the number of paramedics in the Ambulance Service. [122583]

Ms Stuart: We have invested a further £21 million this year to support the ambulances in meeting the new national response time performance standards. Meeting the 75 per cent. response time target for immediately life threatening emergencies will require the recruitment and training of significant numbers of paramedics. All 32 ambulance services have presented their plans for improving performance to the National Health Service Executive including the necessary paramedic work force requirements. Currently every frontline ambulance carries a fully trained paramedic.

Mr. Swayne: To ask the Secretary of State for Health if he will make a statement about the role of paramedics in the Ambulance Service. [122582]

Ms Stuart: Ambulance paramedics have made a very valuable contribution to pre-hospital patient care over the past 10 years. They are playing an increasingly important role in saving lives, particularly the lives of people with heart attacks. Their responsibilities include providing life

saving care and drugs to people with immediately life threatening medical conditions. That is why we supported their registration as Professions Supplementary to Medicine last year.

NHS (Financial Assistance)

Mr. Nicholls: To ask the Secretary of State for Health how many people each year receive financial assistance after appealing for help with NHS costs using an HC1 form. [122783]

Ms Stuart: In England for the year 1999–2000, the Health Benefits Division of the Prescription Pricing Authority issued around 542,000 National Health Service charges certificates (HC2) for full help and around 299,000 NHS Charges certificates (HC3) for limited help following an HC1 claim. People named on an HC2 would be entitled to full financial assistance with NHS costs (e.g. free NHS prescriptions) when they received treatment. People named on an HC3 would have been entitled to financial assistance with health costs (excluding prescription charges) on a sliding scale when they received treatment. The number of people who receive financial assistance in this way is not recorded.

Chlamydia Trachomatis

Mr. Cohen: To ask the Secretary of State for Health if he will make a statement on the policies adopted following the recommendations of the Chief Medical Officer's Expert Advisory Group on screening for chlamydia trachomatis; what has been the outcome of the two pilot studies which were set up; and if he will make a statement. [123779]

Yvette Cooper: After considering the expert advice, we strengthened our national health promotion on chlamydia and set up a pilot screening programme to investigate the feasibility and acceptability of opportunistic screening. The pilot is under way and will run until 31 August. The results will be used to develop future policy on national screening programmes and we aim to identify possible policy options by the end of this year. These data will also be considered as part of the national sexual health strategy currently under development.

Surgical Instruments

Mr. Harvey: To ask the Secretary of State for Health what action he has taken to ensure that surgical instruments used in NHS hospitals are sterile. [123724]

Yvette Cooper: The Department and the National Health Service are aware of the need to maintain high quality decontamination procedures to ensure that surgical instruments used in NHS hospitals are sterile. In August 1999, as part of the Department's initiatives on Infection Control, particularly relating to the risks posed by surgical instruments, a comprehensive package of extant decontamination guidance was issued free of charge to all NHS Trusts under Health Service Circular (HSC) 1999/179 Controls Assurance in Infection Control: Decontamination of Medical Devices.

The HSC emphasised the importance of implementing existing guidance on the cleaning and sterilisation of medical devices. We have also asked NHS Estates (an executive agency of the Department of Health) to undertake an assessment of current decontamination practices across healthcare sectors in England, including NHS hospitals. The review is due to be completed at the end of June 2000. The need for further policy, advice and guidance will then be reviewed.

Cancer

Mr. Paul Marsden: To ask the Secretary of State for Health what estimate he has made of the percentage of cancers in the United Kingdom which were caused by infections in the last year for which figures are available; and if he will make a statement. [123795]

Yvette Cooper: There is some evidence to show that certain cancers may be linked to infections (notably stomach, liver, cervix, penis and Non-Hodgkins lymphoma). We are not able to identify the percentage of cases of these cancers which are caused in this way.

New Variant CJD

Mr. Baker: To ask the Secretary of State for Health for how long after the death of an individual that individual's medical records are kept; whether an individual's medical records are kept for a different length of time if they die from new variant CJD; and if he will make a statement. [124088]

Yvette Cooper: The Department issued guidance to healthcare organisations in 1998 and 1999 (Health Service Circulars 1999/053 and 1998/217), which advised that hospital medical records for deceased patients should be kept for a minimum of eight years and similar records held by general practitioners for a minimum of 10 years. Such records are often retained for a longer period of time in certain cases such as maternity and mental illness.

The National CJD Surveillance Unit collates detailed information on patients who have had CJD of any type, including copies of medical records wherever possible. It is expected that this information will be held by the unit for the foreseeable future.

Vaccines

Mr. Baker: To ask the Secretary of State for Health what recent advice his Department has *(a)* sought and *(b)* received concerning the effectiveness of the purification process for removing bovine material from vaccines in the early stages of manufacture; what assessment his Department has made of the effectiveness of this process; and if he will make a statement. [124086]

Yvette Cooper: For those vaccines which use bovine material in the early stages of their manufacture, manufacturers are required to provide supporting evidence to the Medicines Control Agency (MCA) that the purification process is properly controlled and validated, to ensure the removal of such material. The Committee on the Safety of Medicines advises the MCA on the suitability of the purification process and its validation.

Skin Cancer

Miss McIntosh: To ask the Secretary of State for Health what assessment he has made of the recent inquiry commissioned by the NFU into the alleged link between skin cancer and pylon lines; and if he will make a statement. [123907]

Yvette Cooper: No assessment has been made into the alleged link referred to in the question although the general allegation of an association between power line and health effects has been widely researched. The Department of Health Radiation Protection Research Programme has its own ongoing investigations and also contributes to the World Health Organisation International Electromagnetic Fields Project. In 1992, the National Radiological Protection Board's (NRPB) Advisory Group on Non-ionising Radiation examined in detail the evidence for an association between the incidence of cancer and exposure to electromagnetic fields and concluded that there was no clear evidence of an adverse health effect at the levels of electromagnetic field to which the public is normally exposed. The NRPB Advisory Group keeps the relevant research under review and will be publishing a comprehensive overview of electromagnetic fields and cancer later this year.

Laptop Computers

Mr. Keith Simpson: To ask the Secretary of State for Health how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123737]

Ms Stuart *[holding answer 25 May 2000]:* The figures for laptop computers reported lost or stolen belonging to the Department and its agencies for the period covering May 1997 onwards are shown in the table.

Date	*Number lost or stolen*
1 April 1997 to 31 March 1998	23
1 April 1998 to 31 March 1999	19
1 April 1999 to 31 March 2000	18
1 April 2000 to 31 May 2000	1
Total	61

Farnham Hospital

Mrs. Virginia Bottomley: To ask the Secretary of State for Health if he will place in the Library the NHS press notices in which Farnham Hospital is named for the past three years. [124229]

Ms Stuart: This information is not held centrally.

Officials at South East Regional Office have, therefore, asked West Surrey and North and Mid Hampshire Health Authorities for copies of all National Health Service press notices issued in the past three years in which Farnham Hospital is named.

These will be placed in the Library in due course.

Alcohol Abuse

Mr. Chaytor: To ask the Secretary of State for Health when he plans to publish a national strategy for dealing with alcohol abuse; and if he will make a statement. [124699]

Yvette Cooper: We plan to publish a consultation paper later this year, which will allow a period for comment, prior to the publication of the strategy.

MMR Vaccines

Mr. Harvey: To ask the Secretary of State for Health, pursuant to his answer to the hon. Member for Taunton (Jackie Ballard) of 3 April 2000, *Official Report*, column 349W, on MMR vaccines, if he will provide the *(a)* current and *(b)* projected total costs of meningitis C vaccine purchased by the NHS as part of the current vaccination programme. [123166]

Yvette Cooper *[holding answer 5 June 2000]:* The cost of vaccine purchase is commercially confidential. However, at the end of the programme we hope to be able to give an aggregate cost for the whole programme including vaccine purchase, distribution, implementation, information and publicity.

SOLICITOR-GENERAL

Butler Report

Mr. Dismore: To ask the Solicitor-General if the report by His Honour Gerald Butler QC concerning the handling of the case of R *v.* Doran and others has been delivered; what information concerning it will be published; and what action the Government plans to take in response. [124941]

The Solicitor-General: The report by His Honour Gerald Butler QC was delivered on 14 April. On 22 July 1999, *Official Report*, columns 607–09, the Attorney-General indicated the Government's intention to make a summary of the report and its recommendations available to both Houses. In the event, it is possible to make the report available in full, and the Attorney-General has therefore today lodged a copy of the report in the Libraries of both Houses, together with a copy of the Government's response. In addition, the summary included in the report and the inquiry's recommendations, together with the Government's response to them, are being made publicly available on the HM Customs and Excise internet site (http://www.hmce/gov.uk), and copies of the full report will be available on request from HM Customs and Excise at a cost of £8.

All the recommendations made to the Attorney-General in the report which are capable of acceptance immediately have been accepted. Further work is required by other recommendations and such work is being set in hand.

With the agreement of the Chairman of Customs and Excise Commissioners, His Honour John Gower QC, assisted by Sir Anthony Hymenoid KCB QC, has agreed to carry out an immediate review of the role of Customs as a prosecuting authority. The terms of reference are:

> Having regard to the Butler Report and the Hosker Report, the tripartite system operated within Customs and Excise in relation to the investigation and prosecution of offences, and to all other relevant considerations, to examine
>
> (1) whether or not some or all of the prosecutions at present conducted by the Solicitor's Office of HM Customs and Excise should continue to be conducted by that Office;

(2) to the extent that it is concluded that the Solicitor's Office should not continue to conduct some or all of those prosecutions, whether such prosecutions should be conducted by an existing prosecution authority, or by some other body.

and to make recommendations.

The Attorney-General anticipates receiving this report by the end of October this year.

Crown Prosecution Service

Mr. Lidington: To ask the Solicitor-General what targets he has set the Crown Prosecution Service in respect of the number and duration of adjournments in magistrates courts proceedings. [125038]

The Solicitor-General: No specific targets have been set by the Crown Prosecution Service in respect of adjournments. The service is working with other criminal justice partners to reduce the number of avoidable adjournments, which impact on a number of the Government's over-arching objectives for the criminal justice system; particularly those for dealing with cases with appropriate speed and meeting the needs of victims and witnesses. Adjournments may be caused by a combination of factors not necessarily within the control of any one agency, and it would not be appropriate to target the prosecution alone.

Mr. Dismore: To ask the Solicitor-General how many Crown Prosecution Service inspectors there are; how many *(a)* are women, *(b)* are from ethnic minorities, *(c)* have disabilities and *(d)* were formerly Crown Prosecution Service prosecutors, and in what grades; and if he will make a statement. [125078]

The Solicitor-General: There are three categories of inspector within the Crown Prosecution Service Inspectorate—casework inspectors, business management inspectors and legal inspectors at levels B2, D and E respectively. The breakdown by reference to gender and ethnic origin is set out in the table.

	Male	*Female*	*Ethnic minority*
Casework Inspectors	0	5	2
Business Management	1	[1]	0
Legal Inspectors	8	6	2

[1] This person has been appointed and takes up the post on 12 June 2000.

The Chief Inspector and three Group Directors (SCS level) are all male. None comes from an ethnic minority. No inspector has declared himself/herself disabled.

The Crown Prosecution Service Inspectorate at present constitutes a unit within the CPS, but will become an independent statutory body subject to enactment and implementation of the Crown Prosecution Service Inspectorate Bill now before Parliament. All staff are at present therefore employed by the CPS. It is intended that the Inspectorate should in future be staffed by a combination of inspectors who have served in the CPS and others who have not and will therefore bring an external perspective to its work.

Most inspectors are now recruited by open competition. Ten out of 14 legal inspectors served in the CPS immediately before joining the CPS; one served in HM Customs and Excise (although she had in the past been employed by the CPS); one served as a trade union national officer for four years (while remaining employed by the CPS); and two joined from private practice. Both business management inspectors were recruited by one competition from outside the civil service. The casework inspectors all joined the Inspectorate from the CPS itself.

Mr. Dismore: To ask the Solicitor-General how many Crown Prosecution Service inspectors have undergone race awareness training; what the training consisted of; and if he will make a statement. [125079]

The Solicitor-General: With the exception of three inspectors who joined in April and May 2000, all inspectors have had racial awareness training. The common features of the training may be summarised as follows:

1. All the staff with line management responsibility have been required to attend a formal course run by the CPS on Human Awareness and Racial Equality.
2. All staff have been required to participate in discussion groups based on a showing of the CPS Equality and Diversity video.
3. An Inspectorate training event (involving all staff) in May 1999 incorporated separate presentations and discussion sessions led by a senior lawyer within CPS Policy Directorate and by the Director for Criminal Justice and Race at NACRO. A similar training event in May 2000 included a presentation by a senior lawyer within CPS Policy Directorate and by the Director for Criminal Justice and Race at NACRO. Newly appointed inspectors will undergo race awareness training as part of a personal development plan which all staff must have. The Inspectorate keeps under review the need for training to ensure that no discriminatory practices occur within the Inspectorate itself; in addition, inspectors must be properly equipped to examine diversity issues in all aspects of the inspection process.

Mr. Dismore: To ask the Solicitor-General, pursuant to his answer of 14 February 2000, *Official Report*, column 369W, on the Crown Prosecution Service, if the Crown Prosecution Service has completed its consideration of how the recommendations of the Employment Tribunal in its decision in the case of Bamieh *v.* CPS (Case No. 2202655(98)), concerning temporary acting-up posts should be met; and if he will make a statement. [125104]

The Solicitor-General: The Crown Prosecution Service has implemented the Employment Tribunal's recommendation concerning temporary acting-up posts as Prosecution Team Leader. With effect from 29 February 2000, such opportunities have been advertised in the weekly guide to CPS business which is circulated to all CPS staff. The CPS will be monitoring each acting-up appointment and at the end of the twelve-month period covered by the recommendation will be considering whether this practice should be adopted permanently into the Department's deputising and temporary promotion procedures.

Mr. Dismore: To ask the Solicitor-General if all Chief Crown Prosecutors have received race awareness training; if the Equality Committee of the Crown Prosecution Service has completed its review of training; and if he will make a statement. [125107]

The Solicitor-General: All Chief Crown Prosecutors have seen an internal video to raise awareness of equality issues in the Crown Prosecution Service. In addition, the Chief Crown Prosecutors discussed the issues raised at their recent (April) conference. All of the 42 CCPs and

ACCPs have attended a formal training event for racial equality and human awareness. The Equality Committee has agreed an action plan to review and amend the content of 60 internal courses and a number of new courses by the end of December 2000.

DEFENCE

Medical and Dental Officers

Dr. Naysmith: To ask the Secretary of State for Defence if he will make a statement about the pay of medical and dental officers in the armed forces. [125580]

Mr. Hoon: The Armed Forces Pay Review Body has made recommendations on the pay of medical and dental officers in the armed forces. Consistent with the awards recommended by the Doctors' and Dentists' Review Body, and to maintain comparability with the salary scales of NHS doctors, the Review Body recommends that all medical and dental officers should receive a general 3.3 per cent. increase in basic pay. The Review Body also recommends a number of additions to the pay scales for consultants and general medical practitioners to reflect additional payments already agreed for comparators in the NHS. In addition, Service medical and dental officers receive the same rate of X-factor as combatants, which increased by 1 per cent. from 1 April 2000.

The Government have decided to accept the Review Body's recommendations and these will be payable in full from 1 April 2000.

Service Children's Education Agency

Jean Corston: To ask the Secretary of State for Defence what key targets have been set for the Service Children's Education Agency for the financial year 2000–01. [125579]

Dr. Moonie: The Chief Executive has been set the following Key Targets for 2000–01:

To meet the following percentage of pupils achieving Level 2 at the end of Key Stage 1 in:

Reading—88 per cent.

Writing—91 per cent.

Spelling—75 per cent.

Mathematics—92 per cent.

To meet the following percentage of pupils achieving Level 4 at the end of Key Stage 2 in:

English—78 per cent.

Mathematics—76 per cent.

Science—81 per cent.

To meet the following percentage of pupils achieving Level 5 at the end of Key Stage 3 in:

English—82 per cent.

Mathematics—71 per cent.

Science—71 per cent.

To maintain a three year rolling average percentage of Year 11 pupils in SCE achieving five or more higher (A*-C) grades in GCSE of 47 per cent.

To meet a three year rolling average of subject entries achieving passes at grades A-C level of 56 per cent.

To achieve as a minimum a "satisfactory" standard in each OFSTED school inspection.

To respond in full to customers seeking educational advice from SCE(UK) within the following timescales:

92 per cent. within 10 working days of receipt (remainder within 20 working days of receipt).

To develop a pilot scheme in 2000–01 to produce a measurement of "value added" in SCE schools for 2001–02.

To achieve index of satisfaction with SCE within the Army Spouses Continuous Attitude Survey above 362 overall.

Budget Allocations

Mr. Duncan Smith: To ask the Secretary of State for Defence what the budget allocation is for (1) the Defence Dental Agency for the financial year 2000–01; and when the agency received its budget allocation; [125088]

(2) the Army Training and Recruiting Agency for the financial year 2000–01; and when the agency received its budget allocation; [125096]

(3) the Army Training and Recruiting Agency for the financial year 2000–01; and when the agency received its budget allocation; [125087]

(4) the Army Base Repair Organisation for the financial year 2000–01; and when the agency received its budget allocation; [125095]

(5) the Defence Clothing and Textiles Agency for the financial year 2000–01; and when the agency received its budget allocation; [125093]

(6) the Defence Housing Executive for the financial year 2000–01; and when the agency received its budget allocation; [125089]

(7) the Army Technical Support Agency for the financial year 2000–01; and when the agency received its budget allocation; [125097]

(8) the Defence Aviation Repair Agency for the financial year 2000–01; and when the agency received its budget allocation; [125091]

(9) the Defence Communication Services for the financial year 2000–01; and when the agency received its budget allocation; [125086]

(10) the Armed Forces Personnel Administration Agency for the financial year 2000–01; and when the agency received its budget allocation; [125094]

(11) the Defence Analytical Services Agency for the financial year 2000–01; and when the agency received its budget allocation; [125090]

(12) the Defence Bills Agency for the financial year 2000–01; and when the agency received its budget allocation. [125092]

Mr. Spellar: The information requested is set out in the table.

Agency	*Budget allocation (£ million)*	*Date agreed*
Armed Forces Personnel Administration Agency	54.416	31 May 2000
Army Base Repair Organisation	65.28	22 May 2000
Army Technical Support Agency[1]	—	—

Agency	Budget allocation (£ million)	Date agreed
Army Training and Recruiting Agency	680.996	15 May 2000
Defence Analytical Services Agency	4.499	17 May 2000
Defence Aviation Repair Agency	189.196	22 May 2000
Defence Bills Agency	15.305	16 May 2000
Defence Clothing and Textiles Agency[2]	—	—
Defence Communication Services	348.1	22 May 2000
Defence Dental Agency	36.429	25 May 2000
Defence Housing Executive	373.315	31 May 2000

[1] The Army Technical Support Agency was disestablished with effect from 1 April 2000

[2] The budget allocation for the Defence Clothing and Textiles Agency has yet to be determined

Royal Fleet Auxiliaries

Mr. Duncan Smith: To ask the Secretary of State for Defence if he will list the sailings of each of the Royal Fleet Auxiliaries Brambleleaf, Bayleaf, Orangeleaf, Oakleaf, Fort Victoria and Fort George in the past year. [125084]

Mr. Spellar: The information requested is set out below:

Date	Sailed from
RFA Brambleleaf	
30 June 1999	Gibraltar
16 July 1999	Devonport
24 September 1999	Wallsend after refit
1 October 1999	Loch Striven
25 October 1999	Devonport
2 November 1999	Loch Striven
19 November 1999	Devonport
24 November 1999	Gibraltar
1 December 1999	Soudah Bay
7 December 1999	Algeciras
8 December 1999	Tangier
9 December 1999	Gibraltar
14 December 1999	Loch Striven
17 January 2000	Devonport
24 January 2000	Devonport
31 January 2000	Devonport
15 February 2000	Devonport
28 February 2000	Garelochhead
14 March 2000	Loch Striven
20 March 2000	Devonport
21 March 2000	Devonport
8 April 2000	Gibraltar
17 April 2000	Devonport
24 April 2000	Devonport
1 May 2000	Spithead
7 May 2000	Cherbourg
29 May 2000	Devonport
2 June 2000	Devonport
RFA Bayleaf	
14 June 1999	Devonport
21 June 1999	Loch Striven
11 July 1999	Gibraltar
12 July 1999	Tangier
13 July 1999	Algeciras
14 July 1999	Tangier
17 July 1999	Gibraltar
22 July 1999	Devonport
6 September 1999	Garelochhead
8 September 1999	Loch Striven
29 September 1999	Brest
13 October 1999	Loch Striven
22 October 1999	Garelochhead
8 November 1999	Torbay
12 November 1999	Southampton
15 November 1999	Spithead
22 November 1999	Rotterdam
5 December 1999	Antwerp
11 January 2000	Garelochhead
16 February 2000	Gibraltar
20 February 2000	Gibraltar
20 March 2000	Devonport
5 May 2000	Gibraltar
8 May 2000	Tangier
10 May 2000	Algeciras
19 May 2000	Las Palmas
21 May 2000	Gibraltar
27 May 2000	Soudah Bay
RFA Orangleaf	
26 June 1999	Dubai
10 July 1999	Abu Dhabi
21 July 1999	Doha
15 August 1999	Dubai
25 August 1999	Bahrain
12 September 1999	Dubai
1 October 1999	Dubai
22 October 1999	Wudam
20 November 1999	Dubai
3 December 1999	Dubai
11 December 1999	Dubai
14 December 1999	Bahrain
6 January 2000	Dubai
19 January 2000	Dubai
24 January 2000	Kuwait
16 February 2000	Salalah
2 March 2000	Dubai
20 March 2000	Dubai
17 April 2000	Dubai
22 April 2000	Fujairah
12 May 2000	Dubai
20 May 2000	Kuwait
28 May 2000	Jebel Ali
RFA Oakleaf	
7 June 1999	Gibraltar
22 June 1999	Gibraltar
10 November 1999	Gibraltar
10 December 1999	Augusta
7 January 2000	Gibraltar
8 January 2000	Tangier
9 January 2000	Algeciras
18 Janurry 2000	Garelochhead
10 February 2000	Devonport
27 April 2000	Falmouth after refit
24 May 2000	Devonport
30 May 2000	St. Helier
5 June 2000	Devonport
RFA Fort Victoria	
3 July 1999	Rosyth after refit
12 July 1999	Glen Mallen
20 July 1999	Loch Striven
6 August 1999	Devonport
21 August 1999	Glen Mallen
6 September 1999	Devonport
13 September 1999	Cherbourg
20 September 1999	Devonport
3 October 1999	Devonport
4 October 1999	Spithead
25 October 1999	Devonport
1 November 1999	Devonport
15 November 1999	Loch Striven
29 November 1999	Brest
2 December 1999	Devonport
13 December 1999	Devonport
18 January 2000	Loch Striven

Date	Sailed from
25 February 2000	Crombie
6 March 2000	Devonport
21 March 2000	Devonport
14 April 2000	Loch Striven
26 April 2000	Glen Mallen
3 May 2000	Devonport
9 May 2000	Toulon
20 May 2000	Akrotiri
7 June 2000	Muscat
RFA Fort George	
7 June 1999	Glen Mallen
8 August 1999	Glen Mallen
19 August 1999	Devonport
27 August 1999	Alicante
4 September 1999	Augusta
8 September 1999	Izmir
7 October 1999	Soudah Bay
16 November 1999	Mersin
19 November 1999	Akrotiri
1 December 1999	Thessaloniki
3 December 1999	Soudah Bay
9 December 1999	Malaga
18 January 2000	Glen Mallen
24 January 2000	Gibraltar
1 February 2000	Augusta
13 February 2000	Fujairah
17 February 2000	Dubai
3 March 2000	Fujairah
15 March 2000	Beira
20 March 2000	Beira
30 March 2000	Mombasa
16 April 2000	Augusta
23 April 2000	Cadiz
30 April 2000	Brest
22 May 2000	Dakar

Tanker Ships

Mr. Duncan Smith: To ask the Secretary of State for Defence what commercial tanker ships his Department has chartered to move fuel between British naval bases in the past 12 months. [125085]

Mr. Spellar: In the past 12 months the Ministry of Defence has not chartered any commercial tanker ships to move fuel between British naval bases.

HMS Cambridge

Mr. Duncan Smith: To ask the Secretary of State for Defence if he will make a statement on the closure of HMS Cambridge. [125010]

Mr. Spellar: The proposed closure of HMS Cambridge is now subject to formal consultation, which is not due to complete until 26 June 2000, and a formal statement on the closure cannot be made until after this date. However the recommendations of the Investment Appraisal were that, following the cessation of live gunnery firing at HMS Cambridge, it was likely that the remainder of the establishment's training activity, namely Non Firing Gunnery Training, Board and Search Training and Naval Military Training, could be delivered more cost-effectively elsewhere. Indications are that the earliest date that a co-ordinated closure could be achieved is April 2001. Live firing for initial and career course training ceased in October 1999.

Mr. Duncan Smith: To ask the Secretary of State for Defence what savings will accrue from the closure of HMS Cambridge. [125056]

Mr. Spellar: Following the cessation of live gunnery firing at HMS Cambridge, it was likely that the remainder of the establishment's training activity, namely, Non Firing Gunnery Training, Board and Search Training and Naval Military Training, could be delivered more cost-effectively elsewhere. The completed Investment Appraisal shows that, against a capital cost of £7.8 million, the projected overall savings to the Ministry of Defence over the 25 years appraisal period would be £112 million (net present value £49 million). The capital cost is for transferring training to HMS Raleigh, HMS Collingwood and HMS Dryad.

Missiles

Mr. Duncan Smith: To ask the Secretary of State for Defence what live-fire training exercises are planned to take place in the next 12 months using Sea Eagle missiles. [125005]

Mr. Spellar: I am withholding this information in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Mr. Duncan Smith: To ask the Secretary of State for Defence what training exercises involving the live firing of Sea Eagle missiles have taken place in each of the past 10 years. [125081]

Mr. Spellar: I am withholding this information in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Mr. Duncan Smith: To ask the Secretary of State for Defence what training exercises involving the live firing of Exocet missiles have taken place in each of the past 10 years. [125008]

Mr. Spellar: I am withholding this information in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Mr. Duncan Smith: To ask the Secretary of State for Defence what plans he has to procure further stocks of Exocet missiles for use by the Royal Navy. [125006]

Mr. Spellar: We have no plans to procure further stocks of Exocet missiles for use by the Royal Navy. The Exocet missile system has been gradually withdrawn from service since October 1997 as it has become obsolete. The removal of the Exocet system from service is more than adequately offset by other very capable systems deployed in many other ships in the Royal Navy, including the superior Harpoon Anti Ship missile.

Mr. Duncan Smith: To ask the Secretary of State for Defence what stocks of *(a)* Exocet, *(b)* Sea Eagle and *(c)* Sea Dart missiles are retained by the Royal Navy. [125011]

Mr. Spellar: Both Exocet and Sea Eagle were formally removed from Royal Navy service in 1999 and all remaining missile stocks are currently subject to disposal action.

The Sea Dart remains in operational service. Accordingly, I am withholding detailed information on this system in accordance with Exemption 1 of the Code of Practice on Access to Government Information, which relates to Defence, Security and International Relations.

Mr. Duncan Smith: To ask the Secretary of State for Defence if Exocet missiles are routinely carried by Type 22 Frigates in service. [125007]

Mr. Spellar: Exocet missiles are no longer in Naval service, and none are carried by Type 22 Frigates in service.

Mr. Duncan Smith: To ask the Secretary of State for Defence what upgrade and refurbishment work is planned to take place on the Royal Navy's stock of *(a)* Exocet and *(b)* Sea Dart missiles in the next 12 months. [125012]

Mr. Spellar: The Royal Navy's Exocet missiles have become obsolete and have gradually been withdrawn from service. Therefore no upgrade or refurbishment work on these weapons is planned. The removal of the Exocet system from Service has been offset by other very capable systems deployed throughout the Royal Navy. A contract for the final phase of the Sea Dart missile refurbishment programme was placed on 23 May 2000. This is to ensure that the Royal Navy has sufficient serviceable Sea Dart missiles until 2015, the current planned out of service date for the weapon system.

Meet Your Navy Programme

Mr. Duncan Smith: To ask the Secretary of State for Defence which ships have been withdrawn from the Meet Your Navy programme running from 26 May to 9 July. [125058]

Mr. Spellar: RFA Fort George was withdrawn from the Meet Your Navy programme to support operational commitments in Sierra Leone, but has been replaced by RFA Olna.

Nuclear Submarines

Mr. Duncan Smith: To ask the Secretary of State for Defence how many submariners are allocated to crew each decommissioned nuclear submarine. [125057]

Mr. Spellar: Eleven nuclear submarines have left RN service, of which two continue to be manned by a reduced ship's company (Valiant with 22 personnel and Renown with 43 personnel) until they complete the de-fuel, de-equipping and lay-up process.

Partnership for Peace

Mr. Oaten: To ask the Secretary of State for Defence when his Department's officials last met their Croatian counterparts; and what discussions were held on the Partnership for Peace initiative. [125003]

Mr. Hoon: My officials last met their Croatian counterparts for UK-Croatia Bilateral Defence Talks held in the UK on 19 April 2000. The Croatian delegation was led by the Assistant Minister for Policy, Mr. Ivan Kozlica, who covered a wide range of subjects focusing on the new Government's commitment to root and branch reform of the armed forces.

Discussions also touched upon Croatia's potential entry into the Partnership for Peace (PfP) programme. The Croatian delegation reiterated not only their Government's strong commitment to meeting the internationally agreed conditions for PfP membership, but also Croatia's intention to play a more constructive role in regional security.

Given the momentous political changes over the last six months the UK was pleased to support Croatia's early admission to PfP, which was achieved at the Florence Ministerial on 24 and 25 May.

Mr. Oaten: To ask the Secretary of State for Defence if he will make a statement on the role Britain has played in Partnership for Peace activities with Croatia. [125004]

Mr. Hoon: Croatia was admitted to the Partnership for Peace programme during the Florence Ministerials on 24 and 25 May 2000 and is now eligible to participate in Partnership for Peace (PfP) activities. Prior to that date Croatia, not being a PfP member, did not take part in PfP activities. Croatia is now deciding on the activities in which she will participate and will be an effective contributor to PfP.

Israel

Mr. Duncan Smith: To ask the Secretary of State for Defence how many visits have been made by Defence Procurement Agency personnel to Israel in the last year. [117560]

Mr. Spellar *[holding answer 3 April 2000]:* This information is not held centrally, but from a survey of the present DPA organisation I understand that there were 13 such visits by staff.

EDUCATION AND EMPLOYMENT

Enterprise and Skills Development

14. **Dr. Iddon:** To ask the Secretary of State for Education and Employment what initiatives his Department have established within schools to encourage the development of enterprise and skills relevant to business. [123347]

Jacqui Smith: The new National Curriculum, which will be introduced in schools from autumn, encourages schools to provide enterprise education to develop pupils' confidence, self-reliance and willingness to embrace change. We are also working with the Department of Trade and Industry to develop a website to support teachers in this.

Physical Education

15. **Mr. Bob Russell:** To ask the Secretary of State for Education and Employment what progress has been made in reaching the target of two hours physical education a week for pupils at all key stage levels. [123348]

Jacqui Smith: We have set a very clear aspiration that all schools should provide two hours of physical activity a week, both within and outside lesson time. We are now working to inspire schools and partners in the sports sector to deliver this through the Sport Strategy.

New Deal (Over-50s)

16. **Mr. Anthony D. Wright:** To ask the Secretary of State for Education and Employment if he will make a statement on the Government's new deal for the over-50s. [123349]

Ms Jowell: My right hon. Friend the Prime Minister launched New Deal 50 Plus nationally in April and I am pleased to announce that in its first four weeks over 1,700 people have gone back to work with the help of the Employment Credit. We plan to spend a total of £270 million to the end of this Parliament on this targeted help for people over 50 looking for work.

Employment Service Direct

17. **Mr. Singh:** To ask the Secretary of State for Education and Employment what is the average weekly number of jobs secured through the Employment Service Direct. [123351]

Ms Jowell: I refer my hon. Friend to the reply given earlier today by my right hon. Friend the Secretary of State to my hon. Friend the Member for Peterborough (Mrs. Brinton), *Official Report*, column 410.

Our most recent records show that between January 1999, when Employment Service Direct began, and 19 May 2000, the average weekly number of jobseekers who have been helped by the Service is 1,148.

Between January 2000 and 19 May 2000, the average weekly number is 1,319.

New Deal (Yorkshire and Humberside)

18. **Mr. Quinn:** To ask the Secretary of State for Education and Employment how many employers have signed up to support the New Deal in the Yorkshire and Humberside region. [123352]

Ms Jowell: By the end of April, 7,000 employers in Yorkshire and the Humber Region had signed agreements supporting the New Deal.

Failing Schools

19. **Mr. Geraint Davies:** To ask the Secretary of State for Education and Employment what incentives he is planning to encourage successful teachers to move to work in failing schools. [123353]

Ms Estelle Morris: The new pay system for teachers, which comes into effect from 1 September 2000, will introduce more flexibility for schools to make recruitment and retention payments to classroom teachers in challenging situations. From September such payments will be worth up to £3,765 for schools in inner London in special measures, and can be paid as salary enhancements or as one-off bonuses. In September 1999 we introduced flexibility within the pay system to offer head teachers significantly increased rewards if they perform well at schools deemed as failing.

Mr. Rowe: To ask the Secretary of State for Education and Employment what representations he has received on the number of failing schools. [123343]

Ms Estelle Morris: My right hon. Friend the Secretary of State has received a wide range of representations on failing schools from hon. Members and other interested parties. We are particularly encouraged that because of decisive action by this Government, the time it takes to turn around a failing school has fallen from 25 months under the Conservatives to 18 months now. The imposition of a deadline for improvement has been the key factor in this.

New Deal (Administrative Burden)

20. **Miss McIntosh:** To ask the Secretary of State for Education and Employment if he will make a statement on the burden of administration for employers wishing to participate in the New Deal. [123354]

Ms Jowell: The New Deal is an unqualified success. 70,000 employers have signed up to New Deal and over 200,000 young people have left and found jobs. Paperwork is kept to a minimum needed to safeguard public funds.

Information and Communication Technology Learning Centres

21. **Mrs. Betty Williams:** To ask the Secretary of State for Education and Employment if he will make a statement on the development of information and communication technology learning centres. [123355]

Mr. Wills: In the March 1999 Budget the Chancellor announced the development of around 700 ICT Learning Centres across England. The initiative is targeted at disadvantaged communities, including: the 2,000 most deprived local authority wards; rural areas with significant transport and deprivation problems; and disadvantaged client groups with low or no ICT skills.

This initiative centres on people living and working in the most disadvantaged communities and will provide access to ICT and learning into disadvantaged communities to bridge the gap between those in society who have access to ICT and those who do not. Early centres were announced in October. A further round of centres were announced in January when the prospectus for the main rollout of the programme was published. Over 300 applications have been received for the first phase of the programme. The first successful projects will be announced in September.

Employment Zones

22. **Mr. Tom Clarke:** To ask the Secretary of State for Education and Employment what assessment he has made of the effectiveness of Employment Zones in helping the long-term unemployed into work. [123356]

Ms Jowell: It is too early to assess the effectiveness of the 15 Employment Zones that were launched in April and May of this year. The Zones will be operational until March 2002 and we will, of course, be monitoring and evaluating their progress over the next two years.

Performance-related Pay

23. **Mr. Gill:** To ask the Secretary of State for Education and Employment what assessment he has made of the anticipated take-up rate of performance-related pay for teachers. [123357]

Ms Estelle Morris: All teachers who apply for assessment at the performance threshold and are assessed as meeting the national standards will pass. We have set no limits on take-up.

24. **Mr. Jack:** To ask the Secretary of State for Education and Employment upon what aspects of his performance-related pay proposals teachers from the SEN sector have made representations. [123358]

Ms Estelle Morris: My right hon. Friend the Secretary of State has received a variety of representations on the new pay structure for teachers, including a number from heads and teachers involved in providing for SEN. He has made clear his intention that teachers from the SEN sector should be able to benefit from the new pay system in the same way as other teachers.

33. **Mr. Amess:** To ask the Secretary of State for Education and Employment what recent representations he has received on performance-related pay for teachers. [123368]

Ms Estelle Morris: On 2 May we launched consultation on the draft School Teachers' Pay and Conditions Document with the statutory consultees. These are the organisations we are required to consult with as part of the Review body process: teaching and headteachers' unions, governors' representatives and the National Employers. The consultation will run until 2 June. We will take the consultation responses into account in finalising the text of the Pay and Conditions Document, which will come into force from September 2000.

Specialist Schools

25. **Mr. Blizzard:** To ask the Secretary of State for Education and Employment how many Sports Colleges he expects will result from the next round of specialist school designations. [123359]

Ms Estelle Morris: All of the applications received in the June 2000 Sports College competition will be considered in relation to the published criteria. It is not possible at this stage to estimate the number of designations we will make. We expect to be on schedule to reach the target of 110 Sports Colleges by 2003 as set out in the recent Sports Strategy "A Sporting Future for All".

Top-up Student Fees

26. **Mr. Rammell:** To ask the Secretary of State for Education and Employment if he will make a statement on his response to the Russell Group of Universities' proposals for top-up student fees. [123360]

Mr. Wicks: The Government have legislated to prevent higher education institutions from charging "top-up" tuition fees. We are putting increased resources into higher education. This is an 11 per cent. increase in real terms amounting to an extra £1 billion in the four years from 1998.

Adult Literacy and Numeracy

27. **Mr. Watts:** To ask the Secretary of State for Education and Employment if he will make a statement on his plans to improve levels of adult literacy and numeracy. [123361]

Mr. Wicks: The Government are committed to tackling poor literacy and numeracy among adults. Last year we announced an additional £17 million to support the first phase of our campaign, and many of the new measures announced at the time are now in place or are well on the way. On 22 May my right hon. Friend the Secretary of State for Education and Employment dedicated a further £20.25 million this year to improving adult and family literacy and numeracy skills. He will announce a full national strategy later this year and is putting in place a new Adult Basic Skills Strategy Unit within this Department to drive forward its implementation.

New Deal (Subsidised Employment Option)

28. **Mr. Ian Bruce:** To ask the Secretary of State for Education and Employment what proportion of people on the New Deal are undertaking a subsidised employment option; and what proportion of people having taken this route have remained in employment with the same employer six months after the subsidy has finished. [123362]

Ms Jowell: At the end of February 2000, 129,000 young people were on the New Deal. Of these, 8 per cent. (10,600) were on the Employment Option.

We do not collect separate figures for the numbers of young people who remain with the same employer six months after the subsidy finishes. The findings from a survey of employers will be published in the autumn.

Higher Education

29. **Mr. Alan W. Williams:** To ask the Secretary of State for Education and Employment if he will make a statement on progress towards meeting Government targets for increased participation rates in full-time education for young people aged 18 to 21 years. [123363]

Mr. Wicks: The Government's plans provide scope for participation by young people aged less than 21 entering full-time higher education undergraduate courses to reach 35 per cent. by 2002. Some 31 per cent. entered in autumn 1998; information on those who entered in autumn 1999 will be available by end summer 2000.

Other than this there are no Government targets specifically concerned with the full-time participation in education of those aged 18–21.

Agency Lecturers

30. **Mr. Illsley:** To ask the Secretary of State for Education and Employment what representations he has received regarding the use of agency lecturers by colleges. [123365]

Mr. Wicks: We have been very disturbed by reports about the treatment of staff by some employment agencies, and suggestions that some have sought to circumvent employment legislation. We are working closely with the Department of Trade and Industry, which is in the final stages of revising the regulations which govern the conduct of employment agencies. We hope to have these in place later this year. We remain committed to ensuring that all those in the work place, whether they find work through agencies or otherwise, are treated fairly.

Early Years Learning

31. **Mr. Sheerman:** To ask the Secretary of State for Education and Employment what steps his Department is taking to evaluate European best practice in early years learning. [123366]

Ms Hodge: The research and evaluation division of my Department maintains a watching brief on research which is being undertaken in other European countries, to assess good practice in early years learning and to inform the development of policy in this country. We are participating currently in a Thematic Review of Early Childhood Education and Care Policy, which is being undertaken by the Organisation for Economic Co-operation and Development (OECD). The OECD review will compare practice in 12 countries, including the UK, and is expected to publish its report in 2001. The report will provide objective commentary on policy and practice in the UK, within an international context.

Dance and Drama Students

32. **Mr. Michael J. Foster:** To ask the Secretary of State for Education and Employment if he will make a statement on support for dance and drama students. [123367]

Mr. Wicks: The Dance and Drama Awards announced by my right hon. Friend on 27 November 1998 have been a great success. These scholarships have been taken up fully and over 830 students have started training. A similar allocation has been made for the second intake in September 2000.

The awards have enabled an unprecedented number of students from low income families to enter training and to study for further and higher education qualifications. We have increased the level of maintenance available to further education students by 300 per cent. to £3,000 a year, to support them through their training. Students on higher education courses have access to the same financial support as other undergraduates, including student loans.

Other dance and drama students also have access to support towards their fees and maintenance in the publicly maintained further and higher education sectors.

Manufacturing Training

34. **Mr. Evans:** To ask the Secretary of State for Education and Employment what measures his Department has taken to improve training for work in manufacturing industry. [123369]

Mr. Wicks: We are creating the Learning and Skills Council, which will work closely with National Training Organisations to address workforce development for all sectors, including Engineering Manufacture.

My Department has recognised a network of 76 National Training Organisations (NTOs) to provide the pivotal role in helping to modernise the education and training system needed to deliver the skills for greater competitiveness and employability. We have supported NTOs in several initiatives, including the development of Foundation Modern Apprenticeships, Advanced Modern Apprenticeships and National Vocational Qualifications (NVQs).

Remploy

35. **Mr. Caton:** To ask the Secretary of State for Education and Employment what funding has been provided to Remploy to enable it to implement its modernisation strategy. [123370]

Ms Hodge: I was pleased to announce on 12 May that the Government would be providing £5 million to help Remploy carry out its modernisation strategy. This is on top of the £1.5 million that we made available to Remploy last year and a further £1.5 million for this year to support the restructuring of their factory provision. This, along with the proposals for modernising supported employment I also announced on 12 May, will increase greatly the numbers of disabled people moving into mainstream employment.

New Deal

37. **Mr. Fabricant:** To ask the Secretary of State for Education and Employment what assessment he has made of the efficacy of the New Deal. [123372]

Ms Jowell: The latest figures show that by the end of February 2000, 199,340 young people had gained jobs through the New Deal for Young People. These figures highlight the excellent progress we are making towards our commitment to help 250,000 young people into work through the New Deal in the lifetime of this Parliament.

Evaluation from independent organisations show that approximately 50 per cent. of those leaving unemployment through New Deal would not have done so in the absence of the programme.

Furthermore, three quarters of young people believe that the personal adviser played a pivotal role in supporting them through New Deal. This continuity and support is unlike anything seen on previous programmes.

Thames Gateway

Mr. Gapes: To ask the Secretary of State for Education and Employment if he will make a statement on plans to increase employment opportunities in the Thames Gateway area. [123371]

Ms Jowell: The Government attach great priority to the Thames Gateway. We want the area to become a hub for development and regeneration. We have therefore announced plans to establish a Strategic Partnership and Excellence Body, designed to give a new momentum to development in the area and to ensure that regeneration and economic expansion can be delivered in a sustainable way.

In the light of the job losses announced by Ford in Dagenham, my right hon. Friends the Secretary of State for Trade and Industry and the Secretary of State for Education and Employment have announced a 10 point plan for the regeneration of the area. The Employment Service already has a presence on the site through its job shop. There will also be a role for the TECs initially,

and subsequently the Learning and Skills Councils, for Business Links and then for the Small Business Services. We are in discussions with Ford about the wider implications for local businesses and for those in the supply chain.

Schools Standards and Framework Act 1998

Mr. Willis: To ask the Secretary of State for Education and Employment which sections of the Schools Standards and Framework Act 1998 have not yet been subject to a commencement order. [122500]

Ms Estelle Morris: The following sections of the School Standards and Framework Act 1998 are not in force:

Section:

39 (1) (partly in force: for the purpose of making regulations only)

112 (3)

115 (2),(3)

128

134 (2)

Schedule:

30, paragraph 28 (2)(b) repealed (never in force)

30, paragraph 64,65

30, paragraph 70 (partly in force)

30, paragraph 109 (partly in force)

30, paragraph 114 (partly in force)

30, paragraph 116 (partly in force)

30, paragraph 138

30, paragraph 185 (partly in force)

31, (partly in force)

FHE Institutions (Criminal Records)

Mr. McNamara: To ask the Secretary of State for Education and Employment if he will issue guidance to institutions of *(a)* further and *(b)* higher education in respect of the admission of applicants with criminal records. [123249]

Mr. Wicks: In November 1999, the Further Education Funding Council (FEFC) extended the funding of widening participation to new categories of student. One such category was ex-offenders. The Council has introduced a new code in the Individualised Student Record (ISR) to show that additional funding is being claimed for widening participation because the student is an ex-offender. Some colleges asked whether they would be required to ask all students at enrolment whether they were ex-offenders. The Council provided written advice to all colleges that this was not the case. Where a student's eligibility for widening participation emerges during their programme of study, the institution may amend its data and the additional funding will be allocated for the whole of the teaching year covered by the ISR return. Information provided on enrolment forms is collected and used by the FEFC for the collection and analysis of statistical data, and is shared with other organisations for the purposes of detecting fraud. The FEFC is registered under the Data Protection Act 1984. There are no plans for the introduction of guidance to further education institutions in respect of the criminal records of applicants for admissions at the present time.

In respect of Higher Education, the Universities and Colleges Admissions Service (UCAS) application form includes a declaration by the applicant about criminal convictions. If this section is not completed, the form is returned to the applicant and it is not processed until it is. Institutions, however, may make their own decision about whether there are still concerns about an applicant.

The declaration was included in the application process two years ago in response to concerns that in a few instances victim and attacker had been accepted by the same institution. There is no guidance from UCAS to institutions about how they should deal with applicants with convictions—it is purely a matter for individual institutions. However, some professions have their own guidelines—for example, teaching and social work—which would guide institutions. The UCAS process also covers some further education institutions offering courses of higher education.

Citizenship Studies

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will define those elements of citizenship studies which are affected by the new international dimension to the national curriculum; and if he will make a statement. [124748]

Jacqui Smith: International issues are currently covered in a number of National Curriculum subjects, such as Geography and History. From September 2002, when Citizenship will become statutory in secondary schools, pupils aged 11–14 will be taught about the world as a global community, and the political, economic, environmental and social implications of this, and the role of the European Union, the Commonwealth and the United Nations, and pupils aged 14–16 will cover the opportunities for individuals and voluntary bodies to bring about social change in Europe and internationally; the United Kingdom's relations in Europe, including the European Union, and relations with the Commonwealth and the United Nations, and the wider issues and challenges of global interdependence and responsibility.

Special Advisers

Mr. Tyrie: To ask the Secretary of State for Education and Employment on how many occasions since 31 March 1999 *(a)* departmental and *(b)* non-departmental special advisers have travelled abroad in an official capacity. [124127]

Mr. Blunkett *[holding answer 5 June 2000]:* During the period 31 March 1999 to 31 March 2000, special advisers in this Department travelled overseas on two occasions. All travel complied with the requirements of the Ministerial Code and the Civil Service Management Code.

Teachers and Lecturers (Salaries)

Mrs. Organ: To ask the Secretary of State for Education and Employment what is the starting salary for *(a)* a newly qualified teacher and *(b)* a further education college lecturer in England. [124171]

Ms Estelle Morris: A newly qualified teacher with a second class honours degree or above starts at £16,050 pa; others start at £15,141 pa. If they work in London they also receive London allowances ranging

from £591 pa to £2,316 pa. All schools can make additional payments to teachers to address recruitment and retention difficulties. From 1 September 2000 these allowances will range from £909 pa to £3,765 pa.

It is for each college in the further education sector to decide the salary of its staff. The Sixth Form Colleges' Employers' Forum recommend a minimum starting salary of £15,412 for teachers in Sixth Form Colleges who have a second class honours degree or better.

Mrs. Organ: To ask the Secretary of State for Education and Employment what is the maximum pay for *(a)* a qualified teacher in England and *(b)* a further education college lecturer, on average, in England. [124172]

Ms Estelle Morris: The pay reforms that we are introducing from 1 September introduce two pay ranges for teachers. The maximum that a classroom teacher can earn purely by incremental progression is £23,958 pa. However, they will then be able to apply for "threshold assessment" and if successful will move to an upper pay range which starts at £25,959. They will have the prospect of moving through four further points, subject to strong performance, to a maximum of £30,018 pa. Classroom teachers may also receive other payments on top of their basic pay. These include: London allowances ranging from £591 pa to £2,316 pa; recruitment and retention allowances ranging from £909 pa to £3,765 pa; management allowances ranging from £1,485 pa to £9,573 pa; and special educational needs allowances ranging from £1,515 pa to £3,000 pa.

It is for each college in the further education sector to decide the salary of its staff. Statistics on average salaries of further education staff are not held centrally.

Primary Pupils (Spending)

Mr. Todd: To ask the Secretary of State for Education and Employment, pursuant to his answer of 9 November 1999, *Official Report*, column 525W, on primary school pupils, when he will write to the hon. Member for South Derbyshire. [124428]

Ms Estelle Morris: The figures required to enable me to reply to my hon. Friend's earlier question are expected to become available shortly. I shall write to him and place a copy of my letter in the Library.

Online Computer Training Initiative

Mr. Allan: To ask the Secretary of State for Education and Employment how the UK online Computer Training initiative will be evaluated; if there will be a control group; and if he will make a statement. [124663]

Mr. Wills: The UK online Computer Training initiative will be evaluated firstly by collecting data for a monthly management information report. This will be available from the beginning of August. Further and more detailed reports will be produced in September. The longer-term evaluation of the initiative will be carried out in April 2001. Evaluation will track individual clients to see how the course has altered their chances of employability. We are interested to find out how provision like this can make a change for people who may be at risk of missing out on the benefits of ICT skills in the modern work place.

The control group for this initiative will be drawn from people who have not attended the course and will allow us to make a direct comparison between people who have attended the course and those who have not.

Once we have established what the scheme has achieved I will make a statement as to how we can apply the lessons we have learned.

Mr. Allan: To ask the Secretary of State for Education and Employment how many people he estimates will participate in the UK online Computer Training initiative. [124664]

Mr. Wills: Government Offices for the regions have contracted for 50,000 courses to be offered in England under UK online Computer Training. Clients will be directed to courses via the learndirect service. Demand for the courses has been very high: Learndirect received their hundred-thousandth inquiry about this scheme on 6 June 2000. While we anticipate that 50,000 people will benefit directly from the training, we believe that the advertising that supports the scheme will lead people into other courses as well. We will evaluate the benefit to other schemes of the advertising campaign for the UK online Computer Training initiative.

Mr. Allan: To ask the Secretary of State for Education and Employment how long the UK online Computer Training initiative will operate. [124665]

Mr. Wills: UK online Computer Training is a one year initiative and is due to complete in March 2001. The future of the initiative will be decided once reliable management information becomes available and a sound evaluation has been carried out. It is still very early in the life of this initiative, although early indications are very favourable.

School Science Laboratories

Mr. Woodward: To ask the Secretary of State for Education and Employment what measures his Department has implemented to update school science laboratory facilities. [124796]

Jacqui Smith: Under the New Deal for Schools programme, 151 projects for improving science laboratories have been funded at a cost of just under £37 million. A further £60 million is being allocated from the Capital Modernisation Fund to tackle deficiencies in school science over the next two years. This will enable around 400 more improvement projects to be implemented at those schools most in need.

Staff Secondments

Mr. Don Foster: To ask the Secretary of State for Education and Employment, pursuant to his answer of 21 December 1999, *Official Report*, column 554W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124817]

Mr. Wills *[holding answer 7 June 2000]:* All of the secondments listed were for a period of 12 months or less, with the exception of the secondment from Glaxo Wellcome which lasted for a period of 14 months.

Computers for Teachers Scheme

Mr. Sanders: To ask the Secretary of State for Education and Employment (1) what assessment he has made of the efficiency of the system for reimbursing teachers under the Computers for Teachers Scheme; and if he will make a statement; [122769]

(2) what estimate he has made of the average time between the purchase of equipment under the Computers for Teachers Scheme and reimbursement. [122770]

Mr. Wills: The Computers for Teachers Initiative was launched on 12 January 2000. It offers a £500 subsidy towards the purchase of a computer for serving teachers and is free of tax. It has proved very popular with teachers and 18,000 applications have been received. The first phase of the scheme was closed on 30 April, with a deadline for receipt of applications of 5 June. 2,470 teachers have already received their reimbursement. The average time between application and reimbursement is about eight weeks, mainly due to incomplete forms in around half of the applications received, which then need to be followed up. Where a form is properly completed, the subsidy can normally be paid more quickly. Additional staff and telephone lines, as well as a dedicated website, were provided to deal with the volume of interest.

New Deal (Local Authorities)

Helen Jackson: To ask the Secretary of State for Education and Employment how many New Deal placements have been offered this year by local authorities. [123350]

Ms Jowell: We do not hold figures which show separately how many New Deal placements have been offered to people by local authorities.

However, Local Government National Training Organisation figures indicate that local authorities have taken on over 4,200 people into New Deal options.

College Principals

Mr. Chaytor: To ask the Secretary of State for Education and Employment how many *(a)* further education college principals and *(b)* sixth form college principals are (i) in post and (ii) from ethnic minorities. [124690]

Mr. Wicks: Two of the 320 principals of general further education, tertiary and specialist colleges are from ethnic minorities. None of the principals of the 104 sixth form colleges is from an ethnic minority.

The Government are encouraging the Commission for Black Staff in Further Education in its aims of challenging racism, breaking down barriers for black staff and raising achievement for all who work and learn in further education.

We shall also require the Learning and Skills Council to promote equality of opportunity and report annually to the Secretary of State on this issue.

WALES

NHS Waiting Lists

Mr. Flynn: To ask the Secretary of State for Wales what changes there were each month in Welsh NHS waiting lists in each health authority area from May 1997 to July 1999. [124328]

Mr. Hanson: The information my hon. Friend has requested is in the table:

Waiting list data from May 1997 to July 1999: Welsh residents waiting for in-patient or day case treatment

	Bro Taf Health Authority			*Dyfed Powys Health Authority*		
Actual date	*Number*	*Change month on month*	*Percentage change per month*	*Number*	*Change month on month*	*Percentage change per month*
31 May 1997	17,513	—	—	14,064	—	—
30 June 1997	17,364	−149	−0.9	13,915	−149	−1.1
31 July 1997	17,191	−173	−1.0	12,615	−1,300	−9.3
31 August 1997	16,942	−249	−1.4	13,449	834	6.6
30 September 1997	17,043	101	0.6	13,970	521	3.9
31 October 1997	17,119	76	0.4	13,963	−7	−0.1
30 November 1997	17,210	91	0.5	13,836	−127	−0.9
31 December 1997	17,920	710	4.1	14,070	234	1.7
31 January 1998	17,854	−66	−0.4	13,267	−803	−5.7
28 February 1998	18,222	368	2.1	14,330	1,063	830
31 March 1998	18,524	302	1.7	14,428	98	0.7
30 April 1998	18,679	155	0.8	14,141	−287	−2.0
31 May 1998	18,495	−184	−1.0	14,310	169	1.2
30 June 1998	18,922	427	2.3	14,353	43	0.3
31 July 1998	18,763	−159	−0.8	13,993	−360	−2.5
31 August 1998	18,483	−280	−1.5	14,192	199	1.4
30 September 1998	18,045	−438	−2.4	14,036	−156	−1.1
31 October 1998	18,265	220	1.2	13,789	−247	−1.8
30 November 1998	17,914	−351	−1.9	13,387	−402	−2.9
31 December 1998	17,838	−76	−0.4	13,510	123	0.9
31 January 1999	18,024	186	1.0	13,392	−118	−0.9
28 February 1999	17,585	−439	−2.4	13,280	−112	−0.8

Waiting list data from May 1997 to July 1999: Welsh residents waiting for in-patient or day case treatment

	Bro Taf Health Authority			Dyfed Powys Health Authority		
Actual date	*Number*	*Change month on month*	*Percentage change per month*	*Number*	*Change month on month*	*Percentage change per month*
31 March 1999	16,918	−667	−3.8	13,009	−271	−2.0
30 April 1999	16,822	−96	−0.6	13,517	508	3.9
31 May 1999	17,041	219	1.3	13,693	176	1.3
30 June 1999	14,328	287	1.7	13,292	−401	−2.9
31 July 1999	17,325	−3	0.0	13,436	144	1.1

	Gwent Health Authority			Morgannwg Health Authority		
Actual date	*Number*	*Change month on month*	*Percentage change per month*	*Number*	*Change month on month*	*Percentage change per month*
31 May 1997	14,490	—	—	9,521	—	—
30 June 1997	13,821	−669	−4.6	9,310	−211	−2.2
31 July 1997	13,749	−72	−0.5	9,271	−39	−0.4
31 August 1997	14,259	510	3.7	8,880	−391	−4.2
30 September 1997	13,619	−640	−4.5	8,714	−166	−1.9
31 October 1997	13,855	236	1.7	8,989	275	3.2
30 November 1997	13,579	−276	−2.0	9,162	173	1.9
31 December 1997	14,135	556	4.1	9,619	457	5.0
31 January 1998	13,954	−181	−1.3	9,650	31	0.3
28 February 1998	14,246	292	2.1	9,985	335	3.5
31 March 1998	14,357	111	0.8	10,131	146	1.5
30 April 1998	13,954	−403	−2.8	10,167	36	0.4
31 May 1998	14,284	330	2.4	10,296	126	1.2
30 June 1998	14,544	260	1.8	10,436	143	1.4
31 July 1998	15,658	1,114	7.7	10,429	−7	−0.1
31 August 1998	15,550	−108	−0.7	10,536	107	1.0
30 September 1998	14,831	−719	−4.6	10,660	124	1.2
31 October 1998	14,330	−501	−3.4	10,380	−280	−2.6
30 November 1998	13,860	−470	−3.3	10,256	−127	−1.2
31 December 1998	13,804	−56	−0.4	10,209	−44	−0.4
31 January 1999	13,646	−158	−1.1	10,070	−139	−1.4
28 February 1999	13,279	−367	−2.7	9,877	−193	−1.9
31 March 1999	12,916	−363	−2.7	9,467	−410	−4.2
30 April 1999	13,065	149	1.2	9,867	400	4.2
31 May 1999	13,170	105	0.8	9,998	131	1.3
30 June 1999	13,230	60	0.5	9,775	−223	−2.2
31 July 1999	13,463	233	1.8	9,737	−38	−0.4

	North Wales Health Authority			Grand total		
Actual date	*Number*	*Change month on month*	*Percentage change per month*	*Number*	*Change month on month*	*Percentage change per month*
31 May 1997	12,598	—	—	68,186	—	—
30 June 1997	12,973	375	3.0	67,383	−803	−1.2
31 July 1997	13,942	969	7.5	66,768	−615	−0.9
31 August 1997	14,314	372	2.7	67,844	1,076	1.6
30 September 1997	14,439	125	0.9	67,785	−59	−0.1
31 October 1997	14,361	−78	−0.5	68,287	502	0.7
30 November 1997	14,458	97	0.7	68,245	−42	−0.1
31 December 1997	15,185	727	5.0	70,929	2-684	3.9
31 January 1998	15,399	214	1.4	70,124	−805	−1.1
28 February 1998	15,733	334	2.2	72,516	2,392	3.4
31 March 1998	15,979	246	1.6	73,419	903	1.2
30 April 1998	16,406	427	2.7	73,347	−72	−0.1
31 May 1998	16,687	281	1.7	74,069	722	1.0
30 June 1998	16,892	205	1.2	75,147	1,078	1.5
31 July 1998	17,107	215	1.3	75,950	803	1.1
31 August 1998	17,255	148	0.9	76,016	66	0.1
30 September 1998	16,697	−558	−3.2	74,269	−1,747	−2.3
31 October 1998	16,263	−434	−2.6	73,027	−1,242	−1.7
30 November 1998	15,850	−413	−2.5	71,264	−1,763	−2.4
31 December 1998	16,003	153	1.0	71,364	100	0.1
31 January 1999	15,207	−796	−5.0	70,339	−1,025	−1.4
28 February 1999	14,042	−1,165	−7.7	68,063	−2,276	−3.2

	North Wales Health Authority			Grand total		
Actual date	Number	Change month on month	Percentage change per month	Number	Change month on month	Percentage change per month
31 March 1999	13,005	-1,037	-7.4	65,315	-2,748	-4.0
30 April 1999	13,236	231	1.8	66,507	1,192	1.8
31 May 1999	13,045	-191	-1.4	66,947	440	0.7
30 June 1999	13,654	609	4.7	67,279	332	0.5
31 July 1999	13,677	23	0.2	67,638	359	0.5

PRIME MINISTER

Civil Service (Political Neutrality)

Mr. Clifton-Brown: To ask the Prime Minister what changes he has made to the rules on political neutrality of the Civil Service. [123131]

The Prime Minister: None.

Central Railway

Mr. Lidington: To ask the Prime Minister what recent contacts have taken place between his policy unit and representatives of Central Railway; and if he will make a statement. [125060]

The Prime Minister: My staff and I have meetings with a wide range of organisations and individuals.

LORD CHANCELLOR'S DEPARTMENT

Magistrates Courts (Adjournments)

Mr. Lidington: To ask the Parliamentary Secretary, Lord Chancellor's Department what targets he has set magistrates courts for the number and duration of adjournments. [125039]

Jane Kennedy: The Lord Chancellor has set no targets for magistrates courts in terms of the number and duration of adjournments although he has spoken out strongly against any culture of granting adjournments too readily. The Government are committed to reducing delay in the criminal justice system. The Lord Chancellor has encouraged benches to give rigorous consideration to requests for adjournments, whether from the prosecution or the defence, to the amount of time sought and whether it is genuinely required in the interests of justice.

Civil Law Convention

Mr. Hope: To ask the Parliamentary Secretary, Lord Chancellor's Department if the Government will ratify the Council of Europe Civil Law Convention on corruption; and if he will make a statement. [125583]

Mr. Lock: I am pleased to be able to announce that the Lord Chancellor has today signed the Civil Law Convention during the course of the Conference of the European Ministers of Justice.

The Government have strongly supported the programme of action undertaken by the Council of Europe in the fight against corruption. The Civil Law Convention is an innovative and important international legal instrument which will enable victims of corruption to obtain appropriate remedies in the civil courts of all states who ratify the Convention. The United Kingdom is not in a position to ratify the Convention at present, because the requirements of the Convention with regard to the rules of limitation for civil proceedings go further than is provided for by current UK law. However, the Law Commission is currently considering the rules relating to limitation of actions and the Government will review this issue as soon as the Law Commission's Report is available.

AGRICULTURE, FISHERIES AND FOOD

Cattle Diseases

Mr. Ben Chapman: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on future testing in England for the cattle diseases enzootic bovine leukosis and brucellosis. [125582]

Ms Quin: We are issuing a consultation paper on proposed changes to the way cattle health testing for enzootic bovine leukosis (EBL) and brucellosis is carried out in England. This is part of a GB wide initiative and is a direct result of our gaining of "officially EBL free" region status within the EU and the continued recognition of GB status as an "officially brucellosis free" region within the EU.

It is proposed to amend the EBL Order to take account of new reduced test frequencies. For dairy cattle these would reduce milk testing from three times a year to twice in every fifth year. For beef suckler herds these would reduce blood testing from once every second year to once every fourth year. The proposed reductions are in line with veterinary advice. We aim to have the new arrangements introduced by September this year and fully effective by April next year.

No changes are currently proposed for brucellosis testing. Test frequencies for brucellosis are currently subject to review but results are not expected before August. GB has had low or no incidence of brucellosis since 1993.

Since these proposals would require changes to the EBL Order we are also proposing to simplify publication of the list of laboratories approved to do milk testing and clarify the use of laboratory approval. We propose that these changes are also carried over into a remade Brucellosis Order and that both new orders take full account of devolution.

I am pleased that, in this consultation, we are able to recommend reducing monitoring for EBL in England now that we have "officially EBL free region" status for GB. This reduces costs and burdens for both industry and the public purse and is in line with EU requirements.

Correspondence

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food when he will reply to the letter of 28 April from the hon. Member for Ludlow about abattoir closures. [123097]

Ms Stuart: I have been asked to reply.

I replied to the to the hon. Member on 22 May.

Sir Teddy Taylor: To ask the Minister of Agriculture, Fisheries and Food when he intends to reply to the letter of 18 October 1999 from the hon. Member for Rochford and Southend, East, in respect of which a reminder letter was sent on 17 February. [124807]

Ms Quin: I replied to the letter from the hon. Member for Rochford and Southend, East on 7 June.

Crop Contamination

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if the Government plan to make public the location of crop sites sown with Advanta rapeseeds contaminated with GM rapeseeds. [124156]

Mr. Nick Brown *[holding answer 5 June 2000]:* The company is taking action to inform affected farmers. There are no safety implications which would necessitate identifying the location of affected crops.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what obligations EU member states have to inform one another and the Commission of incidents in which conventional crop seed traded across international boundaries is found to be contaminated with genetically modified crop seed. [124150]

Mr. Nick Brown *[holding answer 5 June 2000]:* I am not aware of any specific obligations that require member states to inform one another and the Commission of incidents involving the contamination of non-GM seeds with GM seeds. However, member states have exchanged information on a voluntary basis and have been making public statements about such incidents.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what reports he has received concerning the date that the German authorities discovered that conventional Advanta rapeseed had been contaminated with genetically modified rapeseed. [124149]

Mr. Nick Brown *[holding answer 5 June 2000]:* Advanta have told me that the German authorities informed them of their findings on 3 April.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will publish the advice he has received from the *(a)* Advisory Committee on Releases to the Environment, *(b)* Advisory Committee on Novel Foods and Processes and *(c)* Food Standards Agency, about the risks to human health and the environment from the contamination of Advanta rape seed by GM crops. [124137]

Mr. Nick Brown: *[holding answer 5 June 2000]:* The advice of the Advisory Committee on Releases to the Environment, Advisory Committee on Novel Foods and Processes, and the Food Standards Agency has already been placed in the Libraries of the House and is available on the MAFF website.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will publish in full the information made available by Advanta UK on the contamination of conventional rapeseed with genetically modified rapeseed. [124147]

Mr. Nick Brown *[holding answer 5 June 2000]:* The main points of the information provided by Advanta were described in the Government's announcement on 17 May and in my statement of 19 May. The company also published information in a news release on 17 May.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food what reports he received, prior to being made aware of the contamination of conventional Advanta rapeseed with genetically modified seed, of similar incidents involving crop seeds imported into European Union member states, indicating when each such report was received. [124145]

Mr. Nick Brown *[holding answer 5 June 2000]:* None.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if the Government have designated an acceptable level of seed purity in the case of conventional crop seeds in relation to contamination with GM seeds. [124153]

Mr. Nick Brown *[holding answer 5 June 2000]:* There are currently no levels set for the presence of GM seeds in non-GM seeds. The Government will be participating in discussions within the EC and the OECD on this matter.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food when the Government were first (1) advised by Advanta Seeds UK that supplies of its conventional rapeseed contained genetically modified rapeseed; [124143]

(2) informed that supplies of conventional Advanta rapeseed had been or may have been contaminated with genetically modified rapeseed. [124144]

Mr. Nick Brown *[holding answer 5 June 2000]:* DETR and MAFF officials were informed by Advanta Seeds UK on 17 April that supplies of conventional Advanta rapeseed might have been affected by the presence of genetically modified rapeseed.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food for what reason the announcement about the contamination of conventional Advanta rapeseed was made on 17 May. [124146]

Mr. Nick Brown *[holding answer 5 June 2000]:* The announcement on 17 May was made to inform Parliament and interested parties of the action which the Government were taking to address the issue of seed purity.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food which statutory bodies prior to 17 April had a legal responsibility to ensure the seed purity of imported supplies. [124165]

Mr. Nick Brown *[holding answer 5 June 2000]:* The legal duty and responsibility to ensure the seed purity of imported supplies lies with the seeds authorities in the producer country and with the seed merchant marketing the seed in this country.

Mr. Yeo: To ask the Minister of Agriculture, Fisheries and Food if he will review the separation distances between GM and non-GM crops. [124164]

Mr. Nick Brown *[holding answer 5 June 2000]:* Yes. I announced this in my speech to the House earlier today.

Mr. Campbell-Savours: To ask the Minister of Agriculture, Fisheries and Food, pursuant to the answer given on 17 May 2000, *Official Report*, column 173W, if the report on the study of seed sourcing and the possibility of GM seed in imported seed is now available. [125581]

Ms Quin: The report of the preliminary findings of the study has been placed in the Library of the House and will be made available on the Ministry website. The Government inspection programme being undertaken by the Department of the Environment, Transport and the Regions will be focused on those imported seed species which are identified as most likely to be affected. Further studies are in hand.

HOME DEPARTMENT

Asylum Seekers

Mr. Bercow: To ask the Secretary of State for the Home Department what recent representations he has received from the European women's lobby on gender-sensitive asylum policy; and if he will make a statement. [123615]

Mrs. Roche: Recent representations from groups representing women's issues have focused on the treatment of women seeking asylum in the United Kingdom, the delay in resolving asylum claims and the support available for women awaiting the outcome of their applications.

All applications, whether from women or men, are considered in accordance with the criteria set out in the 1951 United Nations Convention relating to the Status of Refugees. To qualify for asylum, a person must be outside her/his country of nationality and have a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Caseworkers dealing with these applications are given awareness training in gender and cultural matters and special training is given for dealing with those who have been tortured. It is recognised that women's experiences as asylum seekers may be different from those of men and their applications are handled with due sensitivity.

Mr. Cohen: To ask the Secretary of State for the Home Department what detailed programmes the Government *(a)* has in place and *(b)* has planned, to improve the education, skills and qualifications of asylum seekers; what are the costs of these programmes; and if he will make a statement. [123729]

Mrs. Roche: Asylum seekers who receive a positive decision on their application are eligible to enrol on courses at further education colleges. Asylum seekers who have not received a decision on their application after six months can seek permission to work and as part of this can gain access to work based learning. The costs of this would be borne by the Department for Education and Employment, but information relating to the costs of educating asylum seekers is not recorded separately.

School-age children (under 16 years of age) of asylum seekers are entitled to attend school irrespective of when the application for asylum was lodged. The costs to the Department for Education and Employment of providing places in schools for the children of asylum seekers are not recorded separately.

Mr. Cox: To ask the Secretary of State for the Home Department how many people who entered the United Kingdom at *(a)* Heathrow, *(b)* Gatwick, *(c)* Stansted and *(d)* Luton airports since 1 January have claimed asylum on arriving at these airports. [124482]

Mrs. Roche: The information requested is given in the table:

Applications[1] for asylum received in the United Kingdom, excluding dependants, by port of application, January to April 2000

	Total
Heathrow	3,000
Gatwick	1,215
Stansted	340
Luton	25

[1] Provisional figures rounded to nearest 5

Mr. Lidington: To ask the Secretary of State for the Home Department how many people have claimed asylum at each relevant port in the United Kingdom in each month since 1 May 1997. [125105]

Mrs. Roche: The information requested is given in the tables.

Asylum applications, excluding dependants, by port of entry May to December 1997

Port	*May*	*June*	*July*	*August*	*September*	*October*	*November*	*December*	*Total*
Aberdeen	*	—	—	—	*	—	*	*	5
Ashford	*	5	5	*	*	5	*	*	20
Belfast	—	—	—	—	—	*	*	*	5
Birmingham	5	5	*	*	5	5	5	5	30
Bristol (sea)	*	—	—	—	*	—	5	*	5
Cardiff	—	*	—	5	*	*	*	—	10
Cheriton	—	*	—	—	*	—	—	—	5
Unknown	—	—	—	—	—	—	*	*	*
Dover	80	95	100	95	155	215	145	205	1,090

Asylum applications[1], excluding dependants, by port of entry May to December 1997

Port	May	June	July	August	September	October	November	December	Total
Edinburgh	*	*	*	10	*	5	—	—	15
East Midlands	—	*	—	*	*	—	*	*	5
Felixstowe	5	*	10	5	5	*	*	10	40
Folkstone	—	—	—	—	—	*	*	—	5
Gatwick North	265	245	190	125	160	110	95	180	1,380
Gatwick South	90	80	95	135	105	110	90	80	790
Glasgow	—	*	*	*	5	5	*	5	20
Harwich	5	*	5	15	5	15	15	30	95
Hull	—	—	—	*	*	*	—	5	5
Immigham	—	—	*	—	—	—	—	—	*
Leeds Bradford	*	*	5	*	*	*	*	*	10
London City (air)	5	5	5	20	10	35	45	55	180
Liverpool	—	—	—	—	*	*	*	*	10
Luton	5	*	*	*	5	5	5	5	25
Manchester Terminal 1	5	*	*	*	*	—	—	*	10
Manchester Terminal 2	15	15	30	20	15	15	10	20	145
Newhaven	—	*	—	—	—	—	*	—	5
Tyne	*	—	*	—	—	—	*	—	5
Plymouth	5	*	*	—	—	—	*	5	10
Poole	—	—	*	*	—	—	*	—	5
Portsmouth	*	—	—	5	—	5	—	—	10
Prestwick	—	—	—	*	—	—	—	—	*
Ramsgate	5	5	10	10	5	5	*	5	45
Sheffield City	—	5	*	—	*	*	*	*	10
Humberside (air)	—	—	*	—	*	—	—	—	*
Stansted	15	10	25	30	35	35	40	50	240
Southampton (sea)	—	—	*	—	*	—	—	*	5
Swansea	—	—	—	—	—	—	5	—	5
Heathrow Terminal 1	130	90	125	170	140	155	170	210	1,185
Heathrow Terminal 2	250	210	245	145	140	195	160	300	1,645
Heathrow Terminal 3	190	190	245	190	225	270	260	335	1,905
Heathrow Terminal 4	105	130	160	110	140	90	80	145	960
Teesport	15	*	—	*	*	—	—	—	20
Waterloo	160	175	280	415	160	150	120	195	1,660
Others	15	10	—	10	5	—	—	5	35
Total	1,365	1,285	1,545	1,530	1,345	1,445	1,265	1,865	11,645

[1] Figures rounded to nearest 5, with '*' = 1 or 2

Asylum applications[1], excluding dependants, by port of entry January to December 1998

Port	January	February	March	April	May	June	July	August	September	October	November	December	Total
Ashford	5	*	5	5	—	5	5	*	5	*	5	5	35
Belfast	—	—	*	—	—	5	*	*	5	*	*	*	15
Birmingham	5	5	15	*	*	*	5	5	5	10	5	10	60
Bristol (sea)	—	—	—	—	*	—	—	5	*	*	*	*	10
Cardiff	—	—	—	*	—	*	—	*	5	5	*	5	15
Dover	240	260	265	155	225	255	325	450	540	480	475	570	4,235
Edinburgh	—	*	*	*	*	*	*	*	—	*	—	5	15
East Midlands	—	*	*	—	—	*	*	—	*	*	—	*	10
Felixstowe	5	*	10	10	5	*	5	*	5	*	5	5	50
Folkstone	—	—	5	*	5	—	15	5	*	—	—	*	30
Gatwick North	125	230	100	90	115	155	160	135	195	175	175	285	1,940
Gatwick South	105	65	75	90	105	115	135	105	130	135	105	145	1,305
Glasgow	5	5	*	—	5	*	5	*	5	5	*	5	30
Harwich	25	15	30	50	50	60	55	85	85	90	45	45	630
Hull	—	*	*	—	*	5	*	10	*	5	10	5	40
Leeds Bradford	5	*	*	*	—	*	*	5	*	*	*	5	25
London City (air)	—	10	10	45	20	30	35	30	45	60	35	40	395
Liverpool	*	*	—	*	*	*	—	*	—	*	—	—	10
Luton	5	5	5	5	5	10	10	5	*	*	5	5	60
Manchester Terminal 1	*	—	—	5	*	*	*	*	*	5	—	*	20
Manchester Terminal 2	30	20	25	20	15	25	30	30	75	40	35	35	385
Newhaven	—	*	—	*	*	—	10	10	25	5	10	5	75

Asylum applications[1], excluding dependants, by port of entry January to December 1998

Port	January	February	March	April	May	June	July	August	September	October	November	December	Total
Norwich	—	—	—	—	—	*	—	—	—	*	5	*	10
Tyne	—	*	5	*	5	5	5	*	15	5	10	5	55
Plymouth	*	—	—	—	—	—	*	—	*	—	—	—	5
Poole	—	—	—	—	—	—	—	—	—	—	*	—	*
Portsmouth	—	*	*	*	10	10	*	10	10	5	15	5	75
Ramsgate	5	*	—	—	—	—	—	—	*	—	—	—	5
Sheffield City	*	*	—	—	*	—	—	*	*	—	10	*	20
Humberside (air)	—	—	*	—	—	—	—	—	*	—	—	—	*
Stansted	40	15	15	20	25	30	20	25	30	15	35	40	300
Southampton (sea)	—	—	—	—	—	—	—	—	—	*	—	*	*
Swansea	—	*	—	—	—	—	—	—	—	—	—	—	*
Heathrow Terminal 1	215	160	185	135	150	140	150	230	200	350	240	245	2,425
Heathrow Terminal 2	200	180	195	265	170	215	260	410	500	305	395	250	3,345
Heathrow Terminal 3	185	185	250	240	220	265	315	320	335	220	245	285	3,080
Heathrow Terminal 4	135	110	140	140	140	115	140	165	165	175	165	180	1,775
Teesport	*	—	—	—	—	5	*	5	—	—	—	5	20
Waterloo	210	205	220	215	180	320	245	320	200	200	200	290	2,810
Other	20	15	—	*	5	10	15	15	—	*	—	—	20
Total	1,605	1,490	1,555	1,500	1,465	1,790	1,940	2,395	2,585	2,295	2,230	2,495	23,345

[1] Figures rounded to nearest 5, with '*' = 1 or 2

Asylum applications[1], excluding dependants, by port of entry January to December 1999

Port	January	February	March	April	May	June	July	August	September	October	November	December	Total
Aberdeen	—	—	*	—	—	—	—	—	—	—	—	—	—
Ashford	5	*	5	5	10	20	10	10	5	*	5	10	85
Belfast	5	—	*	—	*	5	*	—	*	*	*	—	10
Birmingham	15	5	10	5	5	5	10	5	*	5	5	5	75
Bristol (sea)	5	—	—	—	*	*	—	—	—	—	*	*	5
Bournemouth	*	—	—	—	—	—	—	—	—	—	—	—	—
Cardiff	*	*	5	—	*	—	*	5	—	—	—	—	10
Coquelles	—	—	—	—	—	—	*	—	—	—	—	*	—
Dover	600	485	470	435	480	585	670	605	510	630	680	710	6,860
Edinburgh	*	5	*	*	—	—	5	*	—	*	—	5	15
East Midlands	*	—	*	*	—	*	—	—	—	*	*	—	—
Felixstowe	*	5	5	15	—	—	—	—	—	—	*	—	25
Folkstone	—	—	—	—	*	10	*	5	—	—	—	*	15
Gatwick North	490	195	205	180	210	215	240	230	220	185	215	305	2,590
Gatwick South	125	95	75	50	120	70	75	80	115	120	80	185	1,190
Glasgow	5	*	5	*	10	—	*	—	*	*	*	—	20
Harwich	60	40	35	40	40	45	25	20	60	50	35	55	505
Hull	5	*	*	5	*	*	*	—	20	35	65	10	140
Leeds Bradford	5	5	5	*	*	5	—	—	—	—	*	—	20
London City (air)	30	25	70	35	25	60	40	70	15	10	10	15	405
Liverpool	—	—	—	5	—	—	—	—	*	—	*	—	5
Luton	5	*	*	—	10	15	10	10	10	5	5	10	80
Manchester Terminal 1	—	*	*	—	5	—	—	*	*	5	5	*	15
Manchester Terminal 2	20	15	10	10	10	10	15	10	15	15	10	15	155
Newhaven	5	*	5	5	*	5	*	5	—	—	*	—	25
Norwich	—	—	—	—	—	—	—	—	*	—	—	—	—
Plymouth	*	—	—	—	*	—	*	5	*	*	*	—	5
Poole	—	—	—	—	—	—	*	—	—	—	—	*	—
Portsmouth	10	5	5	5	15	5	5	15	*	*	*	10	75
Ramsgate	*	—	—	—	—	—	—	—	—	—	—	—	—
Sheffield City	*	—	*	—	—	*	*	—	—	—	—	—	—
Humberside (air)	*	—	—	—	—	—	*	—	—	—	—	—	—
Stansted	20	15	30	20	20	20	20	35	85	55	35	80	435

Asylum applications[1], excluding dependants, by port of entry January to December 1999

Port	January	February	March	April	May	June	July	August	September	October	November	December	Total
Southampton (sea)	—	—	*	—	—	—	—	—	—	—	5	*	5
Swansea	—	—	—	—	—	*	—	—	—	—	5	—	5
Heathrow Terminal 1	175	120	160	195	185	190	260	350	395	400	440	550	3,420
Heathrow Terminal 2	200	205	245	245	385	420	510	520	365	295	265	215	3,870
Heathrow Terminal 3	270	185	190	250	245	190	255	270	280	250	280	430	3,095
Heathrow Terminal 4	120	120	110	95	145	150	115	140	120	120	170	165	1,570
Teesport	5	—	*	*	*	*	—	10	5	5	*	5	30
Tyne	5	5	*	—	5	10	*	5	*	5	*	5	40
Waterloo	265	270	260	270	435	605	515	195	180	175	160	250	3,580
Other	50	*	*	*	—	—	200	140	245	185	35	215	1,075
Total	2,200	1,800	1,905	1,870	2,360	2,640	2,980	2,740	2,645	2,550	2,510	3,250	29,455

[1] Provisional figures rounded to nearest 5, with '*' = 1 or 2

Asylum applications[1], excluding dependants, by port of entry January to April 2000

Port	January	February	March	April	Total
Ashford	5	10	10	10	35
Belfast	—	—	*	—	—
Birmingham	*	5	*	*	5
Bristol (sea)	*	5	*	*	5
Cardiff	*	—	*	—	—
Coqelles	—	*	—	—	—
Dover	690	640	645	410	2,385
Edinburgh	*	—	—	5	5
Felixstowe	—	15	5	—	20
Folkstone	—	5	—	—	5
Gatwick North	205	200	250	160	815
Gatwick South	125	95	125	55	400
Glasgow	*	*	*	*	—
Harwich	45	30	40	30	145
Hull	20	*	10	5	35
Leeds Bradford	—	—	*	—	—
London City (air)	10	10	10	15	45
Liverpool	—	—	*	*	—
Luton	5	10	5	5	25
Manchester Terminal 1	5	5	5	*	15
Manchester Terminal 2	15	25	10	5	55
Newhaven	—	—	*	—	—
Plymouth	—	*	*	—	—
Poole	10	—	—	—	10
Portsmouth	*	10	—	*	10
Stansted	50	140	115	35	340
Heathrow Terminal 1	210	220	245	145	820
Heathrow Terminal 2	245	200	200	145	790
Heathrow Terminal 3	265	230	270	175	940
Heathrow Terminal 4	120	105	135	90	450
Teesport	—	*	*	—	—
Tyne	*	5	10	—	15
Waterloo	220	295	310	315	1,140
Other	*	*	*	200	200
Total	2,245	2,260	2,400	1,805	8,710

[1] Provisional figures rounded to nearest 5, with '*' = 1 or 2

Mr. Lidington: To ask the Secretary of State for the Home Department (1) how many people the National Asylum Support Service *(a)* has dispersed and *(b)* plans to disperse to each of the cluster areas listed in the letter to all hon. Members of 25 May from the Minister of State, the hon. Member for Hornsey and Wood Green (Mrs. Roche); [125055]

(2) if he will list the local council areas to which asylum seekers have been dispersed by *(a)* local authorities and *(b)* his Department; and how many dispersed asylum seekers are resident in each such area. [125064]

Mrs. Roche: As of 2 June, 2,049 asylum seekers, including dependants, have been dispersed by the National Asylum Support Service. They have been dispersed to Scotland, the North East, the North West, Yorkshire and Humberside, West Midlands, East Midlands and Sussex. The figures also include a small number of asylum seekers with specialist medical needs who have been provided with accommodation in London. The number of future dispersals to particular areas will depend on a number of factors including the type of accommodation required by asylum seekers and its availability in any area.

The National Asylum Support Service does not record details of the local council areas to which it disperses asylum seekers.

Information of the type requested on dispersal by local authorities under the interim arrangements is not held by the National Asylum Support Service. This is a voluntary scheme between local authorities and is sponsored by the Local Government Association and the Association of London Government.

Mr. Lidington: To ask the Secretary of State for the Home Department how many of the people aboard the Afghan airline hijacked to Stansted are still in the United Kingdom; what is the status of each of their asylum claims; and if he will make a statement. [125032]

Mr. Straw: Of the 170 people on the plane, 81 have left the United Kingdom, 89 remain in the United Kingdom, including 12 who are the subject of criminal charges in relation to the hijacking. Of those remaining who have applied for asylum, nine have been granted asylum including six as dependants, and 36 have been refused including five dependants. All of the latter have

appealed against refusal and the substantive hearings commenced on 8 May. Of the remaining 32, 14 are the dependants of those facing charges and their applications will not be considered until the outcome of the prosecution is known. A further two originally faced charges which were subsequently withdrawn, and consideration is being given to their applications and those of their eight dependants. The wife and six children of one of those facing charges—who had originally applied as his dependants—have now applied in their own right and consideration is being given to their applications also. One application awaits consideration of information from The Medical Foundation for the Care of Victims of Torture. Consideration of further action will be given as soon as the outcome of the appeals is known.

Mr. Lidington: To ask the Secretary of State for the Home Department how many asylum seekers and dependants sent to Oakington detention centre have *(a)* been granted refugee status or exceptional leave to remain in the United Kingdom, *(b)* been dispersed to other accommodation in the United Kingdom, *(c)* left the United Kingdom, *(d)* been detained elsewhere and *(e)* absconded from Oakington. [125050]

Mrs. Roche: As at the end of May, of those asylum seekers and their dependants who were sent to Oakington, three were granted asylum and three granted exceptional leave to remain; 147 were dispersed to other accommodation, mainly under the National Asylum Support Service scheme, and 101 were granted temporary admission and released to private addresses; 26 main applicants refused asylum have left the United Kingdom, 11 of whom were removed after their appeals had been dismissed. In addition, 16 main applicants and seven dependants withdrew their claims and departed before being accommodated at Oakington. Forty nine were detained elsewhere and seven have absconded, of whom three have been apprehended.

Mr. Lidington: To ask the Secretary of State for the Home Department how many asylum seekers and dependants have been sent to the Oakington detention centre since it was opened; and how many of those people have had their cases decided while at Oakington. [125052]

Mrs. Roche: As at 31 May, 338 main applicants and 23 dependants have been accommodated at Oakington since the centre opened on 20 March. A total of 265 applications have been decided at Oakington.

Mr. Lidington: To ask the Secretary of State for the Home Department what is the average length of time that an asylum seeker sent to Oakington resides there. [125051]

Mrs. Roche: The majority of asylum seekers whose cases have been processed have remained seven days or less.

Mr. Lidington: To ask the Secretary of State for the Home Department what plans he has to open further detention or reception centres to house asylum seekers; how many people these centres will accommodate; what will be the start-up costs and running costs of each new centre; and if he will make a statement. [125098]

Mrs. Roche: We have made clear on a number of occasions that more detention places are required to support our commitment to remove people whose asylum applications are refused and subsequently do not leave the country voluntarily. We have not yet determined precisely how many detention places are required or how they should be provided but, because of the lead-in time, planning notifications have been submitted to local authorities for the provisions of centres on the DERA (Tunnel) site at Thurleigh in Bedfordshire, at Harmondsworth and at Aldington in Kent. Together these three sites would deliver about 1,800 extra places. Potential suppliers have been asked to prepare proposals on that basis, but estimates of start-up and running costs will depend upon the outcome of the competitive tendering process.

We have no current plans to open further reception centres, but are keeping the need for additional facilities under review as capacity at Oakington increases.

Mr. Lidington: To ask the Secretary of State for the Home Department when he expects to have information available on the number of asylum seekers being supported by each local authority. [125034]

Mrs. Roche: In the reply I gave the hon. Member on 7 April 2000, *Official Report*, column 633W, I explained that the Home Office had launched an exercise to obtain information from local authorities on how many asylum seekers they were supporting, together with the status of those asylum seekers and where they were being accommodated. The exercise is still on-going and, at this stage, I am unable to say when it will be concluded. The information requested will be available once the exercise is completed.

Mr. Lidington: To ask the Secretary of State for the Home Department what the Government's policy is towards the proposal that the European Court of Justice should have jurisdiction over asylum matters in accordance with Article 68. [125046]

Mrs. Roche: Article 68 of the Treaty of the European Community already provides for the highest domestic court to refer to the European Court of Justice (ECJ) for a preliminary ruling on an issue concerning the interpretation or validity of a Community measure made under Title IV (which covers immigration and asylum policy), or on the interpretation of Title IV itself. In the context of the current Inter-Governmental Consultation negotiations, the Government will be seeking an amendment to article 68 to ensure that cases that require a preliminary ruling can be quickly referred to the ECJ, in order to facilitate the prompt resolution of such cases.

Mr. Lidington: To ask the Secretary of State for the Home Department how many units of accommodation for asylum seekers are *(a)* being provided and *(b)* planned to be provided by each regional consortium; how many asylum seekers have been dispersed to such accommodation; and if he will make a statement. [125061]

Mrs. Roche: The arrangements with the regional consortia enable the amount of accommodation provided by each region to vary over time according to the changes in demand for accommodation. As there are ongoing negotiations with the regional consortia about the provision of accommodation, information relating to these negotiations is currently commercially confidential. The Scottish Regional consortium has provided 441 units of accommodation to date.

As of 2 June, 2,049 asylum seekers including dependants had been dispersed.

Criminal Assets

Mr. Lidington: To ask the Secretary of State for the Home Department when he received the report of the Performance and Innovation Unit on the pursuit and seizure of criminal assets, following the recommendations of the Third report of the Home Office Working Group on Confiscation; what action he proposes to take following the report; what discussions *(a)* he, *(b)* Ministers in his Department and *(c)* his officials have had with (i) the Minister for the Cabinet Office, (ii) the Minister of State, Cabinet Office, (iii) the Prime Minister and (iv) officials in the Cabinet Office regarding the report; if he will place a copy of the report in the Library; and if he will make a statement. [123788]

Mr. Lidington: To ask the Secretary of State for the Home Department what responsibilities for policy on the confiscation of criminal assets have been transferred to the Cabinet Office; and if he will make a statement. [123789]

Mr. Charles Clarke: I refer the hon. Member to the reply given by my right hon. Friend the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster on 5 June 2000, *Official Report*, columns 105–07W.

Criminal Justice (Mode of Trial)

Mr. Lidington: To ask the Secretary of State for the Home Department how many *(a)* indictable and *(b)* either way offences were tried at the Crown court in each of the last five years for which figures are available indicating for each year (i) what proportion of either-way offences reached the Crown court (A) by the defendant electing jury trial and (B) on the direction of the magistrates, (ii) what proportion of trials for each type of offence resulted in a guilty verdict after a plea of not guilty, (iii) what proportion of trials for each type of offence resulted in a guilty plea and (iv) what proportion of trials for each type of offence resulted in an acquittal. [123861]

Mr. Charles Clarke *[holding answer 25 May 2000]:* Official statistics do not include separate information on plea for those who elect Crown court trial. The available information is contained in the following tables:

Number of cases finalised at the Crown court by type of indictable case, committal and year, 1994–98—England and Wales

		Triable-either-way (TEW)			
		Defendant elected		Direction of magistrate	
Year	Indictable only	Number of cases	Percentage of TEW cases	Number of cases	Percentage of TEW cases
1994	19,237	25,178	35	46,258	65
1995	21,779	26,114	33	53,210	67
1996	23,993	22,870	32	48,748	68
1997	26,546	21,783	28	56,021	72
1998	26,918	18,537	28	46,835	72
1999	27,721	18,969	32	40,378	68

Source:
Crown Prosecution Service

Proportion of defendants tried at the Crown court by type of indictable offence and plea, 1994–98[1]—England and Wales

Percentage

		Not guilty plea	
Year	Guilty plea	Convicted	Acquitted
Indictable only offence[2]			
1994[1]	—	—	26
1995[1]	53	22	26
1996	55	20	25
1997	54	21	25
1998	53	18	29
Triable-either-way offence[2]			
1994[1]	—	—	18
1995[1]	68	14	18
1996	70	13	17
1997	71	12	17
1998	66	13	21
Total			
1994[1]	—	—	20
1995[1]	66	15	19
1996	67	15	18
1997	68	13	18
1998	63	14	23

[1] Data by plea are available only from July 1995
[2] Based on the defendant's principle offence
Source:
Home Office Court Proceedings Database

Laptops

Mr. Keith Simpson: To ask the Secretary of State for the Home Department how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123738]

Mr. Straw *[holding answer 25 May 2000]:* Since 1 May 1997, three laptop computers belonging to the Home Office have been lost. Nine have been stolen from the Prison Service and the Prison Service Ombudsman and 10 have been stolen from the Home Office.

Community Service Orders

Mr. Cox: To ask the Secretary of State for the Home Department how many *(a)* men and *(b)* women have been given a community service order by courts in the Greater London Area in each of the last three years. [124481]

Mr. Charles Clarke: Available information, taken from the Home Office Court Proceedings Database, is given in the table.

Number of persons given a community service order for all offences at all courts within the Metropolitan police area[1] by sex, 1996–98

	Male	Female
1996	5,353	539
1997	5,695	594
1998	5,370	596

[1] Including City of London

Mike Tyson

Mrs. Fyfe: To ask the Secretary of State for the Home Department if he has investigated the leaks in the press on 12 May, which stated that Mike Tyson would be granted his visa. [124655]

Mr. Straw: No. Although the press reported that Mike Tyson would be granted an entry clearance, a decision on Mr. Tyson's application had not been made by 12 May (indeed, the application itself was only made in the United States of America on that day). The media reports were, therefore, entirely speculative.

Mrs. Fyfe: To ask the Secretary of State for the Home Department what assessment he made of the arguments in relation to creating a precedent at the time of his authorisation of Mike Tyson's visit to the UK in January. [124740]

Mr. Straw: It was clearly indicated in January that there were exceptional circumstances in granting Mike Tyson entry on that occasion. In communicating my decision to him, it was made clear that this decision in no way set a precedent for any future applications he might make to enter the United Kingdom as a visitor or in any other capacity. Any such application would be considered under the Immigration Rules taking all relevant circumstances into account.

Mrs. Fyfe: To ask the Secretary of State for the Home Department with whom he consulted between 3 and 17 May on Mike Tyson's visa application. [124654]

Mr. Straw: I refer my hon. Friend to the replies I gave the hon. Member for Aylesbury (Mr. Lidington) on 24 May 2000, *Official Report*, columns 493–96W.

Mrs. Fyfe: To ask the Secretary of State for the Home Department what steps he took to inform himself of reasons why Mike Tyson should not be granted a visa. [124656]

Mr. Straw: I refer my hon. Friend to the reply I gave my hon. Friend the Member for Watford (Ms Ward) on 18 May 2000, *Official Report*, columns 209–10W, where I stated clearly that I weighed up both the factors against granting Mr. Tyson entry clearance and those for.

Ms Jenny Jones: To ask the Secretary of State for the Home Department whom he met regarding Mike Tyson's recent application to enter the United Kingdom; and on what dates. [124461]

Mr. Straw: As stated in the reply I gave the hon. Member for Aylesbury (Mr. Lidington) on 24 May 2000, *Official Report*, column 495W, I met my hon. Friend the Member for Glasgow, Ballieston (Mr. Wray) and his delegation, which included my hon. Friend the Member for Newcastle-under-Lyme (Mrs. Golding), Lord Brooks of Tremorfa and Stephen Davies, on 3 May. In addition, the Minister of State, Home Office, my hon. Friend the Member for Hornsey and Wood Green (Mrs. Roche), also met my hon. Friend the Member for Wolverhampton, South-West (Ms Jones), together with my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) on 17 May.

Visa Applications

Mrs. Fyfe: To ask the Secretary of State for the Home Department if, in changing the law on visa applications, he is minded to fast-track applications involving *(a)* weddings, *(b)* funerals and *(c)* visiting seriously ill people when in any such case there is a proven close family relationship or other reasonable cause for requesting a short visit. [124739]

Mr. Straw: I assume my hon. Friend is referring to the proposals set out in the consultation paper I announced in my reply to my hon. Friend the Member for Bolton, West (Ms Kelly) on 18 May 2000, *Official Report*, column 210W. These are concerned solely with Immigration Rule 320(18), which deals with the refusal of entry to those with criminal convictions.

Arrangements for processing entry clearance applications differ from post to post, but every effort is made to deal with applications in urgent or compelling compassionate cases as quickly as possible.

Immigration and Asylum Act 1999

Mr. Gerrard: To ask the Secretary of State for the Home Department if he will list *(a)* the provisions of the Immigration and Asylum Act 1999 which have come into force, indicating the date on which each came into force and *(b)* the provisions of the Immigration and Asylum Act 1999 which have yet to come into force and the projected date on which each will come into force. [124443]

Mrs. Roche: Section 170 of the Immigration and Asylum Act 1999 lists those of its provisions which came into force on Royal Assent. The Schedule to the Immigration and Asylum Act 1999 (Commencement No.4) Order 2000 (SI 2000 No. 1282 (C.38)), specifies the provisions which commenced on 22 May 2000 and lists those provisions which have been brought into effect by earlier Commencement Orders.

We are keeping implementation of the Act's remaining provisions under review. However, our current intention is to phase implementation of the major provisions as follows:

Provisions of the Immigration and Asylum Act 1999

June to September 2000

Carriers' Liability provisions in Part II

From October 2000

Bond scheme for visitors pilot provided for in section 16 and 17 of Part I;

Single, comprehensive appeal process provided for in Part IV and related provisions in sections 10–12 and 23 of Part I;

Under Part V, the regulatory body established by the Immigration Services Commissioner will begin to consider applications for registration and exemption. The Immigration Services Tribunal will be established;

Fingerprinting provisions in Part VII;

Statutory management and operation of detention centres under Part VIII;

Powers of superintendent registrars regarding marriage in Part IX and their duty to report suspicious marriages in section 24 of Part I.

From April 2001

Code of practice on restriction on employment in Part I;

Immigration control: facilities and charges provisions in Part I;

Bail provisions in Part III;

Full implementation of the scheme to regulate immigration advisers and immigration service providers under Part V.

Harassment (Formal Warnings)

Mr. Goggins: To ask the Secretary of State for the Home Department how many formal warnings have been issued to *(a)* juveniles and *(b)* adults under powers contained in the Harassment Act 1997 in (i) Manchester, (ii) Trafford, (iii) Greater Manchester and (iv) England. [124525]

Mr. Charles Clarke: Records of formal warnings are not held centrally.

Schengen Information System

Mr. Mitchell: To ask the Secretary of State for the Home Department, pursuant to his answer of 15 May 2000, *Official Report*, columns 52–53W, on the Schengen Information System, when he made an application for participation in that system; what reply he has received; and if *(a)* Iceland and *(b)* Norway participate in the manner for which he has made application and without any additional condition. [124378]

Mrs. Roche: The United Kingdom's application to participate in parts of the Schengen acquis, including the Schengen Information System (SIS), which was made on 20 May 1999, was agreed by the Justice and Home Affairs Council on 29 May 2000. The SIS will be a valuable weapon in the fight against organised and international crime as part of Schengen co-operation agreements.

Iceland and Norway's applications to become associated members of Schengen were agreed in December 1996 within Schengen structures and subsequently in accordance with Article 6(1) of the Schengen Protocol in Council Decision 1999/437/EC. They are not expected to have implemented the Schengen acquis fully until next year. When they have done so, they will participate in the SIS in broadly the same way as the United Kingdom will do when it has implemented the acquis. The principal difference will be that the United Kingdom has not sought access to, and exchange of, immigration data contained in the SIS as it will not participate in those parts of the acquis which concern external frontier controls.

Kosovo

Mr. Hilary Benn: To ask the Secretary of State for the Home Department what inquiries he proposes to undertake about housing conditions in Kosovo for those refugees expected to return from the United Kingdom by 25 June. [124907]

Mrs. Roche: The Home Office receives regular up-to-date information regarding housing conditions in Kosovo from a range of sources including the Foreign and Commonwealth Office and the United Nations High Commission for Refugees.

Opinion Research

Mr. Don Foster: To ask the Secretary of State for the Home Department, pursuant to his answer of 25 May 2000, *Official Report*, column 623W, concerning market and opinion research, if he will list the title and purpose of each item of research, stating in each case whether the results will be published. [124899]

Mr. Straw: For the available information, I refer to the reply I gave the hon. Member on 19 July 1999, *Official Report*, column 392W, and to the reply given by my right hon. Friend the Member for Cardiff, South and Penarth (Mr. Michael), the then Minister of State, Home Office, to the hon. Member for Gordon (Mr. Bruce) on 23 February 1998, *Official Report*, columns 51–52W, and the reply I gave to the hon. Member for Lichfield (Mr. Fabricant) on 3 July 1998, *Official Report*, column 287W. Details of the eight completed and a further eight on-going additional items to add to this list have been placed in the Library.

Racial Discrimination

Mr. Lidington: To ask the Secretary of State for the Home Department what his policy is concerning the burden of proof in cases of alleged racial discrimination. [125053]

Mr. Mike O'Brien: This Government welcome the agreement of the European Community Directive on racial discrimination, which includes a provision requiring the respondent, once a prima facie case of discrimination has been made by the complainant and accepted by the court or other instance, to demonstrate that there is a reasonable explanation for the practice or criterion concerned. This applies only to civil cases.

This does not represent a major change in terms of United Kingdom legal practice. Under current United Kingdom law, United Kingdom tribunals can and do, if faced with facts which raise a presumption of discrimination, draw inferences that discrimination has occurred.

Immigration

Mr. Lidington: To ask the Secretary of State for the Home Department (1) how many people are employed and at which grades in *(a)* the Immigration and Nationality Directorate and *(b)* the Immigration Service; [125044]

(2) if he will list the locations where members of the Immigration Service are employed, indicating in each case the number of staff and their grades. [125043]

Mrs. Roche: On 1 June 2000, there were a total of 6,817 staff employed by the Immigration and Nationality Directorate, of whom 2,786 were employed within the Immigration Service and 4,031 were generalist grades. A breakdown by grade is as follows:

Grade	*Number*
AA	814
AO	1,370
Assistant Librarian	1
Chief Typing Manager	1
Executive Officer	1,002
Higher Executive Officer	459
Industrial	9
Information Officer	3
Personal Secretary	34
Senior Executive Officer	96
Senior Personal Secretary	3
Support Grade Band 1	12
Support Grade Band 2	171

Grade	Number
Support Manager 2	1
Support Manager 3	1
Typing Manager	2
Typist	52
Total	4,031
Assistant Immigration Officer	284
Immigration Officer	2,053
Chief Immigration Officer	391
Inspector	56
Interpreter (Permanent)	2
Total	2,786

There are 69 locations where members of the Immigration Service are employed and the breakdown by grade, including staff who are in training, in each of those locations is as follows:

Location	A10	10	C10	HMI	Total
Aberdeen Airport	1	8	1	0	10
Apollo House IS HQ	2	41	26	2	71
Assigned Overseas	0	25	23	0	48
Beckett House	5	62	12	3	82
Belfast	2	7	1	0	10
Birmingham Airport	6	38	6	2	52
Bournemouth	0	3	0	0	3
Bristol Immigration Office	0	10	0	0	10
Bristol Airport	1	2	1	0	4
Brize Norton	0	2	0	0	2
Cambridge Airport	0	1	0	0	1
Campsfield House	0	4	1	1	6
Cardiff	2	8	0	0	10
Cheriton	0	62	6	0	68
Croydon Enforcement Unit	7	13	5	1	26
Dominion Court, Solihull	1	9	4	0	14
Dover East	48	194	28	5	275
Dover Hoverport	6	1	2	0	9
East Midlands Airport	4	13	2	0	19
Edinburgh Airport	0	6	1	0	7
Felixtowe	0	3	0	0	3
Feltham Green (POU)	0	0	1	0	1
Gatwick Airport	3	3	1	0	7
Gatwick Atlantic House	0	1	0	0	1
Gatwick North	25	131	23	2	181
Gatwick South	37	151	21	4	213
Glasgow	0	0	2	1	3
Glasgow Airport	2	23	2	0	27
Gravesend	0	12	2	0	14
Grenadier House	0	0	1	0	1
Harwich	0	32	6	1	39
Heathrow TN1	28	131	22	4	185
Heathrow TN2	23	134	28	5	190
Heathrow TN3	16	208	34	5	263
Heathrow TN4	18	127	24	3	172
Hull	0	9	2	0	11
Humberside Airport	0	5	0	0	5
Leeds/Bradford Airport	1	14	2	1	18
Liverpool	0	7	1	0	8
London City Airport	2	16	2	0	20
Luton Airport	2	22	3	0	27
Manchester Airport	8	82	14	3	107
Newcastle Airport	0	8	1	0	9
Newhaven	0	14	1	0	15
Newport Olympia House	0	1	0	0	1
North Shields	0	7	1	0	8
Norwich Airport	0	5	0	0	5
Oakington	1	13	4	0	18
Plymouth	1	9	1	0	11
Poole	0	6	1	0	7
Portsmouth	0	31	3	1	35
Preston	0	3	0	0	3
Queen Annes Gate	0	1	1	0	2
RAF Mildenhall	0	3	0	0	3
Ramsgate	0	6	0	0	6
Sheffield	0	1	0	0	1
Southampton	0	8	1	0	9
Southend Airport	0	1	0	0	1
Spring Gardens NCIS	1	3	0	0	4
Stansted Airport	3	60	10	2	75
Status Park 2	14	68	16	4	102
Status Park 3	12	70	19	3	104
Stockton on Tees	0	1	0	0	1
Swansea	0	2	0	0	2
Teesside Airport	1	7	1	0	9
Tinsley House	0	3	1	0	4
Waterloo International	0	94	14	1	109
West Drayton	0	7	6	2	15
Location not specified	1	1	0	0	2
Total	284	2,053	391	56	2,784

Eurodac

Mr. Lidington: To ask the Secretary of State for the Home Department if he will make a statement on the Government's policy on whether the implementing powers under the Eurodac Regulation should be exercised by *(a)* the Commission or *(b)* the Council. [125049]

Mrs. Roche: The European Parliament is to be reconsulted on the Council's proposal to reserve these implementing powers to itself, rather than delegate them to the Commission. A copy of an Explanatory Memorandum has been sent to the Scrutiny Committees setting out the Government's position on the draft regulation. A copy will be available in the Library.

Equal Treatment Directive

Mr. Lidington: To ask the Secretary of State for the Home Department what assessment he has made of the compatibility of the proposed EU Directive against racial discrimination with existing British race relations legislation as it affects the Immigration and Nationality Directorate. [125080]

Mr. Mike O'Brien: (The Directive is a European Community Directive, not a European Union Directive.)

No assessment of the Directive's compatibility as it affects the Immigration and Nationality Directorate is necessary. Immigration functions are not covered by the fields listed under the scope of the Directive in article 3(1). Furthermore, the United Kingdom secured the addition of paragraph 3(2), which states:

> This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of member states, and to any treatment which arises for the legal status of the third-country national and stateless persons concerned.

Thus the social protection-type functions carried out by the National Asylum Support Service are not covered by the Directive either.

Mr. Lidington: To ask the Secretary of State for the Home Department which organisations he has consulted on the impact of the draft EU Directive on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. [125042]

Mr. Mike O'Brien: (The Directive is a European Community Directive, not a European Union Directive.)

The Home Office has consulted: all relevant Whitehall Departments, and the devolved administrations; a range of business organisations and employee organisations, including the Confederation of British Industry, the Construction Federation, the Small Business Centre, the Institute of Personnel Development, the Federation of Small Businesses, the Engineering Employers Federation and the Trade Union Congress; and some 80 non-governmental organisations working in the race relations field, including the Commission for Racial Equality and the European Monitoring Centre.

Mr. Lidington: To ask the Secretary of State for the Home Department what estimate he has made of the cost to *(a)* British businesses and *(b)* other organisations of implementing the proposed EU Directive on the principle of equal treatment between persons irrespective of racial or ethnic origin. [125054]

Mr. Mike O'Brien: (The Directive is a European Community Directive, not a European Union Directive.)

Since a final version of the text was only agreed yesterday, it has not been possible to carry out a full assessment of the cost to British businesses and other organisations of implementing the European Community Directive on the principle of equal treatment between persons irrespective of racial or ethnic origin. A copy of the Regulatory Impact Assessment has been placed in the Library. It has been prepared on the basis of an earlier draft of the Directive, which addressed the potential costs of the proposed Directive, the contents of which have been shared with representatives of the business community.

Mr. Lidington: To ask the Secretary of State for the Home Department what plans he has to bring forward further amendments to the Race Relations (Amendment) Bill [*Lords*] in respect of the EU Directive implementing the principle of equal treatment between persons irrespective of racial or national origin. [125041]

Mr. Mike O'Brien: We have no such plans. The main purpose of the Race Relations (Amendment) Bill is to extend further the Race Relations Act 1976 to the police and other public authorities, meeting a key recommendation of the Stephen Lawrence Inquiry Report. It would not be within the scope of the Bill to seek to implement the measures contained in the European Union Race Directive, which would have implications for the private sector as well as the public sector. In addition, the timing of the Directive does not fit in with that of the Bill. We are hopeful that the Race Relations (Amendment) Bill will receive Royal Assent by the summer. By contrast, although political agreement on the Directive was reached at the European Union Social Affairs Council at its June meeting, the Directive will now be subject to legal scrutiny and will not be adopted before the Council's October meeting, from which time the United Kingdom will have three years to implement it. In these circumstances, it would be unwise to attempt to make unnecessarily speedy amendments to legislation which is already passing through Parliament.

Mr. Lidington: To ask the Secretary of State for the Home Department which aspects of education will be covered by the draft European Union Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; what assessment he has made of the compatibility of the draft Directive with the provisions of the Race Relations Act 1976 relating to duties imposed on educational bodies; and if he will make a statement. [125031]

Mr. Mike O'Brien: (The Directive is a European Community Directive not a European Union Directive.)

Our Race Relations Act has, since 1976, fully covered the education sector in the United Kingdom and the Directive has limited coverage in respect of education. The areas where the Directive will primarily come into play are those which deal with such schemes as exchange of best practice and encouraging co-operation between educational bodies in different member states and student and teacher mobility schemes such as exchanges.

Justice and Home Affairs Council

Mr. Lidington: To ask the Secretary of State for the Home Department if he will make a statement on the proceedings and conclusions of the Justice and Home Affairs Council on 29 and 30 May. [125040]

Mr. Straw: I am writing to the Chairman of the Select Committee on European Scrutiny, in accordance with established practice, to report on the outcome of the Justice and Home Affairs Council on 29 May. I will arrange for a copy of that letter to be placed in the Library.

Dublin Convention

Mr. Lidington: To ask the Secretary of State for the Home Department if he will make a statement on the Government's policy on the Commission Working Paper, "Revisiting the Dublin Convention". [125048]

Mrs. Roche: The European Commission has produced a working paper entitled "Revisiting the Dublin Convention". This seeks to initiate debate on the Dublin Convention as the first step towards developing Community legislation for determining which member state is responsible for considering an application for asylum submitted in one of the member states, as required by the Treaty of Amsterdam. The Government's view of this document can be found in the Home Office Explanatory Memorandum dated 10 May, a copy of which is in the Library.

Mr. Lidington: To ask the Secretary of State for the Home Department if he will place in the Library copies of the quarterly statistics on the Dublin Convention exchanged between member states under the terms of decision 1/97. [125047]

Mrs. Roche: I have arranged for copies of these latest statistics to be placed in the Library.

Mr. Lidington: To ask the Secretary of State for the Home Department if it is the Government's policy to seek to replace the Dublin Convention with a system which allocates responsibility for an asylum applicant to the last known transit country within the EU. [125045]

Mrs. Roche: The Treaty of Amsterdam requires that a Community instrument must replace the Dublin Convention by May 2004. The Commission has already presented a working document entitled "Revisiting the Dublin Convention" to the Justice and Home Affairs Council Meeting held in Brussels on 27 March.

The next step in the process will be the circulation of a Commission questionnaire to evaluate the operation of the Dublin Convention as it stands. The Government see evaluation as central to the development of a new draft measure. We must build on the results of the forthcoming evaluation to ensure the development of a more robust and efficient new mechanism in this field. At this preliminary stage, however, the Government consider that the underlying premise of the Dublin Convention (that the State responsible for an applicant's entry into European Union territory is responsible for the determination of any resulting asylum claim) provides a proper model for any future measure.

TREASURY

Pensioners (Tax)

Mr. Burstow: To ask the Chancellor of the Exchequer how many pensioners pay tax and at what rates; and how many *(a)* paid no tax before the Budget and *(b)* are paying no tax after the Budget. [117517]

Dawn Primarolo *[holding answer 4 April 2000]:* Only around 40 per cent. of pensioners currently have any income tax to pay. Estimates for the number of pensioners by different marginal rates are given in the table:

Number of pensioners[1]

Million

Marginal rate	*1996–97*[2]	*1997–98*[2]	*1998–99*[2]	*1999–2000*[2]	*2000–01*[2]	*2001–02*[2]
0% (non-taxpayer)	6.8	6.7	6.6	6.8	6.5	6.7
10%	—	—	0.1	0.7	0.9	0.8
20%	2.3	2.4	2.4	0.5	0.6	0.6
22%, 23% or 24%	1.4	1.4	1.5	2.4	2.5	2.5
40%	0.2	0.2	0.2	0.2	0.2	0.2
Total	10.7	10.7	10.7	10.8	10.8	10.8

[1] Women aged 60 or over, men aged 65 or over
[2] The estimates are rounded to the nearest 100,000
Note:
The estimates are based on the Survey of Personal Incomes and consistent with the March 2000 Budget.

Marginal Deduction Rates

Mr. Willetts: To ask the Chancellor of the Exchequer if he will list the taxes and benefits taken into account in calculating the effect of Government reforms on marginal deduction rates, as shown in Table 4.2 of the Red Book, HC 346. [122498]

Dawn Primarolo *[holding answer 16 May 2000]:* A marginal deduction rate (MDR) measures how much of an additional pound of earnings is deducted through the combination of taxes and/or reduced entitlement to benefits and/or tax credits. The figures in table 4.2 of the Red Book are for working households in receipt of income-related benefits or the Working Families Tax Credit where at least one person works 16 hours or more a week. The calculation of an MDR therefore incorporates Income Tax (taking into account personal allowances and tax credits such as the Children's Tax Credit) employee National Insurance Contributions, and income-related benefits and tax credits, namely the Working Families Tax Credit, Council Tax Benefit and Housing Benefit.

Tax Credits

Ms Kelly: To ask the Chancellor of the Exchequer what estimate his Department has made of the number of projected claimants of the *(a)* Working Families Tax Credit and *(b)* Disabled Person's Tax Credit for the years (i) 2000–01 and (ii) 2001–02. [123798]

Dawn Primarolo *[holding answer 25 May 2000]:* Table C12 in the March 2000 Financial Statement and Budget Report shows projected expenditure on the Working Families Tax Credit (WFTC) and the Disabled Person's Tax Credit (DPTC). These projections were based on the expectation that up to 1.4 million individuals and families will benefit from WFTC and DPTC.

Child Poverty

Mr. Webb: To ask the Chancellor of the Exchequer if he will estimate the number of children which his policies have lifted out of poverty between 1997–98 and 2000–01, based on a poverty line of *(a)* 50 per cent. of mean income before housing costs, *(b)* 50 per cent. of mean income after housing costs, *(c)* 60 per cent. of median income before housing costs and *(d)* 60 per cent. of median income after housing costs, indicating in each case the cash value of each threshold. [123716]

Dawn Primarolo: Based on a threshold of 60 per cent. of median income, after housing costs, there will be a total of 1.2 million children in households lifted out of poverty as a result of measures announced this Parliament. Figures for this and for other proportions of the median are given in Box 5.1 on page 86 of the Budget 2000 Economic and Fiscal Strategy Report.

A threshold at 50 per cent. of mean income would be very similar to the 60 per cent. of median income threshold used above. Any difference in results using this threshold would be rendered insignificant by the sampling and estimating errors involved in these calculations.

The number of children lifted out of poverty before housing costs is similar to the after housing costs figures. As before, the differences are small and rendered insignificant by the sampling and estimating errors involved. However, as the number of children in poverty in 1997–98 was lower before housing costs, the proportional reduction in child poverty arising from Budget measures would be greater.

Latest statistics on household incomes (covering 1997–98) can be found in "Households below average incomes 1994–95 to 1997–98" published by the Department of Social Security.

CITES

Mr. Baker: To ask the Chancellor of the Exchequer how many *(a)* investigations and *(b)* successful prosecutions Customs officials have conducted with regard to breaches of CITES legislation in the last five years; and if he will make a statement. [124050]

Dawn Primarolo: HM Customs and Excise do not hold central records of the number of endangered species related investigations undertaken by its staff in any given period.

In the period 1995 to date, the Department made 2,174 detections of live species or derivatives covered by CITES legislation. Of these, however, the vast majority were either tourist souvenirs (85 per cent.) or relatively small commercial quantities where there was insufficient evidence of deliberate criminal activity to warrant action beyond seizure of the goods.

During this period Customs has mounted four successful prosecutions, all resulting in custodial sentences.

Single Ombudsman Service

Mr. Efford: To ask the Chancellor of the Exchequer when he expects the Financial Services Authority to publish its response to the consultation on the Single Ombudsman Service; and if he will make a statement. [124944]

Miss Melanie Johnson: The Financial Services Authority published its response to the consultation on the Single Ombudsman Service on 24 May on the internet and on 1 June in hard copy form. I understand the FSA has sent a copy of its response direct to my hon. Friend.

National Insurance

Mr. Field: To ask the Chancellor of the Exchequer what action he plans to take to compensate those contributors who were wrongly advised to continue to pay the married women's option in the national insurance scheme. [125102]

Dawn Primarolo: The Government's policy is to provide sufficient information to enable women to make an informed choice about their election to pay reduced rate contributions.

Opinion Research

Mr. Don Foster: To ask the Chancellor of the Exchequer, pursuant to his answer of 25 May 2000, *Official Report*, column 585W, on opinion research, what steps have been taken to ensure that his Department makes such results publicly available as required by paragraph 19 of the Cabinet Office May 1999 Guidelines on Research into Public Attitudes and Opinions. [124904]

Mr. Timms: The Treasury take full account of the Cabinet Office Guidelines on Government Research into Public Attitudes and Opinions, which were published on 12 May 2000.

Taxation (I-E Formula)

Mr. Jack: To ask the Chancellor of the Exchequer, pursuant to his answer of 24 May 2000, *Official Report*, column 524W, on Taxation (I-E Formula), in respect of each rate of tax shown in the table, what is his estimate of a 1 per cent. reduction in each of the rates shown for tax years 1999–2000 and 2000–01. [125120]

Dawn Primarolo: No estimates are available.

Correspondence

Sir Teddy Taylor: To ask the Chancellor of the Exchequer when he intends to reply to the letter of 21 October 1999 from the hon. Member for Rochford and Southend, East, in respect of which a reminder letter was sent on 17 February. [124806]

Miss Melanie Johnson: I replied to the hon. Member on 23 November 1999 and am sending him a copy of my letter.

Inter-Governmental Conference

Mr. Mitchell: To ask the Chancellor of the Exchequer what discussions have taken place on the rebate of the contribution of the United Kingdom to the EU Budget at the Inter-Governmental conference considering the prospective Treaty of Nice; and what has been the percentage change in the UK's *(a)* gross and *(b)* net contribution to the EU (i) taking into account and (ii) not taking into account the rebate in the last five years. [125252]

Miss Melanie Johnson: No such discussions have taken place. Details of the United Kingdom's gross contributions, abatement, public sector receipts and net contributions for the period 1973–74 to 1999–2000 can be obtained from various Departmental Reports of the Chancellor of the Exchequer's Departments—or, previously, Government Expenditure Plans.

Written Answers to Questions

Friday 9 June 2000

TRADE AND INDUSTRY

Royal Mail

Mr. Pollard: To ask the Secretary of State for Trade and Industry what levels of compensation are available to customers of the Royal Mail's Special Delivery service following the termination of the registered post service. [124727]

Mr. Alan Johnson: There are three levels of compensation available with the Special delivery service:

The service comes with an automatic compensation level of up to £250. For an extra fee of £0.45 compensation of up to £1,000 can be purchased. For an extra fee of £1.35 compensation of up to £2,500 can be purchased. Prices for these services are dependent upon the weight of the item and the level of compensation purchased. A full listing is available on Royal Mail's website, www.royalmail.co.uk.

Customers are also able to purchase Consequential Loss on top of the compensation service. This covers any additional financial loss that is separate from the actual market value of the item and is due to delay, loss or damage.

Limited Liability Partnerships

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what estimate he has made of the number of plcs likely to register as limited liability partnerships under his proposed new legislation. [124381]

Dr. Howells: No such estimate has been made. For a number of reasons we would be surprised if plcs converted to LLPs. There are no shareholders in an LLP, and no provision for the public listing of an LLP. Shareholders in a plc would have to become LLP members, and would be subject to, for example, the potential "clawback" liability of the new section 214A to be contained in regulations applying the Insolvency Act 1986. Treating LLPs as partnerships for tax will mean that each member will be taxed on their proportionate share of the whole of the LLP's income and capital gains. This would make both the LLP's and the members' tax calculations extremely complicated, with the individual members having to pay that tax through self assessment. Further, if an LLP restricted what the members could draw out because it wanted to retain profit for working capital then taxing each member on their proportionate share of the whole of the LLP's profit could mean they paid more tax than they had received. This would give the appearance that they were suffering an effective tax rate of over 100 per cent.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry when the consultation on the good faith provisions of the Limited Liability Partnerships Bill will be completed. [125346]

Dr. Howells: The consultation paper, "Regulatory Default Provisions Governing Relationship Between Members" (URN 00/617) published in February, sought comments on whether it was appropriate to include express statutory provision that members of an LLP owe a duty of good faith to each other. The consultation period closed on 7 April, and the summary of responses (URN 00/865) published in May set out the conclusions reached.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what consultation he had with the Federation of Small Businesses about the opportunities for small businesses to become limited liability partnerships before the Limited Liability Partnerships Bill was introduced. [125345]

Dr. Howells: A representative of the Federation of Small Businesses met my officials in October 1999 and has also been in correspondence with them.

Departmental Policies

Caroline Flint: To ask the Secretary of State for Trade and Industry in what ways his Department and its executive agencies deliver services to meet the needs of the public as consumers, with particular reference to families. [124537]

Mr. Byers *[holding answer 5 June 2000]:* My Department and its agencies are committed to improving family life through the encouragement of enterprise and creation of wealth, and to enabling more choice for working parents to help them balance their work and family commitments while providing benefits for business. In a speech at the New Ways to Work Conference on 9 May, I announced a Government review of the issues surrounding maternity pay and parental leave.

My Department aims to benefit the public as consumers by creating strong and competitive markets and by developing a fair and effective legal and regulatory framework for commercial activity. Last year, we published a White Paper, "Modern Markets: Confident Consumers" (Cm 4410) which set out a comprehensive strategy to help people get a good deal. We also provide financial support for consumer bodies, including the National Association of Citizens Advice Bureaux, and have set up an award winning consumer gateway (www.consumer.gov.uk) to steer people round the wealth of consumer information on the World Wide Web.

German Post Office

Sir Teddy Taylor: To ask the Secretary of State for Trade and Industry (1) if he will make a statement on the decision of the European Commission to initiate inquiries into the handling of UK mail by the German Post Office, indicating the powers which the Commission possesses; [124764]

(2) what representations Her Majesty's Government have made to the Government of Germany about the handling of mail from the UK; and if he will make a statement; [124765]

(3) if he will make a statement on his policy in respect of the decision of the European Court of Justice on the German Post Office's entitlement to make additional

charges for re-mailed letters; and what assessment he has made of the impact of this decision on the Post Office. [124766]

Mr. Alan Johnson *[holding answer 8 June 2000]:* This issue relates to the lack of clarity about what does and what does not constitute ABA re-mail which has led to a number of legal cases within Europe. ABA re-mail is mail sent from Country A to Country B for delivery to Country A. The problems have arisen because the way historically post offices have paid each other has not allowed them to fully recover the costs of delivering incoming mail.

In this context the British Post Office lodged a complaint with the European Commission in February 1998 into the alleged practice of Deutsche Post AG (DPAG) intercepting some international mail inward into Germany. The European Commission has now announced that it has completed an extensive investigation and in its preliminary assessment has concluded that, subject to any arguments DPAG may put forward in its defence, DPAG's practice abuses its dominant market position and restricts competition. The Commission has issued a Statement of Objections, which is a preliminary procedural document and not a final decision. It opens formal proceedings under EU procedural rules. It lists in detail the allegations against DPAG and includes the Commission's assessment of how DPAG infringes Article 82 of the EC Treaty. DPAG has full rights of defence and when these have been considered the Commission will finally decide whether a prohibition decision is necessary. If, following formal proceedings, the initial view of the Commission is confirmed, DPAG will be ordered to cease this behaviour. DPAG may then appeal the decision of the Commission before the European Courts.

I welcome the Commission's decision to investigate this case. Any infringement of competition rules or abuse of a dominant position is of concern. We were aware of the Post Office's complaint but have not made direct representations to the Germany Government as we were awaiting the Commission's views.

The case is one of a number of cases concerning remail. The recent decision of the European Court of Justice on the German Post Office's entitlement to make additional charges for re-mailed letters (in the case of DPAG *v.* GZS and Citicorp) allowed DPAG to charge bulk mailers the difference between the low rate it receives from the sending countries' postal authorities and the rate it would have received if that mail had been sent domestically within Germany. It did not address the issue of what kinds of items should be regarded as acceptable for ABA re-mail. It is this issue which the current investigation will address.

Also relevant is the recent rejection of the appeal by DPAG in the International Express Carriers Conference (the IECC) *v.* Commission against the judgment of the Court of First Instance which annulled the Commission's decision of 6 April 1995 that interceptions of commercial ABA re-mail did not constitute an abuse within the meaning of Article 86 (now 82) of the EC Treaty. The rejection of the appeal does not mean that Deutsche Post, or other European Post Offices, are entitled to intercept commercial physical ABA re-mail. Equally there is no ruling that it may do so. I hope the current investigation will clarify matters.

Correspondence

Mr. Arbuthnot: To ask the Secretary of State for Trade and Industry when he will reply to the letter of 2 February from the right hon. Member for North-East Hampshire regarding a constituent, Mr. Kelbie. [124997]

Mr. Alan Johnson *[holding answer 8 June 2000]:* I replied to the right hon. Member yesterday.

Car Pricing

Mrs. Browning: To ask the Secretary of State for Trade and Industry what assessment he has made of the effect the Competition Commission recommendation on car pricing would have on the independent car retailers. [124898]

Mr. Byers *[holding answer 8 June 2000]:* The recommendations should bring about greater competition in the supply and retailing of new cars. This should mean lower prices, increased sales and increased consumer confidence. Both consumers and the car industry will benefit.

Mr. Ennis: To ask the Secretary of State for Trade and Industry what further response he will make to the Competition Commission's report on the Supply of New Motor Cars in the UK. [125759]

Mr. Byers: I intend to publish a draft of the Order under the Fair Trading Act 1973 on Monday 12 June. Under the provisions of the Fair Trading Act 1973 I will allow a 30 day period for consultation. This will help to ensure that the Order is workable for the industry and effective for consumers.

I note that prices for new cars have come down recently. I welcome this response by manufacturers and dealers. The Order is an important part of this process.

Science Base

Ms Southworth: To ask the Secretary of State for Trade and Industry what steps he is taking to reinforce the science base in the North West. [125755]

Mr. Byers: I have today set up a new group which will examine ways of boosting economic development in the North West by capitalising on the region's scientific and industrial strengths. The North West Science and Daresbury Development Group will also make proposals on the role that the Daresbury Laboratory in Cheshire can play in this process. The Group will report to me by 29 December 2000.

DEFENCE

Queen Victoria School

Mr. Nigel Griffiths: To ask the Secretary of State for Defence what key targets have been set for the Queen Victoria School for the Financial Year 2000–01. [125756]

Dr. Moonie: The Chief Executive of Queen Victoria School has been set the following Key Targets for 2000–01:

1. To maintain the staying on rate at school for S4 to S5 at a minimum of 4 per cent. above the Scottish national average for the current year.[1]
2. To maintain the percentage of pupils obtaining at least five Credit awards at Standard Grade at 2 per cent. above the Scottish average.[1]
3. To maintain a percentage of the presentations at Higher Grade achieving A to C at least equal to the Scottish average.[1]
4. To achieve a pupil per capital cost of not more than £15,500 by March 2001. The 1999–2000 target was £17,415.
5. To generate income to the school of at least £245,000.

[1] All Queen Victoria School statistics to be based on the school's results over the last three years, compared with the national average for the current year, those statistics being as published in the Scottish Executive Official Statistics.

War Widows Pilgrimage Scheme

Ms Dari Taylor: To ask the Secretary of State for Defence what recent representations he has received calling for extension of the War Widows Pilgrimage Scheme. [125757]

Dr. Moonie: Following a recent approach by The Royal British Legion, I have agreed to an extension of the War Widows Pilgrimage Scheme for a further two years, until 31 March 2003. The Government greatly appreciate the excellent work of The Royal British Legion who administer this subsidised scheme on our behalf and which, to date, has enabled more than 4,000 widows to visit their husband's grave in many parts of the world.

ECHR (Cyprus)

Mr. McNamara: To ask the Secretary of State for Defence if the European Convention on Human Rights is applied to the sovereign bases in Cyprus. [124402]

Mr. Spellar: The European Convention on Human Rights is not extended to the Sovereign Base Areas in Cyprus.

HOME DEPARTMENT

Young Offenders Institutions

Ms Julie Morgan: To ask the Secretary of State for the Home Department, pursuant to his answer of 18 May 2000, *Official Report*, columns 219–20W, on young offenders institutions, at which installations the eight self-inflicted deaths in 1999 took place; and what were the *(a)* ages and *(b)* gender of the residents concerned. [123978]

Mr. Boateng *[holding answer 5 June 2000]:* The information requested is given in the table.

Self-inflicted deaths in Her Majesty's Young Offenders Institutions: 1999

	Sex	Age
Aylesbury	Male	18
Aylesbury	Male	19
Aylesbury	Male	19
Castington	Male	20
Glen Parva	Male	19
Portland	Male	20
Stoke Heath	Male	19
Weatherby	Male	17

Notes:
1. Establishments have been categorised according to their primary role. However, it should be noted that there are a number of other prisons that hold young offenders (eg male remand centres) which are not included.
2. Not all self-inflicted deaths conclude with a verdict of suicide.

Endocrine Disrupters

Mr. Etherington: To ask the Secretary of State for the Home Department how many applications he has received for licences to undertake testing for endocrine disrupters; and if he will indicate in each case the *(a)* level of funding, *(b)* length of study, *(c)* animal species which are to be used and *(d)* relevant research body. [124786]

Mr. Mike O'Brien: No project licences have been issued to undertake regulatory testing of endocrine disrupters as there is currently no formally agreed regulatory test requirement or protocol.

Licences have been issued to assist in the development and validation of the test systems that might be required to underpin any regulatory testing regime. The work is done almost exclusively on fish.

Information on sources of funding, research bodies and length of studies are not collated centrally.

Animal Experiments

Mr. Etherington: To ask the Secretary of State for the Home Department what factors are taken into account by the Chief Animals (Scientific Procedures) Inspector when making a cost/benefit assessment under the Animals (Scientific Procedures) Act 1986 before granting a licence to allow experiments on animals. [124789]

Mr. Mike O'Brien: Section 5(4) of the Animals (Scientific Procedures) Act 1986 requires that, in determining whether and on what terms to grant a project licence, the Secretary of State must weigh the likely adverse effects on the animals concerned against the benefit likely to accrue as a result of the programme specified on the application.

For the purposes of the cost/benefit assessment, the cost to the animal is considered as the adverse effects of pain, suffering, distress or lasting harm. The benefits must be for humans, animals or the environment and relate to the scientific and/or medical progress likely to result directly from the programme outlined in the application.

All members of the Animals (Scientific Procedures) Inspectorate apply the cost/benefit assessment set out in detail in the Chief Inspector's paper, including in the Annual Report of the Animal Procedures Committee for 1997, Chapter 2, Annex 1.

Mr. Etherington: To ask the Secretary of State for the Home Department what guidance he has issued to the Chief Animals (Scientific Procedures) Inspector with regard to the safety testing for chemicals used in

household products, and the products themselves, where it is not claimed that a product will itself improve the health of man or animals or provide enhanced protection for the environment; and if he will make a statement. [124790]

Mr. Mike O'Brien: Section 5(3) of the Animals (Scientific Procedures) Act 1986 sets out the purposes for which a project licence shall be granted. If a programme of work does not satisfy one or more of those reasons, it will not be authorised.

National and international regulatory bodies require that products, ingredients and chemicals are tested to ensure that they are safe (for humans, animals and the environment) during manufacture, transport and use, thereby preventing ill-health or abnormality or their effects and providing protection of the natural environment. The product itself does not have to improve the health of man or animals or provide enhanced protection of the natural environment.

This country has taken, and continues to take, a leading role in Europe in encouraging the use of alternatives which replace animal use, reduce the number of animals used and refine the procedures to minimise pain and suffering.

Secure Training Centres

Mr. Lidington: To ask the Secretary of State for the Home Department which secure training centres are unable to accept inmates sentenced to a detention and training order; and if he will make a statement. [125025]

Mr. Boateng *[holding answer 8 June 2000]:* All three Secure Training Centres (STCs) are able to accommodate children and young people sentenced to Detention and Training Orders (DTOs). Eighteen of the 37 trainees in Medway, 21 of the 40 in Rainsbrook and 17 of the 36 in Hassockfield are serving DTOs.

Blantyre House

Mr. Corbett: To ask the Secretary of State for the Home Department on what dates HM Inspector of Prisons last inspected HMP Blantyre House; on what date his report was submitted to his Department; and on what date it is expected to be published. [125065]

Mr. Boateng *[holding answer 8 June 2000]:* Her Majesty's Chief Inspector of Prisons carried out a full announced inspection of Blantyre House prison from 21 to 25 January this year. He submitted his report to my right hon. Friend the Home Secretary on 21 March. Discussions on factual accuracy as set out in the established protocol are taking place. I expect the report to be published shortly.

Prostitutes' Cards

Ms Buck: To ask the Secretary of State for the Home Department what responses he has received to the consultation exercise entitled New Measures to Control Prostitutes' Cards in Phone Boxes; what action he now proposes to take; and if he will make a statement. [125535]

Mr. Charles Clarke: We received 60 replies to the consultation exercise. Many respondents did not comment directly on the need for action and just under half (27) specifically stated there was a problem which needed to be tackled. Only four did not feel action should be taken. We therefore conclude we need to take specific action to deal with prostitutes' cards in phone boxes.

However, it remains the case that this is very much a local problem and action needs to be targeted at the specific areas involved.

No single straightforward solution emerged from the consultation responses, although there was strong support both for call barring and for a new criminal offence. We accept that action should be taken on both these fronts together.

On call barring, we are asking the Director-General of Oftel to consider how best to develop an effective scheme in consultation with the industry.

On the new criminal offence, respondents to the consultation exercise expressed differing views on how an effective new criminal offence could be formulated. They highlighted the need for the new offence to fit coherently into controls and regulatory schemes already in place. I have, therefore, asked my officials to meet local authorities, Oftel, the police, the Crown Prosecution Service and other agencies to draw up final proposals with a view to legislating when parliamentary time allows.

In taking this action, we have looked carefully at whether effective measures against prostitutes' cards could lead to an increase in street prostitution, and whether, if so, the cards should be seen as the lesser affront. We raised this issue specifically as part of the consultation. However, the responses as a whole did not suggest this was a major concern. It was noted that street prostitution had not decreased with the advent of carding. Moreover, the number of prostitutes advertising in this way in London was estimated at between 250–400, but the number of cards produced was 13 million per year. Prostitutes outside London and Brighton do not normally have recourse to this particularly offensive form of advertising, although we are aware of small scale use of this form of advertising in a few other areas. We have, therefore, concluded that action against carding is justified and is very unlikely to be counter-productive.

I have placed a summary of the responses in the Library.

Chief Inspector of Prisons

Mr. Burgon: To ask the Secretary of State for the Home Department what plans he has for the post of Her Majesty's Chief Inspector of Prisons on the expiry of Sir David Ramsbotham's appointment; and if he will make a statement. [125552]

Mr. Straw: I am delighted that Her Majesty the Queen has consented to an extension of the appointment of Her Majesty's Chief Inspector of Prisons, Sir David Ramsbotham, until July 2001. Sir David has made a great contribution to our shared goal of ensuring that prisoners are held securely in safe, decent and healthy establishments. I am pleased that he will continue in his role beyond the expiry date of his original appointment.

Her Majesty's Chief Inspector of Probation, Sir Graham Smith, also retires close to the end of July 2001. Aligning the dates when both posts will be vacant, gives the Government flexibility in considering how best to ensure that the arrangements for inspection of prisons and the probation service best support closer working between the services as well as ensuring that the individual services continue to be inspected rigorously and independently as they have been. I shall be making a further statement to Parliament on this in due course.

Criminal Cases Review Commission

Mr. Burgon: To ask the Secretary of State for the Home Department what re-appointments and appointments are to be made to the Criminal Cases Review Commission. [125553]

Mr. Straw: Her Majesty the Queen has approved the re-appointment for a further term of the following existing members of the Criminal Cases Review Commission:

Mr. Barry Capon CBE
Miss Jill Gort
Mr. John Knox
Mr. David Kyle
Professor Leonard Leigh
Dr. James MacKeith
Mr. Edward Weiss

Her Majesty has also approved the appointment of Mr. David Jessel as a member of the Commission with effect from 1 August.

Marches and Demonstrations (Kent)

Mr. Gale: To ask the Secretary of State for the Home Department if he will grant to the Chief Constable of Kent powers to proscribe marches and demonstrations in public places within the Thanet District, Dover District and Canterbury City Council boundaries between 10 June and 31 October. [125354]

Mr. Charles Clarke: Section 13 of the Public Order Act 1986 enables a chief constable to apply to the District Council for an order prohibiting public processions or marches for a period of up to three months, where he reasonably believes that such marches may result in serious public disorder, and that disorder could not be prevented by the imposition of appropriate conditions on the march. The District Council may make such an order with the consent of the Home Secretary. Should an application be received by the Home Secretary in this case, it will be carefully considered on its merits.

Criminal Justice and Court Services Bill

Mr. Simon Hughes: To ask the Secretary of State for the Home Department if he will estimate the cost of drug treatment and testing measures contained in the Criminal Justice and Court Services Bill. [125325]

Mr. Boateng: The current estimates are dependent upon the number of people who will be subject to the drug treatment and testing measures and their deterrence effect. The estimated annual cost for national implementation is in the range of £50 million to £80 million. This includes an estimate of the costs arising from possible increases in the prison population.

The initial piloting of these drug testing proposals in three areas will provide further information of the costs.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what research he commissioned on which he based the plans for the Drug Abstinence Order contained in the Criminal Justice and Court Services Bill; and if he will make a statement. [125326]

Mr. Boateng: The use of drug testing to deter and monitor drug misuse in the proposed Drug Abstinence order is based on existing evidence from both America and this country. This includes the evaluation of programmes in Oregon showing that drug testing can be useful in supervising offenders in the community. The Prison Service's mandatory drug testing programme also demonstrates that testing can have a significant deterrent effect on drug misusers.

The drug testing proposals, including the Drug Abstinence Order, are to be piloted over two years and the outcomes fully evaluated. These evaluations will provide further material to inform the future use of Drug Abstinence Orders.

Prisons

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many prisons have appointed an equal opportunities officer; what percentage of *(a)* staff and *(b)* managers have received racial harassment and discrimination training; when targets for the implementation of the Instruction to Prison Governors IG51/1996 will be met; and if will he make a statement. [125327]

Mr. Boateng: All prisons directly managed by the Prison Service have an equal opportunities officer.

The current recorded level of delivered training in racial harassment and discrimination is 9.9 per cent. Records do not differentiate between managers and staff.

The target set out in instruction to governors 51 of 1996, a copy of which is in the Library, was for all staff to receive racial harassment and discrimination training by July 2000. However, legislation and case law have moved on since the instruction was issued and the training needs to be updated. The development and introduction of new training forms part of the Prison Service's diversity action plan.

The Prison Service launched the racial equality for staff and prisoners programme (RESPOND) in February 1999. Under this material issued to all establishments, it makes clear that racism will not be tolerated and includes guidance on language and behaviours which could cause offence.

Police Costs

Mr. Simon Hughes: To ask the Secretary of State for the Home Department, pursuant to his answer of 26 November, *Official Report*, column 241W, on police costs whether information is available on the total additional costs to police forces responsible for policing each of the party conferences last year; and if he will make a statement. [125348]

Mr. Charles Clarke: The total additional qualifying expenditure (extra costs that were related to the police security operation) that was incurred for the Labour Party and Conservative party conferences in 1999 were as follows:

	£
Labour Party Conference at Bournemouth	
Dorset Police	1,659,317
Conservative Party Conference at Blackpool	
Lancashire Constabulary	891,867

The special payment I authorised for Dorset Police was limited to £1.6 million and, therefore, the excess (£59,317) was met from within their budget. In the case of the Lancashire Constabulary, I have made a special payment that is equal to their additional costs as they were less than the special grant maximum I had earlier set at £895,000.

Drug Testing

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what measures he has taken to ensure consistency and accurate standards of drug testing conducted by his Department; and if he will make a statement. [125323]

Mr. Charles Clarke: The piloting of the drug testing proposals contained in the Criminal Justice and Court Services Bill is due to start in Spring 2001. Planning will include consultation with the Forensic Science Service on the testing arrangements to ensure that the analytical processes are accurate, fully meet industry standards and are subject to rigorous quality assurance programmes. Use will also be made of the considerable experience gained from the well-established Prison Service mandatory drug testing programmes.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department if he will make a statement on the Government's policy in relation to arrest referral schemes and how arrest schemes are to operate in relation to powers to test for drugs at the time of charging of suspects. [125324]

Mr. Charles Clarke: We anticipate that the testing of arrestees charged with the relevant offences will help to identify those who would benefit from participation in arrest referral schemes which are now being developed with a view to providing coverage of all custody suites by April 2002.

The drug testing proposals are to be piloted over two years from spring 2001. This will include an assessment of how drug testing can be used to maximise the effectiveness of arrest referral schemes.

Asylum Seekers

Mr. Simon Hughes: To ask the Secretary of State for the Home Department if he will make a statement on the Audit Commission report entitled, Another Country; what plans he has to make changes to the current arrangements for the dispersal of asylum seekers; and if he will make a statement. [125320]

Mrs. Roche: We welcome the Audit Commission report on the dispersal arrangements. The field work for the report was undertaken between October 1999 and March 2000 and draws its conclusions from the effectiveness of dispersal operations under the voluntary arrangements, before the National Asylum Support Service became operational on 3 April 2000. Many of the conclusions and recommendations made within the report have been implemented, or are being developed, or are under active consideration.

We will continue to work with regional consortia to ensure that asylum seekers are properly supported while their claims are being considered, and that no one area takes a disproportionate burden.

Correspondence

Sir Brian Mawhinney: To ask the Secretary of State for the Home Department when the right hon. Member for North-West Cambridgeshire will receive replies to his letters of 9 February and 4 May on behalf of his constituent Dr. Nazir. [125194]

Mr. Straw: I wrote to the right hon. Member on 8 June. I apologise to him for the delay.

Remembrance Sunday

Mr. Pond: To ask the Secretary of State for the Home Department if he will make a statement on the arrangements for this year's ceremony at the Cenotaph on Remembrance Sunday. [125551]

Mr. Straw: The usual ceremony at the Cenotaph will be held on Remembrance Sunday. The Royal British Legion has made proposals which will allow other relevant groups and individuals who have not in the past taken part in the march past at the conclusion of the official ceremony to do so. I welcome these proposals, which the Royal British Legion are now taking forward. Interested parties will be able to apply through the Royal British Legion.

Burns Inquiry

Mr. Bob Russell: To ask the Secretary of State for the Home Department what date was first set for the report of the Burns Inquiry into hunting with dogs to be delivered to him; when he expects to receive it; when it will be published; and if he will make a statement. [125349]

Mr. Mike O'Brien: The Burns Inquiry was asked to report by late spring. My right hon. Friend the Home Secretary expects to receive the report from Lord Burns today, and the report to be published next week.

CULTURE, MEDIA AND SPORT

Television Transmitter Failures (Compensation)

Ms McCafferty: To ask the Secretary of State for Culture, Media and Sport what compensation arrangements apply to television licence holders who are unable to receive broadcasts as a result of transmitter failures. [124738]

Janet Anderson: The television licence fee is a payment for permission to install or use television to receive television programme services and not for a service provided. There is therefore no entitlement to compensation, nor, while a TV remains installed, to refunds of television licence fees in cases of transmitter failures.

Millennium Dome

Mr. Redwood: To ask the Secretary of State for Culture, Media and Sport what is the standard adult charge for visiting the Dome; and what is the average entrance receipt achieved per visitor. [123985]

Janet Anderson *[holding answer 5 June 2000]:* The gross standard adult charge for entrance to the Dome is £20. The average gross yield entrance receipt per visitor to date, is £14.50.

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport if the attainment of a target for visitor figures for the Millennium Dome will be a factor in deciding to award a bonus to Pierre-Yves Gerbeau. [124394]

Janet Anderson *[holding answer 7 June 2000]:* The attainment of a target for visitor numbers will be one of a range of measures used in any decision to award a bonus payment to the Chief Executive of the New Millennium Experience Company (NMEC).

Designated Museums Challenge Fund

Mr. Bob Russell: To ask the Secretary of State for Culture, Media and Sport what plans he has to extend the period of the Designated Museums Challenge Fund; and if he will make a statement. [125075]

Mr. Alan Howarth: £15 million has been allocated to the Designation Challenge Fund between 1999 and 2002. Provision beyond that will depend on the outcome of the spending review 2000.

New Millennium Experience Company

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport when he expects the New Millennium Experience Company to publish its next accounts; and what period they will cover. [125030]

Janet Anderson *[holding answer 8 June 2000]:* The New Millennium Experience Company (NMEC) aims to publish its next Annual Report and Accounts at the end of July 2000, to cover the period up to 31 December 1999.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport how many board meetings of the New Millennium Experience Company have taken place since 1 January; when they took place; and which directors were in attendance at each meeting. [125028]

Janet Anderson *[holding answer 8 June 2000]:* Since 1 January 2000, the Board of the New Millennium Experience Company has met eight times.

18 January:

Present: Robert Ayling; Jennifer Page; Ian Ash; Cllr Len Duvall; Michael Grade; Sir Brian Jenkins; Liam Kane; The hon. Mrs. Sara Morrison; David Quarmby; Ken Robinson; Neil Spence.

31 January:

Present: David Quarmby; Ian Ash; Jennifer Page; Liam Kane; Ken Robinson; Neil Spence.

24 February:

Present: Robert Ayling; P-Y Gerbeau; Ian Ash; Sir Alan Cockshaw; Cllr Len Duvall; Sir Brian Jenkins; Liam Kane; The hon. Mrs. Sara Morrison; David Quarmby.

21 March:

Present: Robert Ayling; P-Y Gerbeau; Sir Alan Cockshaw; Michael Grade; Sir Brian Jenkins; Liam Kane; The hon. Mrs. Sara Morrison; David Quarmby; Neil Spence.

18 April:

Present: Robert Ayling; P-Y Gerbeau; Ian Ash; Sir Alan Cockshaw; Cllr Len Duvall; Sir Brian Jenkins; The hon. Mrs. Sara Morrison; David Quarmby; Neil Spence.

2 May:

Present: Robert Ayling; P-Y Gerbeau; Ian Ash; Sir Brian Jenkins; The hon. Mrs. Sara Morrison; David Quarmby; Neil Spence.

18 May:

Present: Robert Ayling; P-Y Gerbeau; Ian Ash; Cllr Len Duvall; Michael Grade; Malcolm Hutchinson; Sir Brian Jenkins; The hon. Mrs. Sara Morrison; Neil Spence.

23 May 2000:

Present: Robert Ayling; P-Y Gerbeau; Ian Ash; Cllr Len Duvall; Michael Grade; Malcolm Hutchinson; Sir Brian Jenkins; David Quarmby; Neil Spence.

Stonehenge

Mr. Key: To ask the Secretary of State for Culture, Media and Sport if the preferred commercial operator of the proposed visitor centre at Stonehenge has been chosen; and if he will make a statement. [125328]

Mr. Alan Howarth: I anticipate that a statement will be made in the near future.

FOREIGN AND COMMONWEALTH AFFAIRS

Pakistan

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received of the rape of eight Christian girls in Pakistan on 7 May. [125143]

Mr. Hain: We are aware of reports that Christian girls were raped on 3 May in Lahore. We strongly deplore this dreadful criminal act. Following the coup of 12 October, General Musharraf gave assurances that the rights of Pakistan's minorities would be respected and that they would be treated as equal citizens. We urge him to fulfil this commitment and ensure that all Pakistan citizens are given the full protection of the law.

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he is taking to encourage the administration in Pakistan to eradicate religious intolerance. [125145]

Mr. Hain: We share concerns about the position of religious minorities in Pakistan and have relayed those concerns to the Pakistan authorities. Our High Commission in Islamabad maintains a regular dialogue with Christian and human rights groups and the Pakistani authorities on this issue. We will continue to monitor the situation closely and raise our concerns.

India

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Indian Government on the rise of Hindu militancy in India. [125162]

Mr. Hain: During his visit to India in April, my right hon. Friend the Foreign Secretary raised with the India Foreign Minister, Jaswant Singh, his concerns over incidents of religious intolerance. I also discussed attacks on religious minorities with my Indian interlocutors during my visit to India last November.

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment he has made of the frequency of attacks against the Christian population of India in each of the last four years. [125144]

Mr. Hain: We have been following closely reports of attacks on Christians in India. We have noted with concern an apparent increase in such reports over the past four years. We have raised this issue with Indian authorities on a number of occasions and have urged them to respond to international concern over attacks on Christians. We and our High Commission in New Delhi will continue to monitor this issue.

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received concerning attacks on Christians in India. [125164]

Mr. Hain: Our High Commission in New Delhi continues to monitor the position of religious minorities in India closely, including reports of attacks on Christians.

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what support he is giving the Indian Government to reduce Hindu militant attacks on the Christian population of India. [125163]

Mr. Hain: We support the Indian authorities in their efforts to ensure tha' the right to freedom of religion, as enshrined in the Indian Constitution, is guaranteed. We have welcomed the Indian Government's assurances that attacks on Christians are fully investigated and action taken against the perpetrators.

TREASURY

Income Tax

Mr. Portillo: To ask the Chancellor of the Exchequer how many people aged 65 years and above pay income tax at the *(a)* basic and *(b)* higher rate; and how many did so in the financial year 1996–97. [121010]

Dawn Primarolo *[holding answer 5 June 2000]:* I refer the right hon. Gentleman to the answer given to the hon. Member for Sutton and Cheam (Mr. Burstow) on 8 June 2000, *Official Report,* column 382W.

HEALTH

Taxanes

Ms Church: To ask the Secretary of State for Health what representations he has received from health care professionals regarding the funding of taxanes. [118345]

Yvette Cooper: The Department receives communications from members of the public from all walks of life representing a wide range of issues. These include some from health care professionals who have shown concerns regarding the funding of taxanes which has led to so called "postcode prescribing".

We share these concerns and this is the reason why we asked the National Institute of Clinical Guidance (NICE) to review the evidence around the effectiveness of two taxane drugs (Taxol and Taxotere). NICE published guidance on the use of taxanes in advanced ovarian cancer on 5 May and will be publishing guidance on the use of taxanes for advanced breast cancer shortly. We have made an additional 8.9 per cent. cash increase available to health authorities on average this year. This includes the additional £660 million announced in the Budget which will, among other things, enable health authorities to fund positive recommendations from NICE.

Influenza

Mrs. Virginia Bottomley: To ask the Secretary of State for Health (1) what steps the Government plans to take to ensure that vulnerable at-risk groups, including elderly people in nursing homes, have rapid access to antiviral treatment and protection in the early stages of influenza outbreaks in their communities; [121962]

(2) what plans he has to recommend the wider use of antiviral drugs to help control influenza outbreaks; [121961]

(3) what plans he has to communicate to health professionals and the public information about influenza protection and treatment measures other than vaccination, with particular reference to established antivirals; [121966]

(4) what steps he is taking to ensure that general practitioners are aware of the extent to which *(a)* flu antivirals used in other countries and *(b)* new antivirals being considered by NICE are available, effective and safe; [121960]

(5) if he will recommend adoption of anti-flu measures as employed by the West Cumberland NHS Trust. [122297]

Yvette Cooper: Recommendations on the use of amantadine (an antiviral drug used in the treatment and prevention of influenza A) are given in the United Kingdom Health Departments' publication 'Immunisation against Infectious Disease'. Recommendations on the use of Relenza (one of a new type of antiviral drugs developed for the treatment of influenza) are given in the guidance from the National Institute for Clinical Excellence (NICE) issued last year. NICE will be reviewing its advice on the use of antiviral drugs later this year, in time to give further advice for next winter's influenza season. The Department will consider the need for further guidance on the treatment of influenza in the light of this advice.

The use of antiviral treatment in an individual outbreak is a matter for the local Consultant in Communicable Disease Control and offering such treatment to healthcare staff is a decision for individual NHS trusts.

Ectopic Pregnancy Trust

Jane Griffiths: To ask the Secretary of State for Health what steps her Department is taking to support the work of the Ectopic Pregnancy Trust. [122499]

Yvette Cooper: The Department provides financial support to the Ectopic Pregnancy Trust through the Section 64 grants scheme. This support comprises core grant funding of £20,000 in 2000–01 and up to a maximum of £20,000 in 2001–02 and £10,000 in 2002–03 to help meet the trust's running costs.

Kidderminster Hospital

Mr. Luff: To ask the Secretary of State for Health if he will intervene to prevent the relocation of medical services provided at Kidderminster Hospital to Worcester Royal Infirmary until the new Worcester hospital is open. [122458]

Yvette Cooper *[holding answer 16 June 2000]:* The Secretary of State has approved the proposals in Investing in Excellence for a new hospital and for the reconfiguration of services across the district. The timing of the reconfiguration is a matter for the local trust, with due regard for their responsibility for safety and quality care.

The lead clinicians at Kidderminster Hospital have agreed to the moves of acute inpatient services to either Worcester or Redditch, in the interests of sub-specialisation and better quality care across the whole of Worcestershire. They have recently become increasingly concerned about the clinical fragility of services in Kidderminster, and the risks involved in coping with winter pressures under these circumstances. The trust proposes that acute inpatient beds currently provided at Kidderminster will be re-provided one-for-one in Worcester or Redditch, and have additional facilities to handle extra demand, including an expanded Accident and Emergency Department, a new minor injuries unit, new Medical Assessment Unit and additional ITU and coronary care beds. The Department has been assured that this work will be complete before the inpatient moves take place.

Bowel Cancer

Mr. Sanders: To ask the Secretary of State for Health how many people were treated for bowel cancer in *(a)* the South and West Devon Health Authority area and *(b)* Torbay Healthcare Trust since 1990; and what were their survival rates. [122694]

Yvette Cooper: Information provided by the South and West Cancer Intelligence Unit on the incidence of colorectal cancer and survival rates in South and West Devon Health Authority is given in the following tables. The hon. Member may wish to contact Mr. David Hudson, Chairman of South Devon Healthcare NHS Trust, for details of local treatment and survival rates.

Three year rolling average colorectal cancer incidence rates—South and West Devon Health Authority residents

	Crude rate	*ASR*
1990–92	67.4	44.2
1991–93	66.4	43.8
1992–94	68.2	44.4
1993–95	65.9	41.7
1994–96	68.2	43.4
1995–97	68.9	44.1

Notes:
1. Crude rates relate to incident cases per 100,000 population
2. Age standardised rates (ASR) are based on European Standard Population and allow for a direct comparison between areas
3. Colorectal Cancer ICD9/10: 153, 154, C18-C21

Survival rates—colorectal cancer 1990 to 1994—South and West Devon Health Authority residents

Percentage

Survival time	*All registrations proportion surviving*	*Treated within six months. Proportion surviving*
30 days	92	95
1 year	69	75
2 years	56	62
3 years	49	54
4 years	44	48
5 years	41	45

Notes:
1. Survival analysis based on registrations made between 1990–94. This allows for full five year follow up period for all patients.
2. Persons aged over 85 at diagnosis and registrations made from a Death Certificate Only are excluded from the analysis.
3. Analysis on treated within six months looks only at those persons for whom SW Cancer Intelligence Unit have received information regarding surgery and/or radiotherapy and/or chemotherapy within six months of diagnosis.
4. Colorectal Cancer ICD9/10: 153, 154, C18-C21.

Myalgic Encephalomyelitis

Mr. Blizzard: To ask the Secretary of State for Health what work is being carried out by his Department to improve the services available to people suffering from ME. [123266]

Yvette Cooper: The National Health Service provides a considerable number of services to which people suffering from chronic fatigue syndrome/myalgic encephalomyelitis have access, and such patients are seen within a wide range of hospital specialties. The CFS/ME working group will produce guidance aimed at improving the quality of this care and treatment.

Health Care

Mr. Burstow: To ask the Secretary of State for Health if, in respect of nursing homes and community-based settings, the Commission for Health Improvement or the Care Standards Commission will have responsibility for policing the standards of care provided to NHS patients in receipt of intermediate care. [122795]

Mr. Hutton *[holding answer 22 May 2000]:* The Commission for Health Improvement has responsibility for reviewing the quality of healthcare, including intermediate care, provided to National Health Service patients wherever they are treated. The Care Standards

Bill, currently before Parliament, will establish the National Care Standards Commission which will be responsible for regulating care homes and nursing homes. The Bill will introduce measures to enable the two bodies to work co-operatively and carry out these responsibilities in an effective way.

HPV Testing

Miss Kirkbride: To ask the Secretary of State for Health if he will make a statement on the limited competition to select pilot sites for HPV testing this summer. [123379]

Yvette Cooper: We are in the process of selecting an advisory committee on human papilloma virus testing, which will also act as a selection board for choosing the pilot sites. We are working with the managers of the National Health Service cervical screening programme to develop a method of short-listing sites.

Miss Kirkbride: To ask the Secretary of State for Health what the membership and role will be of the advisory group that will oversee the commissioning and running of the pilot sites for HPV testing. [123378]

Yvette Cooper: The membership of the expert advisory group on the pilot for human papilloma virus testing has not yet been agreed. Prospective members will be approached shortly and will include representatives from colposcopy, cyto-pathology, virology, primary care, epidemiology and consumer groups. When the membership is finalised, details will be posted on the United Kingdom National Screening Committee's website at http://www.nsc.nhs.uk/

Mrs. Brinton: To ask the Secretary of State for Health if he will list the members of the expert advisory group which will oversee the commissioning and running of the pilot sites for HPV testing. [124329]

Yvette Cooper: The membership of the expert advisory group on the pilot for human papilloma virus testing has not yet been agreed. Officials have developed a pilot protocol and identified potential members of the advisory group. Prospective members will be approached shortly and will include representatives from colposcopy, cyto-pathology, virology, primary care, epidemiology and consumer groups. When the membership is finalised, details will be posted on the UK National Screening Committee's website at http://www.nsc.nhs.uk/

Methyl Tertiary Butyl Ether

Ms Walley: To ask the Secretary of State for Health what are the effects on *(a)* human and *(b)* animal health of methyl tertiary butyl ether; and if he will make a statement. [123448]

Yvette Cooper: A major review of the potential health effects of oxygenates, including methyl tertiary butyl ether (MTBE), carried out by the Health Effects Institute in 1996 in the United States where levels can be considerably higher than in the United Kingdom at levels of about 10–15 per cent., concluded that "it is unlikely that fuel containing oxygenates would substantially increase the overall health risk from fuel used in motor vehicles".

The Committee on the Medical Effects of Air Pollutants (COMEAP) is currently considering the possible effects on human health of the inclusion of MTBE in petrol from the point of view of exposures via air. In its examination of evidence, COMEAP is looking at data on the effects of MTBE on animals. A statement will be produced in due course.

Sudden Death Syndrome

Mr. Caton: To ask the Secretary of State for Health (1) what plans he has to make electrocardiogram community testing programmes more widely available to reduce Sudden Death Syndrome fatalities in young people; [124700]

(2) what assessment he has made of the effectiveness of electrocardiogram testing in identifying heart problems in young people likely to make them susceptible to Sudden Death Syndrome; [124701]

(3) what assessment he has made of the causes of Sudden Death Syndrome in young people. [124702]

Yvette Cooper: Sudden Adult Death Syndrome is not one single condition but a group of conditions which result in the sudden and unexpected death of apparently healthy young adults.

Many of the deaths in this syndrome appear to be caused by cardiomyopathies. Our policy is that the relatives of a family with a known high risk of contracting this disease should receive regular cardiovascular examinations. We fully recognise the importance of all patients known to be at cardiac risk being referred for specialist clinical assessment. This examination and testing—perhaps more appropriately referred to as case-finding rather than screening—has been encouraged increasingly in recent years.

The United Kingdom National Screening Committee (NSC) advises Ministers on all aspects of screening policy. The NSC assesses proposed new screening programmes against a set of internationally recognised criteria to ensure that the programme does more good than harm. A recent review of the evidence for cardiomyopathy screening showed that a programme would not yet meet these criteria. However, we will keep this position under review as new evidence emerges.

In the meantime, the Department is working closely with the medical profession and voluntary organisations with a view to raising awareness and improving the diagnosis and testing of people at risk.

Mobile Telephones

Mr. Etherington: To ask the Secretary of State for Health if he will list the research projects that he has commissioned in the last six months to study the health effects of mobile telephones; indicating in each case *(a)* level of funding, *(b)* length of study, *(c)* whether animals will be used, *(d)* membership of project team and *(e)* relevant research body. [124639]

Yvette Cooper: No new projects on the health effects of mobile phones have been commissioned by the Department in the last six months. Research into health effects of mobile phones forms part of the World Health Organisation International Electromagnetic Fields Project to which the Department has been contributing £20,000

per year for the last four years. The organising committee for this project draws on expertise from around the world including the United Kingdom. The Independent Expert Group on Mobile Phones, set up at the instigation of my right hon. Friend the Member for Dulwich and West Norwood (Ms Jowell), the former Minister for Public Health, published its findings in May. The recommendations in this report are being taken up in the development of a comprehensive programme of research costing several millions of pounds jointly funded by Government and industry.

Committee Membership

Mr. Baker: To ask the Secretary of State for Health if he will list the members of the *(a)* Committee on Safety of Medicines, *(b)* Joint Committee on Vaccination and Immunisation and *(c)* Medicines Control Agency, indicating which members have registered links with pharmaceutical companies. [124753]

Yvette Cooper *[holding answer 7 June 2000]:* The current list of members of the Committee on Safety of Medicines, including interests held in the pharmaceutical industry, was placed in the Library on 9 May. Interests of the members of all Medicines Act Advisory Bodies are published annually in the "Medicines Act 1968 Advisory Bodies—Annual Reports", copies of which are available in the Library. The 1999 report is due to be published in July this year.

Members of the Joint Committee on Vaccination and Immunisation, as at 1 April 2000, who have declared interests in pharmaceutical companies are as follows:

Professor Lewis D. Ritchie: Single Company PEPS with Glaxo Wellcome and Zeneca; some industry support to his team for clinical trials work;

Dr. Barbara Bannister: Educational sponsorship by SmithKline Beecham to attend CISTM 6th Conference in June 1999; holds portfolio of shares (managed by asset management company) which includes Glaxo Wellcome and SmithKline Beecham; some clinical trial work for new drugs;

Dr. David Goldblatt: Occasional member of expert panels for SmithKline Beecham, Wyeth and Pasteur Merieux; research grants to support his team from Wyeth, SKB, Nava and Pasteur Merieux;

Professor Roy Anderson: Directorships of Wellcome Trust, Decode, IBHSC; share holdings in Glaxo, Zeneca and SmithKline Beecham;

Dr. Karl Nicholson: Has acted as 'consultant' for Glaxo;

Professor Keith Cartwright: industry part-funding of his team to evaluate candidate meningococcal vaccines.

The Medicines Control Agency is an executive arm of the Department of Health. There are currently over 500 staff, none of whom have registered links with pharmaceutical companies.

SOCIAL SECURITY

New Deal (Disabled People)

Mr. Hancock: To ask the Secretary of State for Social Security how many people in the greater Portsmouth area are using the New Deal for Disabled People; and if he will make a statement. [124553]

Mr. Bayley: The information requested is not available in the format requested. Such information as is available is as follows.

Under the first tranche of innovative schemes set up through the New Deal for Disabled People, the greater Portsmouth area fell within the catchment area of the Gateway Partnership. This scheme was funded from October 1998 to January 2000 in order to improve the employability of disabled people within Hampshire and the Isle of Wight. The Gateway Partnership accepted 356 people into the scheme and 49 people started work.

Under the second tranche of innovative schemes, greater Portsmouth falls within the catchment area of the Prince's Trust, which assists disabled people to set up their own businesses within Hampshire, the Isle of Wight and Surrey. By the end of April 2000 the Prince's Trust had accepted 68 people onto the scheme and 12 people had started up self-employment.

Benefits Agency (Complaints)

Mr. Hancock: To ask the Secretary of State for Social Security how many complaints there were against the Benefits Agency in 1999–2000; what was the cost of handling these complaints; how many of these complaints are still outstanding; and if he will make a statement. [124543]

Angela Eagle: The administration of the Benefits Agency is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to the hon. Member.

Letter from Charlie MacKinnon to Mr. Mike Hancock, dated 9 June 2000:

The Secretary of State for Social Security has asked Alexis Cleveland to reply to your recent Parliamentary Question about how many complaints there were against the Benefits Agency in 1999/2000; what was the cost of handling these complaints and how many of these complaints are still outstanding. Due to annual leave I am replying on her behalf.

The information is not available in the format requested. Such information as is available is as follows.

Complaints are received centrally through the Parliamentary Commissioner for Administration [PCA], from Ministers and MPs acting on behalf of their constituents, and directly by our operational business units from members of the public, customer representatives and local MPs.

For the period between 1st April 1999 and 31st March 2000, the Benefits Agency [BA] received 99 statements of complaint from the Parliamentary Ombudsman's office. The BA met all deadlines set by the Ombudsman's office. The question of outstanding Ombudsman complaints is a matter for his office and falls outside BA jurisdiction.

BA Parliamentary Correspondence Unit received a total of 6155 letters of complaint. At the end of March 2000, there were 454 in total outstanding.

There were 77,646 complaints received directly by our operational business units for the same period. At the end of March 2000, there were 18096 in total outstanding.

I hope this is helpful.

Benefit Offices

Caroline Flint: To ask the Secretary of State for Social Security what definition he uses of a reasonable distance when determining access to a benefits office. [124669]

Angela Eagle: This is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to my hon. Friend.

Letter from Charlie MacKinnon to Caroline Flint, dated 9 June 2000:

The Secretary of State for Social Security has asked Alexis Cleveland to reply to your recent Parliamentary question about the definition of a reasonable distance when determining access to a benefits office. Due to annual leave I am replying on her behalf.

The Benefits Agency (BA) does not have a definition of a reasonable distance from benefits offices, as we provide access to our benefits and services in various ways which are designed to take account of customers' needs and circumstances. The BA Customer Charter gives details of how customers can get access to benefits, information and services. These include contact by telephone, correspondence, and calling at a benefits office or being visited at home by a visiting officer.

I hope this is helpful.

Caroline Flint: To ask the Secretary of State for Social Security what percentage of the population lives *(a)* within one mile of and *(b)* over three miles from a benefit office in (i) rural and (ii) urban areas. [124521]

Angela Eagle: This is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to my hon. Friend.

Letter from Alexis Cleveland to Caroline Flint, dated 8 June 2000:

The Secretary of State has asked me to reply to your recent Parliamentary Question about what percentage of the population lives (a) within one mile of and (b) over three miles from a benefit office in (i) rural and (ii) urban areas.

Unfortunately, neither operational business units nor Analytical Services Division hold the type of data required in order to provide this information.

I am sorry that I have not been able to be more helpful in this instance.

Disability Living Allowance

Mr. Field: To ask the Secretary of State for Social Security when he will make a determination on the appeal for Disability Living Allowance by Rachel Scully, of Birkenhead. [124509]

Mr. Bayley: The administration of Disability Living Allowance is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to my right hon. Friend.

Letter from Charlie MacKinnon to Mr. Frank Field, dated 9 June 2000:

The Secretary of State for Social Security has asked Alexis Cleveland to respond to your recent Parliamentary Question about when he will make a determination on the appeal for Disability Living Allowance by Rachel Scully, of Birkenhead. Due to annual leave I am replying on her behalf.

Rachel's casepapers were forwarded to The Appeals Service (TAS) on 22 May for their continued action. TAS has sent form TAS1 to Mrs. Scully. The form gives Mrs. Scully notes about the appeal and asks her to complete a questionnaire requesting information on how she wishes to proceed with the appeal. Once returned to them Rachel's case will be treated as urgent at all stages and Mrs. Scully will be informed of her hearing date within 6 weeks of TAS receiving the form.

I hope this is helpful.

Pensions (Payment Methods)

Fiona Mactaggart: To ask the Secretary of State for Social Security (1) what estimate he has made of the total annual cost of administering weekly payments in cash for state pensions, including payments to the Post Office and other third parties; [124780]

(2) what estimate he has made of the total annual cost of making payments of pensions to pensioners by ACT; [124781]

(3) what estimate he has made of the number of pensioners who failed to switch to ACT because of the change from weekly to monthly payment. [124782]

Mr. Rooker: Information is not available in the format requested. Such information as is available is as follows:

Information on total annual costs of administering payments for State Pensions, including payments to the Post Office and other third parties is collated but not split by method of payment of frequency of payment. The latest total annual cost of administering Retirement Pension for 1998/99 was £314 million.

Frequency of payment is a big issue for many pensioners and anecdotal evidence suggests that the non-availability of weekly payment by ACT is a potential issue, which may prevent some customers switching from order book to ACT. Unfortunately, information upon which a numerical estimate of the number of these pensioners could be based is not available. This is obviously an issue we are giving consideration to.

National Insurance

Mr. Webb: To ask the Secretary of State for Social Security if the National Insurance Recording system stores the date of birth of individuals linked with their National Insurance number. [125308]

Mr. Rooker: Yes, the National Insurance Recording System stores an individual's date of birth, which is linked with the National Insurance Number.

Benefit Fraud

Mr. Webb: To ask the Secretary of State for Social Security if he will estimate, for each local authority, the total amount saved in benefit expenditure in the most recent year arising from anti-fraud initiatives; if he will express this figure as a percentage of the total expenditure on social security benefits administered by each local authority; and if he will provide an aggregate estimate for Great Britain. [125309]

Mr. Rooker: The most effective way of combating benefit fraud is to stop it happening in the first place. That is why, for example, we are taking steps to improve the way local authorities deal with new claims for Housing Benefit (the "Verification Framework") which has been allowed to occur and which is to reduce the scope for fraud and error at the outset. It is therefore not possible to quantify the total amount saved by all the anti-fraud initiatives we are taking to drive fraud out of the system.

The weekly benefit savings scheme provides a measure of that part of Social Security benefit fraud (including Housing Benefit, Council Tax benefit and Income Support) based on what local authorities have

subsequently detected. A weekly benefit saving is the amount of benefit fraudulently in payment multiplied by 32, the average time in weeks that benefit would have been likely to continue in payment if the fraud had gone undetected. A table providing the information requested expressed in terms of weekly benefit savings has been placed in the Library. The data in the table are for 1998–99, the latest year for which comprehensive information is available.

We have recently announced changes to the weekly benefit savings scheme. The changes mean that authorities which uncover more fraud and prosecute fraudsters can expect to receive greater financial reward than before. We will also give additional reward to those authorities which operate the Verification Framework.

INTERNATIONAL DEVELOPMENT

Crisis Management

Mr. Cohen: To ask the Secretary of State for International Development how much of her Department's budget has been allocated to *(a)* crisis management and *(b)* crisis prevention in the current financial year; what the figures were five years ago; and if she will make a statement. [113063]

Mr. Foulkes: We have allocated £61 million for centrally funded conflict and humanitarian assistance in 2000–01. This compares with expenditure of £57 million in the same area in 1997–98 (the earliest year in which comparable figures are available). Chapter 6 of the Departmental Report 2000, a copy of which is in the Library of the House, provides information on the Government's policy and performance in this area.

Tanzania

Mr. Streeter: To ask the Secretary of State for International Development what assessment she has made of the application of Tanzania for debt relief. [118038]

Mr. Foulkes: Although it is one of the world's poorest countries, over recent years Tanzania has made important progress in introducing structural reforms and stabilising its economy. Despite limited resources, with help from its international partners including Britain, Tanzania, to its credit, has met most of its very substantial external debt obligations. It has now begun to repay domestic debt arrears and is refocusing its budget on poverty reduction. As a result, the Boards of the World bank and the IMF agreed last week to support a comprehensive debt reduction package under the enhanced Heavily Indebted Poor Countries (HIPC) Initiative. This will be worth about US$3 billion over 20 years from all creditors and will be used by the Government of Tanzania for additional public expenditures on poverty reduction measures. Pending achievement of a number of conditions, including preparation of a comprehensive Poverty Reduction Strategy taking account of the views of civil society, interim relief from the IMF and the IDA will begin this month.

Secondments

Mr. Don Foster: To ask the Secretary of State for International Development, pursuant to her answer of 8 February 2000, *Official Report*, columns 89–90W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124827]

Mr. Foulkes: None of the secondees were appointed for 12 months or less.

Albania

Dr. Tonge: To ask the Secretary of State for International Development what progress has been made with the weapons for development project in the Gramsh region of Albania; and if she will make a statement. [125014]

Mr. Foulkes: A total of 5,812 arms and 137 tonnes of ammunition have been collected in Gramsh District, Albania. Nine of the 12 projects identified by the local community for development have been completed; the remaining three are in progress.

The success of the pilot project in Gramsh has led to the formation of the Albanian Government's Weapons Collection Commission and the replication of the project by UNDP in two further districts, Elbasan and Diber, to which we have contributed an additional £600,000.

Kosovo

Dr. Tonge: To ask the Secretary of State for International Development if she will make a statement on the withdrawal of her Department's emergency and conflict funds for Kosovo. [125000]

Mr. Foulkes: As Kosovo enters a new phase, with the bulk of the UK's programme of immediate humanitarian support completed, so our focus, along with the rest of the international community, has switched to longer term reconstruction and development. This year we have already committed £29 million in bilateral support for reconstruction; as part of this we are developing a technical assistance programme of £5 million to support institution and capacity building. In addition, we shall contribute around £39 million as our share of the EC's programme.

We will continue to monitor the humanitarian situation and will respond accordingly should a new emergency arise. We have committed an additional £8 million for humanitarian mine action this financial year and continue to support the work of the international relief agencies.

European Community Humanitarian Office

Mr. Worthington: To ask the Secretary of State for International Development what proposals she has to improve the performance of ECHO. [121096]

Mr. Foulkes: Two major independent evaluations of EU humanitarian aid were carried out in 1998 and 1999. These evaluations gave a positive overall assessment of ECHO's performance, but identified a number of areas for improvement. Last October the Commission produced a Communication in response to the evaluations, which set out an Action Plan to tackle the weaknesses. We broadly support the Commission's proposals, and are engaged in ensuring the Plan is implemented effectively.

As part of this process, the Development Council has approved a resolution which will guide and encourage the Commission's actions.

Heavily Indebted Poor Countries

Dr. Harris: To ask the Secretary of State for International Development how much each heavily indebted poor country has spent on arms exported from the UK in each of the last three years. [118333]

Clare Short: I refer the hon. Member to Part III of the Government's 1997 and 1998 Annual Reports on Strategic Arms Control. Part III lists numbers and values of UK exports of military equipment by country where this information is available. Information on exports of military equipment during 1999 will be included in the 1999 Annual Report which will be published in due course. The hon. Member should also refer to the accompanying text and explanatory note to the table in Part III which details the sources of the information used and the extent of the coverage of that information.

China

Mr. Streeter: To ask the Secretary of State for International Development if she will list the projects currently funded by her Department in China. [124561]

Mr. Foulkes: The UK is working with the Government of China to build up a new poverty-focused programme, targeting the inland provinces where the majority of the poor are located. My Department is providing support to health and education; economic reform; and the environment. The programme is expected to increase from £20 million in 2001–01 to £25 million in 2001–02.

A full list of activities, together with our Country Strategy Paper, will be placed in the Library of the House.

EDUCATION AND EMPLOYMENT

Playgroups

Ms Kelly: To ask the Secretary of State for Education and Employment how much his Department has spent in each year since 1997 on the provision of playgroups; how many playgroups have been established; and how many children have used them. [122603]

Ms Hodge *[holding answer 18 May 2000]:* The Department will provide £40 million of funding for three-year-old nursery education in the voluntary sector (pre-schools and playgroups) during the financial year 2000–01 and this is estimated to provide 33,000 places. This compares with estimated funding of £16 million during the financial year 1999–2000, or the provision of 17,000 places. Playgroups will also benefit from child care grants and the Working Families Tax credit.

In addition, we have announced funding of £500,000 for a further scheme to assist pre-schools and playgroups facing financial difficulties, to give them a further breathing space as policy initiatives work through to individual groups, and £250,000 for projects to help pre-schools and playgroups, develop, in partnership with others, as the early education and care places expand.

Information on the number of new playgroups which have been established since 1997 is not collected. Annual information on playgroups and other Day Care facilities is published in the Statistical Volume "Children's Day Care Facilities (as at 31 March)" which is available from the Library. The Department plans to publish provisional national estimates about playgroups (as at 31 March 2000) in a Statistical First release in July.

Around £357 million of Nursery Education Grant has been made available to fund early years places for four-year-olds in the private, voluntary and independent sectors since 1997.

Furthermore, the Department has provided over £8 million to the Pre-School Learning Alliance (PLA) since 1997 to support its training infrastructure and to help improve the quality and marketing of groups. This includes a grant under Section 64 of the Health and Public Services Act 1968 towards PLA core funding.

Training and Enterprise Councils

Mr. Boswell: To ask the Secretary of State for Education and Employment if he will make a statement on his plans for the disposition of assets held by TECs in cases where it is unclear whether all or part of their acquisition costs was derived from public funds. [123977]

Mr. Wicks *[holding answer 5 June 2000]:* We intend to seek to reach agreement with each TEC on the disposition of all assets, irrespective of how they were funded. Our aim in discussions with TECs will be to ensure that assets continue to benefit local communities and that public resources are safeguarded. We envisage there will be a range of different solutions to reflect different local circumstances.

Further Education

Mrs. Organ: To ask the Secretary of State for Education and Employment what percentage of further education colleges were able to give the full recommended Association of Colleges pay award for *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000. [124175]

Mr. Wicks: This information is not held by the Department. The Association of Colleges (AoC) conducted a survey of colleges about the pay awards for 1998–99 and found that (based on a 66 per cent. response rate) 77 per cent. of colleges were able to offer their staff the AoC recommended pay award or above.

Local Government Finance

Mr. Sanders: To ask the Secretary of State for Education and Employment if he will list the funds which are available to local authorities on application, indicating those for which the Torbay Unitary Authority has successfully applied in each of the last two years. [124196]

Ms Estelle Morris: The following table sets out the grants available to Torbay local authorities and its schools through bidding or application.

Grants subject to application or bidding (Relating to schools)

£

	Allocation
1999–2000	
Advanced Skills Teachers (AST): National Programme	65,000
National Numeracy Strategy—Key Stage 3	[1,2]32,500
Summer Numeracy Schools	[1,3]0
Family Numeracy	[1,4]0
National Grid for Learning	262,500
Education of Travellers and Displaced Persons	0
Protecting Local Authority Music Services	23,000
Expanding Local Authority Music Services	0
Annual Capital Guidelines	1,555,075
New Deal for Schools capital	1,521,183
VA capital grant	44,700
Class Size: revenue	252,000
Class Size: capital	656,228
Total	4,412,186
2000–01	
Advanced Skills Teachers (AST): National Programme	73,500
Special Educational Needs: Inclusion, EBD Speech and Language therapy	[5]0
National Grid for Learning: Regional Broadband Consortia	[6]99,015
Protecting Local Authority Music Services	[7]185,000
Expanding Local Authority Music Services	[7]242,000
Supported Early Retirement Scheme for Heads	[8]0
Class Size: revenue	452,200
Class Size: capital	10,000
Annual Capital Guidelines	1,658,849
New Deal for Schools capital	1,580,178
VA capital Grant	558,000
Total	4,858,742

[1] Some grants subjected to bidding in 1999–2000 were allocated by formula in 2000–01.
[2] 2000–01 formula allocation of £159,479
[3] 2000–01 formula allocation of £33,000
[4] 2000–01 formula allocation of £30,800
[5] Allocated £97,043 by formula under SEN grant 18a
[6] Allocated £365,229 in addition by formula
[7] Total of joint bid with Devon and Plymouth
[8] Offered £86,680 but declined to accept

Note:
Many additional grants to those above were allocated on a formulaic basis and so dit not require bids

Adult and Further Education Courses

Mr. Derek Foster: To ask the Secretary of State for Education and Employment how many people aged over 50 years were enrolled in adult education courses and further education courses during the 1998–99 academic year in *(a)* England, *(b)* the North-East Region of England and *(c)* Bishop Auckland; and what proportion of the relevant population aged over 50 years this represents in each case. [124208]

Mr. Wicks *[holding answer 5 June 2000]:* It is not possible to provide information for Bishop Auckland as adult education data are not collected centrally at district level and data on further education students are not yet available for 1998–99. Data on the number of people aged over 50 years enrolled in LEA maintained adult education provision are not available. The available data for further education students are shown in the table:

Students in FE sector colleges and external institutions in England, 1998–99[1]

	Students aged 50 and over [2] (Thousand)	Percentage of population
North-East Region	27.5	3.2
England	585.7	3.7

[1] Estimated from 1998–99 provisional whole year data for FEFC-funded and non-FEFC-funded students in FE sector colleges and FEFC-funded students in external institutions.
[2] Age as at 31 August 1998

Education Maintenance Allowance

Mr. Rowlands: To ask the Secretary of State for Education and Employment what estimate he has made of the number of additional young people who stayed on at school or college in the pilot areas for the education maintenance allowances. [124376]

Mr. Wicks *[holding answer 5 June 2000]:* We are encouraged by the early findings from the 15 EMA pilot areas, which is why we have decided to extend the pilot to an extra 40 areas from this September. Statistical evidence gathered suggests that participation in the EMA pilot areas has increased by over five percentage points, compared with an increase of three percentage points in the control areas selected, and two percentage points nationally. We do not have information about the actual numbers involved, because the number of young people in each pilot area cohort varies from year to year.

We are undertaking a detailed evaluation exercise which will, in time, give more detailed information about the impact of the EMA on post-16 participation and achievement.

Instructors

Mr. Willis: To ask the Secretary of State for Education and Employment, pursuant to his answer of 25 May 2000, *Official Report*, column 606W, on instructors, where information on basic qualifications or subject taught is held. [124767]

Ms Estelle Morris *[holding answer 8 June 2000]:* Governing bodies acting with the consent of the local authority have to assure themselves that staff employed as instructors have appropriate qualifications. Governing bodies and local authorities make their own arrangements for holding information about instructors' qualifications and experience.

Information on subjects taught is held by schools.

Teacher Training

Mr. Chaytor: To ask the Secretary of State for Education and Employment what plans he has to provide financial incentives to encourage more people to enter teacher training courses in further education colleges. [124691]

Mr. Wicks: From September 2000, all students undertaking a pre-service Postgraduate Certificate of Education (Further Education) course in England, will receive a £6,000 a year training salary—equivalent to £150 a week during term time.

The payments, in common with those being paid to trainee Primary school teachers, will be trialled for one year.

School Security

Mr. Edward Davey: To ask the Secretary of State for Education and Employment (1) what was the total amount spent by schools on security measures in 1999 *(a)* by constituency and *(b)* by local education authority; [123134]

(2) how much the Government have awarded to local education authorities in each year since 1995 for schools to *(a)* implement security reviews and *(b)* undertake measures to make their premises more secure. [123167]

Ms Estelle Morris *[pursuant to her reply, 23 May 2000, c. 438W]:* A column of figures was omitted. The correct response is as follows: My Department does not collect information in the level of detail requested. Expenditure by each local education authority in England supported by the Government's Standards Fund grant for school security, which is allocated directly to authorities, is shown in Table 1 for 1998–99, the latest year for which outturn information is available, along with the total sums available to authorities for 1999–2000.

Specific grants for school security measures have been made available since 1997–98, following a recommendation from the Government's Working Group on School Security. To date, £94 million has been made available to support a variety of security measures in schools in England, to help make a safer environment for pupils and staff. A breakdown, by year, of this total funding is given in Table 2.

Table 1: Local education authority (LEA) expenditure on school security measures from Standards Fund 1998–99 (Grant 18) and total sums available to LEAs from Standards Fund 1999–2000 (Grant 23)

£

LEA	Standards Fund Grant for School Security: 1998–99 (Grant 18) Expenditure	Standards Fund Grant for School Security: 1999–2000 (Grant 23) Total sums available
Barking	57,343	67,912
Barnet	98,917	123,974
Barnsley	93,812	99,074
Bath & NE Somerset	71,095	76,584
Bedfordshire	165,727	193,365
Bexley	83,066	95,562
Birmingham	435,551	475,503
Blackburn with Darwen	72,095	76,108
Blackpool	46,787	49,173
Bolton	117,263	129,117
Bournemouth	37,421	49,310
Bracknell Forest	38,056	41,410
Bradford	229,894	251,207
Brent	62,517	80,000
Brighton & Hove	78,242	79,814
Bromley	61,553	110,681
Buckinghamshire	202,143	226,150
Bury	80,342	83,511
Calderdale	66,480	99,723
Cambridgeshire	177,651	226,796
Camden	56,116	61,965
Cheshire	307,766	320,162
City of Bristol	156,075	158,701
City of London	744	755
Cornwall	228,506	233,369
Coventry	128,675	130,077
Croydon	106,039	128,568
Cumbria	227,760	276,406
Darlington	46,026	47,626
Derby	88,046	105,260
Derbyshire	323,655	362,117
Devon	279,442	308,352
Doncaster	139,240	140,176
Dorset	148,057	161,791
Dudley	112,803	126,021
Durham	258,120	262,142
Ealing	82,388	102,194
East Riding of Yorkshire	140,287	145,797
East Sussex	177,407	183,179
Enfield	92,180	107,485
Essex	355,976	558,626
Gateshead	88,131	87,888
Gloucestershire	195,656	268,237
Greenwich	85,883	97,492
Hackney	70,910	71,246
Halton	63,538	65,073
Hammersmith	47,113	50,545
Hampshire	461,947	509,493
Haringey	82,116	88,696
Harrow	71,166	73,399
Hartlepool	41,836	42,866
Havering	86,857	95,774
Herefordshire	80,697	83,373
Hertfordshire	431,656	502,675
Hillingdon	58,193	95,811
Hounslow	84,224	88,858
Isle of Wight	56,920	59,923
Isle of Scilly	2,591	2,682
Islington	69,775	69,828
Kensington & Chelsea	28,176	32,248
Kent	440,642	586,813
Kingston-upon-Hull	110,399	111,794
Kingston upon Thames	43,291	52,693
Kirklees	178,478	183,892
Knowsley	77,815	79,939
Lambeth	66,129	83,868
Lancashire	542,965	571,343
Leeds	287,359	305,986
Leicester	118,430	125,615
Leicestershire	245,821	268,426
Lewisham	88,982	91,684
Lincolnshire	239,202	315,208
Liverpool	211,743	225,448
Luton	73,582	86,632
Manchester	197,201	201,822
Medway Towns	97,664	116,004
Merton	55,860	62,951
Middlesbrough	66,065	65,821
Milton Keynes	79,153	96,887
Newcastle upon Tyne	109,499	113,144

Table 1: Local education authority (LEA) expenditure on school security measures from Standards Fund 1998–99 (Grant 18) and total sums available to LEAs from Standards Fund 1999–2000 (Grant 23)

£

LEA	Standards Fund Grant for School Security	
	1998–99 (Grant 18) Expenditure	1999–2000 (Grant 23) Total sums available
Newham	92,374	106,079
Norfolk	322,723	372,730
North East Lincolnshire	78,961	79,773
North Lincolnshire	76,228	76,848
North Somerset	75,587	77,297
North Tyneside	85,842	87,173
North Yorkshire	294,636	305,113
Northamptonshire	273,550	311,142
Northumberland	168,630	173,105
Nottingham City	119,138	121,676
Nottinghamshire	325,454	351,473
Oldham	116,562	117,350
Oxfordshire	260,896	264,799
Peterborough	62,385	78,364
Plymouth	105,454	110,892
Poole	38,216	48,751
Portsmouth	64,781	71,600
Reading	34,941	51,867
Redbridge	85,193	90,502
Redcar and Cleveland	69,194	69,759
Richmond upon Thames	50,854	51,769
Rochdale	90,501	101,311
Rotherham	129,465	130,858
Rutland	11,529	17,059
Salford	111,851	111,682
Sandwell	132,632	141,349
Sefton	126,222	127,603
Sheffield	184,912	197,903
Shropshire	128,600	135,149
Slough	36,063	50,438
Solihull	91,229	93,443
Somerset	217,409	226,794
South Gloucestershire	109,027	110,917
South Tyneside	74,491	74,916
Southampton	81,228	88,369
Southend-on-Sea	37,734	63,508
Southwark	79,363	95,123
St. Helens	79,938	80,850
Staffordshire	371,280	389,198
Stockport	124,564	126,183
Stockton-on-Tees	78,558	86,720
Stoke-on-Trent	112,479	115,898
Suffolk	297,308	303,128
Sunderland	132,781	133,440
Surrey	328,518	388,752
Sutton	48,845	68,812
Swindon	60,578	83,889
Tameside	98,379	103,915
Telford & Wrekin	65,972	76,335
Thurrock	45,912	59,109
Torbay	43,939	48,315
Tower Hamlets	98,230	102,641
Trafford	81,304	98,062
Wakefield	149,619	151,567
Walsall	114,389	133,751
Waltham Forest	82,633	91,383
Wandsworth	57,346	79,192
Warrington	88,164	89,094
Warwickshire	207,700	230,165
West Berkshire	62,404	73,506
West Sussex	283,477	291,736
Westminster	49,379	50,324
Wigan	128,984	141,052
Wiltshire	163,458	212,012
Windsor & Maidenhead	53,829	57,565
Wirral	137,247	145,166
Wokingham	33,422	66,198
Wolverhampton	113,821	119,013
Worcestershire	229,936	247,714
York	71,192	72,251
Total	19,708,368	21,989,240

Table 2: Total amount made available by Government to local education authorities (LEAs) each year since 1995 to undertake school security measures

£ million

Year	Grant	Government grant	LEA contribution	Total amount
1997–98	New Deal for Schools	6	—	6
1998–98	Grants for Education Support and Training (GEST)—Grant rate 60 per cent.	12	8	20
1998–99	Standards Fund (Grant 18)—Grant rate 75 per cent.	15	5	20
1999–2000	Standards Fund (Grant 23)—Grant rate 75 per cent.	16.5	5.5	22
2000–01	Standards Fund (Grant 26)—Grant rate 75 per cent.	16.5	5.5	22

Notes:

1. GEST and the Standards Fund grants for school security had grant rates. This means Government provide the set grant rate and local education authorities are required to contribute the remainder in order to take up the grant.

2. In 1997–98 and 1998–99, an additional £2 million per year was made available to schools in the grant-maintained sector via the Funding Agency for Schools.

3. The Standards Fund school security grant is allocated to local education authorities by formula and can be used on a variety of physical measures and on security related training for staff and governors. Local education authorities are required to devolve at least 70 per cent. of their grant allocation to schools, while being allowed to retain a maximum of 30 per cent. of their allocation to co-ordinate a training programme for staff and governors.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Ministerial Conduct

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions if he will set out the cost to public funds of the publicly-owned property maintained for his private use. [115124]

Ms Beverley Hughes *[holding answer 17 March 2000]:* I refer the hon. Member to the reply given by my right hon. Friend the Prime Minister to the hon. Member for Lewes (Mr. Baker) on 5 June 2000, *Official Report*, columns 50–51W.

GM Trial Sites

Mr. Keetch: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the GM trial sites at Kempley, Gloucestershire and Preston Wynne, Herefordshire on organic farms in Herefordshire within a six mile radius; and if he will make a statement. [122040]

Mr. Meacher *[holding answer 15 May 2000]:* Of the particular sites mentioned in the question, fodder beet is being grown near to Preston Wynne. The beet will be carefully managed to prevent it flowering, so no pollen will be produced. The oilseed rape, being grown near Kemply, can only cross-pollinate with sexually compatible crops of the same species flowering at the same time. The separation distances reduce the chances of cross-pollination to less than 1 per cent. Also, organic farms do not tend to grow organic oilseed rape.

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what research has been conducted by his Department into ways to recover pollen dispersed from field trials of GM plants; and what data his Department has obtained in respect of such research conducted abroad. [124793]

Mr. Meacher: The Department has not conducted any such research and has no data on any such research conducted elsewhere. We would not expect it to be possible to recover pollen dispersal from field trials of GM plants.

Genetically Modified Organisms

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions what statements have been made by the Government about the minimum number of genetically modified crop trials required to fulfil the objectives of the current crop trial programme. [122996]

Mr. Meacher *[holding answer 22 May 2000]:* In carrying out the Farm Scale Evaluations, the Government are advised by an independent research consortium and Scientific Steering Committee, who oversee the conduct of the trials. The design of the Evaluations is that over a three-year period we should seek a total of 60 to 75 sets of data for each crop.

At present, the Scientific Steering Committee have advised that 20 to 30 fields annually should be sought for beet, in a roughly equal proportion of fodder to sugar beet. This is because the Evaluations would be investigating a potentially broader range of management practices for beet than for the other crops.

The Scientific Steering Committee met on 8 February and set minima of 12 to 15 sites for oilseed rape and maize and around 20 sites for beet, for the programme to begin. They confirmed at their meeting on 10 March that sufficient sites had been identified to ensure that a properly balanced scientific assessment could be made. I announced this year's programme on 17 March and there are currently 49 sites.

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions what plans the Government have to use the provisions of the Biosafety Protocol to restrict imports of crop seeds in order to reduce the risk of contamination with GM seeds. [124152]

Mr. Meacher *[holding answer 5 June 2000]:* The import of GM seeds is already covered by EU legislation. The Cartagena Protocol (Biosafety Protocol) to the Convention on Biological Diversity is not yet in force, and to become so, requires ratification by 50 signatories. The UK signed the Protocol at the earliest opportunity at the 5th Conference of the Parties to the Convention, and by the end of the Conference, a total of 67 countries plus the European Commission had signed. Allowing for the time taken for ratification through national parliaments, the Protocol is unlikely to come into force within less than two years.

We expect that the EU legislation will be extended as necessary to incorporate the requirements of the Protocol. We and other member states are already looking at ways of reducing risks of contamination with GM seeds using Community legislation.

Mr. Yeo: To ask the Secretary of State for the Environment, Transport and the Regions if any of the current licensed GM crop trials taking place in the UK include procedures to test claims of sterility in the GM varieties concerned. [124159]

Mr. Meacher *[holding answer 5 June 2000]:* Several of the current consents for deliberate release are for GM oilseed rape hybrid systems comprising a male sterile line and a fertility restorer line which, when grown together, form a hybrid seed. It is the hybrid line which would form the seed stock for trials and for commercial production. The GM oilseed rape being grown in the farm scale evaluations is a fertile hybrid formed from crossing the male sterile line Ms8 and fertility restorer line Rf3.

Construction Industry (Certification Schemes)

Mrs. Brinton: To ask the Secretary of State for the Environment, Transport and the Regions (1) what representations he has received on the rationalisation of certification schemes for the construction industry; [124704]

(2) which construction industry certification schemes his Department is evaluating; [124703]

(3) what plans he has to rationalise the certification schemes for the construction industry. [124705]

Ms Beverley Hughes: The Department is evaluating two pilots of a proposed quality mark scheme for builders and other contractors working in the domestic sector, which have recently started in Birmingham and Somerset. We will use the experience of the pilots to develop a national scheme and to decide how to roll out the scheme nationally.

During the development of the quality mark, representations were made to avoid duplication with Constructionline, which is the Government's list of approved contractors and consultants for public sector as well as professional private sector clients for non-domestic works. This is why Constructionline is also providing the central services for the quality mark pilots. Further rationalisation would need to take into account the different requirements between domestic and non-domestic sectors and the different levels of expertise and requirements of the clients in the two sectors.

Departmental Policies

Caroline Flint: To ask the Secretary of State for the Environment, Transport and the Regions in what ways his Department and executive agencies deliver services to meet the needs of the public as consumers, with particular reference to families. [124531]

Ms Beverley Hughes *[holding answer 5 June 2000]:* Mainly through its executive agencies, my Department provides a range of services direct to the public including services to vehicle owners, drivers and operators and those appealing against planning decisions. We seek to ensure these services are responsive to the needs of the consumer, for example by carrying out customer surveys, by publishing the standards of service that users can expect to receive and, in some cases, by extending opening hours to suit customer preferences. We are also gradually extending electronic availability of services to enable users to access them when they wish.

Although none of our services is targeted specifically at families, we seek to ensure that those with families can access them conveniently.

Holyhead

Mr. Alasdair Morgan: To ask the Secretary of State for the Environment, Transport and the Regions what volume of *(a)* freight and *(b)* passenger traffic passed through the port of Holyhead in each of the last 10 years. [124725]

Mr. Hill: Information on freight and passengers passing through the port of Holyhead is as follows:

Port traffic at Holyhead—1990 to 1999

Thousand

Year	*Freight (Tonnes)*	*Passengers*
1990	1,247	1,622
1991	908	1,744
1992	919	1,783
1993	1,017	2,111
1994	1,052	2,125
1995	2,307	2,125
1996	2,541	2,489
1997	2,951	[1]2,457
1998	3,407	[1][2]2,776
1999	3,440[2]	—

[1] Because of changes in procedures for recording passenger data, the 1997 and 1998 passenger figures do not include cruise passengers. Holyhead, however does not have regular cruise passenger calls so this is unlikely to have had an impact on the figures presented.

[2] Provisional

Source:

DETR

Rail Track Safety Company

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 16 May 2000, *Official Report*, column 88W, on the Railtrack Safety Company, what the timetable will be for the consultation by the rail regulators on the creation of a safety company; and how passengers will be consulted before decisions are taken. [124774]

Mr. Hill: The Health and Safety Commission published a consultative document on 19 May seeking views on proposed changes to the safety regime for the railway industry. The deadline for comments is 24 July 2000. The Office of the Rail Regulator will issue shortly a separate consultative document about changes to Railtrack's Licence.

Heathrow (Runway Capacity)

Mr. Mackinlay: To ask the Secretary of State for the Environment, Transport and the Regions what assurances have been given to the Government by *(a)* BAA, *(b)* British Airways and *(c)* British Midland in the five years prior to the recent submission by British Airways to his Department concerning a third runway that they would not seek additional runway capacity at Heathrow; and if he will make a statement. [124845]

Mr. Mullin *[holding answer 7 June 2000]:* Over the last five years, none of the organisations mentioned by my hon. Friend have given assurances to the Government directly that they would not seek additional runway capacity at Heathrow.

During the public inquiry into BAA's planning application for a fifth terminal at Heathrow, BAA and British Airways made reference to additional runway capacity at Heathrow in their evidence.

BAA stated that

it believes that this is a matter entirely for Government, although it is the company's view that the local communities around Heathrow should be given assurances in respect of another runway. BAA would urge the Government to rule out any additional runway at Heathrow, and BAA would support a recommendation by the inquiry Inspector in his report to the Secretary of State that the Government should rule it out. Indeed, BAA invites the Inspector to make such a recommendation.

British Airways, as part of their closing submission to the public inquiry, did not advocate a third runway at Heathrow because the proposed fifth terminal did not require it. They stated that

> an additional runway at Heathrow could have the potential to be of national importance, and, in BA's submission, it would therefore be wrong to prejudge the issues involved in the absence of a comprehensive understanding of all the material circumstances prevailing at that time, including Government policy, environmental impacts and the aviation and economic cases for such a development.

British Midland have made no specific reference to additional runway capacity at Heathrow.

Welsh Highland Railway

Mr. Wigley: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress in the reopening of the Welsh Highland Railway in Gwynedd. [125071]

Mr. Hill: This is a matter for the Ffestiniog Railway Company, which as owners of the Welsh Highland Railway are responsible for its reconstruction. However, I understand that the company plan to complete the line as far as Waunfawr shortly and open it to passengers by August this year. The next section as far as Rhyd Ddu, at the foot of Snowdon, is to be built during 2001. The company then hopes to complete the reconstruction of the rest of the line through to Porthmadog by 2005.

Penalty Clauses

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 17 May 2000, *Official Report*, column 135W, on penalty clauses, if he will list the payments made by contractors in respect of each of the 17 contracts. [125363]

Ms Beverley Hughes: It is not possible within the terms of the contracts to provide specific details of each individual payment.

Terminal 5, Heathrow

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions when he expects the report of the public inquiry into the proposed fifth terminal at Heathrow Airport to be published. [124486]

Mr. Mullin *[holding answer 8 June 2000]:* The public inquiry closed on 17 March 1999 and the Inspector has said that he expects to take up to two years to produce his report. While the Secretary of State recognises the need to bring this matter to an early conclusion, he will need to give the Inspector's report full consideration before its issue.

Dr. Tonge: To ask the Secretary of State for the Environment, Transport and the Regions what recent information he has given the Inspector at the public inquiry into the proposed fifth terminal at Heathrow Airport concerning revised projected passenger and flight numbers for the next 10 years at Heathrow. [124489]

Mr. Mullin *[holding answer 8 June 2000]:* None.

A30 (Noise)

Mrs. Browning: To ask the Secretary of State for the Environment, Transport and the Regions if the noise tests on the A30 Honiton to Exeter have been completed; and when he expects to announce the results of the tests. [125173]

Mr. Hill: The Highways Agency has been working closely with the RTA30 Campaign Group and I am pleased to say that the site work on the noise monitoring has been completed.

Analysis work is under way and is expected to be completed this month, after which we will make an announcement.

Airline Route Applications

Sir Brian Mawhinney: To ask the Secretary of State for the Environment, Transport and the Regions when in the last 12 months the Civil Aviation Authority delivered decisions on route applications; and if he will state in each case *(a)* the route concerned, *(b)* the competing airlines, *(c)* the CAA's decision, *(d)* his decision on whether to accept the CAA's decision and *(e)* on those occasions when the CAA decision was rejected by him, to which airline he awarded the route. [125193]

Mr. Mullin: The following four route licence applications have been determined by the CAA during the last 12 months:

Decision 1/99 of 12 October 1999; UK-South Africa (apportionment of scarce bilateral capacity); British Airways and Virgin Atlantic; the CAA decided in favour of Virgin Atlantic; British Airways did not appeal.

Decision 2/99 of 25 November 1999; London Stansted-Geneva/Zurich; EasyJet and Go; the CAA decided in favour of Go; EasyJet did not appeal.

Decision 3/99 of 3 December 1999; London-Shanghai (apportionment of scarce bilateral capacity); British Airways and Virgin Atlantic; the CAA decided in favour of Virgin Atlantic; British Airways appealed to the Secretary of State, who upheld the CAA's decision.

Decision 4/99 of 23 December 1999; UK-South Africa(apportionment of scarce bilateral capacity); British Airways and Virgin Atlantic; the CAA decided in favour of Virgin Atlantic; the Secretary of State overturned the decision on appeal and directed the CAA to award the available capacity to British Airways.

Correspondence

Mr. John M. Taylor: To ask the Secretary of State for the Environment, Transport and the Regions when he will reply to the letter from the hon. Member for Solihull dated 15 May concerning Ceramica Trust; and if he will make a statement. [125178]

Mr. Raynsford: I have today written to the hon. Member in response to his letter.

Transport Safety Review

Mrs. Anne Campbell: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the Transport Safety Review. [125715]

Mr. Hill: The terms of reference of the Transport Safety Review were announced by my right hon. Friend the Member for Hamilton, North and Bellshill (Dr. Reid) in December 1998. Consultation took place last year, and the work of the review has subsequently been taken forward under the chairmanship of this Department. Following the tragic rail crash at Ladbroke Grove on 5 October the Public Inquiry ordered by the Health and Safety Commission and chaired by Lord Cullen is considering rail safety management, culture and regulation. Because it is important that the Inquiry's work is not pre-empted in any way, we have concluded that it would be wrong to take a view on potentially fundamental changes to the organisation of transport safety before the Inquiry is complete. We will then need to consider the advice on the Inquiry report which will be submitted to us by the Health and Safety Commission.

A report of the outcome of the consultation and the analysis undertaken by the Transport Safety Review has been placed in the Libraries of the House. The report is also being made available to the Ladbroke Grove Inquiry.

Mobility Centres

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions what help the Government are giving to mobility centres which provide support and advice to disabled and older people on driving and personal mobility; and if he will make a statement. [125758]

Mr. Hill: We are aware of the enormously valuable contribution of these centres in enabling disabled and older people to obtain impartial professional advice on driving and vehicle choice as well as on a wide range of other aspects of personal mobility.

In recognition of this work, my Department and the Department of Health have jointly agreed to contribute over £1 million to 11 English members of the Forum of Mobility Centres. Funding will be for an initial period of three years subject to annual review.

Biodiversity

Mr. Burgon: To ask the Secretary of State for the Environment, Transport and the Regions when the Government will respond to the Biodiversity in the European Union reports by the House of Lords Select Committee on the European Communities. [125864]

Mr. Meacher: The Select Committee's reports provide a comprehensive review of the Government's actions to protect biodiversity both nationally and within Europe. Such reports merit a thorough response. This has now been completed and I have today placed a copy (Cmnd 4712) in the Library. It demonstrates how the Government's current initiatives address the Committee's concerns.

AGRICULTURE, FISHERIES AND FOOD

Civil Service

Dr. David Clark: To ask the Minister of Agriculture, Fisheries and Food what was the average percentage increase in salaries of non-industrial civil servants, excluding members of the senior Civil Service, in his Department for 1999–2000; and to what extent the pay awards were staged. [121659]

Mr. Morley *[holding answer 18 May 2000]:* Since 1996 MAFF has had delegated authority for negotiating pay settlements. For the last pay round, the core MAFF settlement included the Pesticides Safety Directorate and the Veterinary Medicines Directorate.

In 1999 the headline pay settlement was 2.0 per cent. on the paybill. Together with the additional funds from staff turnover, staff received performance-related increases with an average cost of 3.92 per cent. The increases were not staged. Information on the 2000 pay settlement is not yet available because negotiations are still ongoing.

The Minister of Agriculture, Fisheries and Food is also responsible for other Executive Agencies with their own negotiating remits. I have asked Chief Executives to respond direct with information on their pay settlements.

Letter from Peter W. Greig-Smith to Dr. David Clark, dated June 2000:

The Minister of Agriculture, Fisheries and Food has asked me to reply to your question regarding the average percentage increase in salaries for 1999–2000. I am replying on behalf of the Centre of Environment, Fisheries and Aquaculture Science (CEFAS).

In 1999 the headline pay settlement for the Centre for Environment, Fisheries & Aquaculture was 2.95%. This included 0.5% as the cost on the pay bill of restructuring the pay and grading system. Together with additional funds from staff turnover, staff in post received performance related increases averaging 4.05%. The increases were not staged.

There was a separate settlement for the officers of the Research Vessels with a headline pay settlement of 2.45% on the pay bill, which did not include a restructuring element, and performance related pay increases averaging 4.05%. The increases were not staged.

Letter from Peter W. Greig-Smith to Dr. David Clark, dated 15 May 2000:

In 1999 the headline pay settlement for the Centre for Environment, Fisheries & Aquaculture was 2.95%. This included o.5% as the cost on the pay bill of restructuring the pay and grading system. Together with additional funds from staff turnover, staff in post received performance related increases averaging 4.05%. The increases were not staged.

There was a separate settlement for the officers of the Research Vessels with a headline pay settlement of 2.45% on the pay bill, which did not include a restructuring element, and performance related pay increases averaging 4.05%. The increases were not staged.

Letter from Sarah Nason to Dr. David Clark, dated 31 May 2000:

The Minister has asked me to respond, in respect of the Farming and Rural Conservation Agency (FRCA), to your question about the average percentage increase in salaries of non-industrial civil servants, excluding members of the Senior Civil Service, in 1999–2000 and to what extent the pay awards were staged.

FRCA has delegated authority for negotiating pay settlements since the Agency's launch in April 1997. Payment date within the Agency is 1 August each year. The headline pay settlement for 1999/00 was 3.77% on the paybill and together with the additional funds from staff turnover, staff in post received performance related increases averaging 4.3%. This pay settlement was linked to a major restructuring of the Agency's pay and grading system. The increases were not staged.

Letter from P. I. Stanley to Dr. David Clark, dated May 2000:

The Minister of Agriculture, Fisheries and Food has asked me to reply, in respect of the Central Science Laboratory, to your question concerning the average percentage increase in salaries of non-industrial civil servants for 1999–2000 and to what extent the pay awards were staged.

Since 1996 CSL has had delegated authority for negotiating pay settlements.

CSL operates a performance related pay system which links pay awards to job performance. It is therefore not possible to provide a single average figure which is meaningful. For 1999/2000 pay increases for satisfactory performers ranged from 2.0% to 7.0% with a few exceptional performers receiving an additional accelerated pay progression of 6%. For some unsatisfactory performers, no pay increase was received.

Pay awards were not staged, being paid in full with effect from 1 August 1999.

Letter from T. W. A. Little to Dr. David Clark, dated May 2000:

The Minister has asked me to respond to your question on the average percentage increase in salaries of non-industrial civil servants in 1999–2000. Unfortunately, information on the 1999–2000 pay settlement is not yet available because the negotiations have not been concluded.

River Fishing

Mr. Todd: To ask the Minister of Agriculture, Fisheries and Food if he has reviewed the National River Fishery Survey 1999 prepared by the National Federation of Anglers; and if he will make a statement. [124054]

Mr. Morley: We have not received a copy of the survey in question.

Agency Staff

Mr. Cousins: To ask the Minister of Agriculture, Fisheries and Food what were the whole-time equivalent numbers of staff at each of the regional service centre locations, and each of the Intervention Board Agency locations, on 1 May. [123898]

Mr. Morley: The number of substantive staff on a full-time equivalent basis at each office location on 1 May 2000 was as follows:

Location	*Number*
MAFF Regional Service Centres	
Anglia (Cambridge)	217
East Midlands (Nottingham)	242
Northern (Carlisle)	233
North East (Northallerton)	310
North Mercia (Crewe)	185
South East (Reading)	191
South Mercia (Worcester)	208
South West (Exeter)	275
Wessex (Bristol)	191
Intervention Board Executive Agency	
Reading	935
Newcastle	280

Note:

The Reading figures include out-stationed IB staff located at Wolverhampton, Bristol, Cambridge, Harrogate, Edinburgh and Belfast.

Fisheries

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 22 May 2000, *Official Report*, column 388W, on fisheries, if the Government intends to grant legal title to fishing quota transferred between fishermen. [124408]

Mr. Morley: Quotas are allocated to producer organisations and other groups in accordance with rules which are reviewed annually with the fishing industry. Since 1 January 1999 a system of fixed quota allocations, based on catches made during the reference period 1994 to 1996, has operated. The Fisheries Departments in the UK are currently discussing with industry representatives a number of possible modifications to the quota management rules, including arrangements for adjusting the fixed quota allocation units attached to fishing vessel licences to take account of transfers between fishermen. Any proposed changes affecting fixed quota allocations will be subject to further and full consultation with industry.

Pork and Poultry Imports

Mr. Cox: To ask the Minister of Agriculture, Fisheries and Food if he will list the amount of pork and poultry meats imported into the United Kingdom during the last 12 months; and if he will give their country of origin. [124672]

Ms Quin: The table shows the volume of port and poultry meat imported into the United Kingdom, as recorded by the Overseas Trade Statistics. The imports are shown by country of despatch which is not necessarily the country of origin. The data are subject to a degree of statistical error. The overall level of errors is low, but these errors have a much greater proportional effect on countries with small values or volumes of trade. Therefore care is needed when interpreting the data.

UK Imports of pork and poultry meat—March 1999 to February 2000

Tonnes

Country	*'Pork meat*	*'Poultry meat*	*Grand total*
Netherlands	181,888	110,143	292,031
Denmark	194,663	13,859	208,522
France	37,693	80,568	118,261
Irish Republic	53,033	20,436	73,469
Germany	16,996	14,974	31,970
Belgium	15,378	15,101	30,479
Italy	2,342	9,844	12,186
Brazil	—	12,144	12,144
Spain	3,616	7,969	11,584
Thailand	—	9,383	9,383
USA	3,005	—	3,005
Sweden	2,642	2	2,644
Poland	1,192	437	1,629
Chile	—	206	206
Hungary	151	1	152
Canada	125	—	125
Greece	64	—	64
Portugal	0	59	59
Russia	21	—	21

UK Imports of pork and poultry meat—March 1999 to February 2000

Tonnes

Country	[1]*Pork meat*	[1]*Poultry meat*	*Grand total*
Faroe Islands	—	18	18
Austria	17	0	17
Israel	—	9	9
Other	2	4	6
Grand Total	512,828	295,157	807,985

[1] Pork meat includes some pig offal, poultry meat includes some poultry offal

Source:

HM Customs and Excise 1999 and 2000 data are provisional and subject to amendment

Slaughter Premium Scheme

Jackie Ballard: To ask the Minister of Agriculture, Fisheries and Food what percentage of applications under the Slaughter Premium Scheme have been refused on deadline criteria. [124202]

Ms Quin: A farmer must claim slaughter premium within two months of an animal leaving the holding, but will normally submit claims forms covering several animals at a time. Claims submitted within 25 days after the end of the two-month period are accepted but receive a reduced rate of premium. It is also a requirement that animals are slaughtered within one month of the end of the retention period.

In England, these requirements have not yet been checked because the computer programme to do this will not be finalised and activated until later this month.

Holne Moor

Mr. Steen: To ask the Minister of Agriculture, Fisheries and Food when he will pay the commoners on Holne Moor, Dartmoor, who are signatories to the Environmentally Sensitive Area Agreement; and if he will make a statement. [124755]

Mr. Morley: The Holne Moor commoners should by now have received their ESA payments.

Written Answers to Questions

Monday 12 June 2000

SCOTLAND

Forms

Mrs. Lait: To ask the Secretary of State for Scotland what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123943]

Dr. Reid: My Department has not issued any forms to charities or voluntary bodies since 1 July 1999, when devolution took effect. Collecting information for the period before 1 July 1999 would incur disproportionate cost.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Scotland if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125168]

Dr. Reid: My Department's policy operates effectively, with two smoking rooms provided in Dover House and at 1 Melville crescent, Edinburgh, and access to smoking rooms in two other buildings shared with the Scottish Executive.

ENVIRONMENT, TRANSPORT AND THE REGIONS

Opinion Research

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions if he will place copies of the results of all market and opinion research carried out by his Department, agencies and non-departmental public bodies since May 1997, in the Library. [123807]

Ms Beverley Hughes *[holding answer 25 May 2000]:* In order to help to ensure that proposed policy or public information initiatives are effective and represent best value for public money, my Department commissions various research exercises every year.

Decisions on whether to publish the results of each research project, or place a copy in the House of Commons Library are taken on a case-by-case basis. Some research reports contain commercially confidential information.

However, copies of the results of most quantitative research reports are available on request and my Department will compile a summary list of research projects to be placed in the Library.

Information on research projects commissioned by Departmental Agencies and NDPB's is not held centrally and could be obtained only at disproportionate cost.

Mr. Norman: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the opinion research projects undertaken on behalf of his Department in the financial year 1999–2000, broken down by *(a)* focus group research, *(b)* quantitative surveys and *(c)* other market research surveys; and in each case, when and where the results were published. [124631]

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the opinion research projects undertaken on behalf of his Department in the financial year 1999–2000, broken down by *(a)* focus group research, *(b)* quantitative surveys and *(c)* other market research surveys; and, in each case, when and where the results were published. [125460]

Mr. Prescott: In order to help to ensure that proposed new policy or communication initiatives are informed, effective, and represent best value for public money, my Department commissions various research exercises every year. Those falling within financial year 1999–2000, together with their costs, are listed below. These are either quantitative or qualitative (sometimes referred to as focus group research).

Research linked to information campaigns	
Road Safety	
Road Safety campaign tracking research	Quantitative
Summer Drink Drive campaign research	Qualitative
Millennium Drink-Drive campaign research	Qualitative
Child Road Safety campaign tracking research	Quantitative
Young Highway Code campaign research	Qualitative
Cycle Smart campaign	Qualitative
Portrayal of driving in advertising	Qualitative
'Think' road safety campaign—development	Qualitative
'Think' road safety campaign—launch survey	Quantitative
Environment	
'Are You Doing Your Bit' campaign tracking	Quantitative
Communicating with local government	Qualitative
Communicating with local government	Quantitative
Water usage omnibus research	Quantitative
Bio-diversity awareness	Qualitative
Greater London Authority campaign creative research	Qualitative
'Are You Doing Your Bit' campaign creative research	Qualitative
Other research	
Effects of aircraft noise on sleep patterns	Qualitative/ Quantitative
S. E. Manchester multi-modal study	Qualitative
Hastings multi-modal study	Qualitative
Cambridge to Huntingdon multi-modal study	Qualitative
British Social Attitudes Survey (transport)	Quantitative
British Social Attitudes Survey (housing)	Quantitative
Social housing tenants attitudes and reactions to rent levels and rent differentials	Quantitative
Large Scale Voluntary Transfers—the role of the independent adviser	Quantitative
Views on LSVT process post-transfer	Quantitative
ONS omnibus survey—house price expectations	Quantitative
ONS omnibus survey—single regeneration budget monitoring	Qualitative
Drinking water quality—public perceptions in 2000	Qualitative/ Quantitative
Citizens' attitudes towards local government	Qualitative/ Quantitative

Research linked to information campaigns

Attitudes of business towards local government	Qualitative/ Quantitative
Revenue grant distribution system: Research on local government perspectives	Qualitative/ Quantitative
Improving DVO Agency services	Qualitative/ Quantitative
Transport Interchange Phase 2	Qualitative
Customers Experiences of Planning Appeals	Qualitative

The decision on whether to publish the results is taken on a case-by-case basis. Some research reports contain commercially confidential information. However, copies of most quantitative research reports are available on request, and my Department will compile a list of research projects to be placed in the House Library.

Mr. Norman: To ask the Secretary of State for the Environment, Transport and the Regions how much his Department spent on opinion research in the financial year 1999–2000. [124632]

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions how much his Department spent on opinion research in the financial year 1999–2000. [125475]

Mr. Prescott: In order to help to ensure that proposed new policy or communication initiatives are informed, effective, and represent best value for public money, my Department commissions various research exercises every year. Those falling within financial year 1999–2000, together with their costs, are as follows:

Research linked to information campaigns

Research		£
Road Safety		
Road Safety campaign monthly tracking research	Quantitative	154,818
Summer Drink Drive campaign research	Qualitative	10,763
Millennium Drink-Drive campaign research	Qualitative	17,466
Child Road Safety campaign tracking research	Quantitative	6,286
Young Highway Code campaign research	Qualitative	17,907
Cycle Smart campaign	Qualitative	25,250
Portrayal of driving in advertising	Qualitative	28,012
'Think' road safety-development/launch survey	Qualitative	19,135
	Qualitative	
Environment		
'Are You Doing Your Bit' campaign tracking	Quantitative	274,421
Communicating with local government	Qual/quant	70,500
Water usage omnibus research	Quantitative	7,631
Biodiversity awareness	Qualitative	9,984
Quality mark scheme research	Qualitative	36,155
GLA campaign creative research	Qualitative	43,096
'Are You Doing Your Bit' creative research	Qualitative	52,664
GLA communication materials research	Qualitative	34,685
Other research		
Effects of aircraft noise on sleep patterns	Qual/quan	140,000
S. E. Manchester multi-modal study	Qualitative	12,000
Hastings multi-modal study	Qualitative	9,000
Cambridge to Huntingdon multi-modal study	Qualitative	4,000
British Social Attitudes Survey (transport)	Quantitative	28,000
British Social Attitudes Survey (housing)	Quantitative	44,500
Social housing tenants attitudes and reactions to rent levels and rent differentials	Quantitative	100,000
Large Scale Voluntary Transfers—the role of the independent adviser	Quantitative	62,210
Views on LSVT process post-transfer	Quantitative	81,050
ONS omnibus survey—house price expectations	Quantitative	6,075
ONS omnibus survey—single regeneration budget monitoring	Qualitative	57,600
Drinking water quality—public perceptions in 2000	Qual/quan	43,727
Improving DVO Agency services	Qual/quan	62,380
Citizens' attitudes towards local government	Qual/quan	180,546
Attitudes of business towards local government	Qual/quan	76,400
Revenue grant distribution system: research on		
Local government perspectives	Qual/quan	95,635
Customers' experiences of planning appeals	Qualitative	11,000
Transport Interchange Phase 2	Qualitative	30,000

Connex South Central

Mr. Cox: To ask the Secretary of State for the Environment, Transport and the Regions what discussions he has had with the management of Connex South Central rail company on the reduced service level from Wandsworth Common Station to Victoria; and if he will make a statement. [124698]

Mr. Hill: I have had no discussions with the train operator about this matter, but the Franchising Director is monitoring the situation. He has agreed an emergency timetable with Connex as a rest-day working ban by drivers has meant that the original timetable could not be met. While this is a far from ideal situation, the Franchising Director agreed that it is in passengers' interests to have information on which services will run and which are cancelled. Connex are currently recruiting more drivers and services will be re-introduced as they complete their training.

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the reasons for the elimination of South West Trains from the competition process for the Connex South Central franchise. [125605]

Mr. Hill: The shortlisted counterparties for a replacement South Central franchise were selected following the Franchising Director's evaluation of their initial proposals against the criteria given to him by the Deputy Prime Minister in his Instructions and Guidance of September 1999. In summary these are: commitment to secure better performance and customer services; the

extent to which extra or earlier investment can be secured; the extent to which passengers will be given a greater voice in the level and standard of services; and value for money to the taxpayer. The Franchising Director has outlined in further detail the criteria for evaluating bids in his Outline Guide to Franchise Replacement of 25 May.

Ethnic Minorities

Mr. Llew Smith: To ask the Secretary of State for the Environment, Transport and the Regions what directions he has given to the Environment Agency about increasing the proportion of its staff recruited from ethnic minorities; and how many board members of the agency are from ethnic minorities. [124795]

Mr. Meacher: No direction has been given to the Environment Agency, by the DETR, about increasing the proportion of its staff recruited from ethnic minorities. However, the Environment Agency does have its own Diversity Policy and statement and it is widening its links with ethnic organisations.

None of the current Environment Agency board members are from an ethnic minority background. However, the DETR is taking rigorous action as part of its current equal opportunities plan for public appointments, to appoint more people from this group to the boards of public bodies as a whole. Currently 5.8 per cent. of all appointments are filled by people from ethnic minorities against the Department's present end-2000 target of 6 per cent..

MOT Tests

Mr. Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to improve the accuracy of measures of a vehicle's emissions as part of the MOT test; and if he will make a statement. [124942]

Mr. Hill: The Department intends to commence further research later this year on the effectiveness of catalyst testing and to determine whether the diesel smoke test may need to be changed to enable better testing of low-smoke emission diesels. The projects are due to be completed in phases and we will be reviewing emerging findings as they progress. Additionally, the Vehicle Inspectorate has undertaken a comprehensive programme of re-training for MOT testers to ensure that they are able to carry out testing more consistently and to the standard required.

Stone Lodge Leisure Complex

Dr. Stoate: To ask the Secretary of State for the Environment, Transport and the Regions when he will announce his decision on the planning application for the Stone Lodge Leisure Complex in Dartford. [124935]

Ms Beverley Hughes: To progress with the Stone Lodge application it was necessary to seek further representations from the parties on the question of need for the proposed facilities. We have now analysed these responses and we will be informing all the parties of the outcome very soon.

Local Government Act 1988 (Reliefs)

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions how many local authorities granted relief under the Local Government Act 1988 in each year since 1990–91. [125070]

Ms Beverley Hughes: Every billing authority in each year specified granted at least one of the reliefs under the Local Government Act 1988.

Mr. Todd: To ask the Secretary of State for the Environment, Transport and the Regions what was the amount of hardship relief granted under the Local Government Act 1988 in England in each year since 1990–91. [125069]

Ms Beverley Hughes: The information requested on the amount of hardship relief granted under the Local Government Act 1988 in each year since 1990–91, is shown in the table.

£

Year	*Amount*
1990–91	23,941
1991–92	139,908
1992–93	758,026
1993–94	1,438,306
1994–95	1,734,622
1995–96	2,041,549
1996–97	1,972,004
1997–98	2,238,775
1998–99[1]	1,848,208

[1] The figure for 1998–99 is still subject to audit approval

Note:

Figures for 1999–2000 are not yet available

Road Accidents (A40)

Mr. Woodward: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 22 May 2000, *Official Report*, column 323W, on road accidents, how many fatalities due to road accidents there have been on the A40 over the last three years *(a)* in total and *(b)* between Witney and Oxford. [124420]

Mr. Hill *[holding answer 7 June 2000]:* The following numbers of fatalities occurred on the total length of the A40 in the last three years for which national records are available: 27 in 1996, 28 in 1997 and 25 in 1998. On the single carriageway section of the A40, between the Wolvercote roundabout in Oxford and the eastern end of the Witney bypass at Hill Farm, there were two in 1996, three in 1997 and none in 1998.

Byker Heat Station, Newcastle

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions what changes have been made in the authorisation of releases from the Byker Heat Station, Newcastle over the years of its operation; and at whose request the changes were made. [125138]

Mr. Meacher: The following changes have been made in the authorisation of releases:

Variation AJ3042: Changes made 15 July 1993 by HMIP.

Condition 1.1.2—Added wood chip as a permitted fuel.

Condition 5.1.10—Specified the composition of wood chip fuel.

Variation AJ6955: Changes made 27 September 1993 by HMIP.

Variation at request of operator.

New conditions relating to the visibility of the plume were added.

Variation AN2927: Changes made by HMIP 31 December 1995.

Variation at request of operator.

Condition 5.1.10—specified that spent ash and lime shall only be discharged via skips.

In addition a number of changes have been made to the requirements to report releases.

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions if the unquantified toxic releases to air in the 1995 incident at the Byker Heat Station posed a risk to health; what area may have been affected by this release; and if *(a)* the regulator required and *(b)* the operator undertook an investigation as to the possible health effects to workers at the site and nearby residents. [125140]

Mr. Meacher: There is no evidence to suggest that the incident in 1995 posed a risk to health. Analysis of the incident in question suggested that a lower mass probably was released than in an equivalent period of normal operation. However, a precise estimation of distribution effects would be impracticable.

The Agency did not require the operator to conduct an investigation into possible health effects and is not aware of such an investigation being conducted by the operator.

Strategic Planning (London)

Mr. Dismore: To ask the Secretary of State for the Environment, Transport and the Regions what conclusions he has reached following the consultation exercise on the detailed arrangements for strategic planning in London; and if he will make a statement. [125732]

Mr. Hill: The Mayor of London will assume responsibility for strategic planning matters in the capital on 3 July 2000. The main elements and principles of the new planning arrangements are incorporated in the Greater London Authority Act 1999. In January the Government issued, for consultation, a draft circular and statutory instruments setting out detailed aspects of the new arrangements. A copy of the consultation responses has been placed in the Library of each House of Parliament and is also available for inspection at the Government Office for London.

Following careful consideration of the responses received, we have decided that no significant changes are needed to the detailed arrangements, but some revisions have been made, mainly to provide additional clarification of the Governments proposals.

I am pleased to announce that the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 and the Town and Country Planning (Mayor of London) Order 2000 have been laid in both Houses of Parliament. Both the Regulations and the Order will come into force on 3 July.

I am also pleased to announce the publication of the Government Office for London Circular 1/2000 "Strategic Planning in London".

The Town and Country Planning (London Spatial Development Strategy) Regulations 2000

These Regulations set out the minimum supplementary statutory procedures that the Mayor will have to follow when preparing the Spatial Development Strategy (SDS). They cover aspects such as the form and content of the SDS, consultation and publicity procedures, the availability of documents and the examination in public.

A regulatory impact assessment has been prepared and copies can be obtained from the Government Office for London and a copy has been placed in the Library of each House of Parliament.

The Town and Country Planning (Mayor of London) Order 2000

This Order details the statutory procedures for notifying the Mayor of planning applications of potential strategic importance, and the associated power to direct refusal of planning permission.

A regulatory impact assessment has been prepared and copies can be obtained from the Government Office for London and a copy has been placed in the Library of each House of Parliament.

Government Office for London Circular 1/2000—Strategic Planning in London

The circular explains and gives guidance to the Mayor and others on the operation of the new arrangements set out in the Act and the two statutory instruments. The circular provides guidance on the purpose, scope and format of the Spatial Development Strategy. It explains the procedures for its production and advises on the implications for boroughs and others. It also gives guidance on the Mayor's role in planning applications and in representing London's planning interests.

Transport for London

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions if the procedures set out by the Nolan Committee in respect of public appointments have been observed with regard to the appointment of the Director of Transport for London; and if he will make a statement. [125455]

Mr. Hill: Mr. Anthony Mayer was appointed as a Transitional Chief Executive of Transport for London in February this year. This was not an appointment to a public body within the ambit of the Office of the Commissioner for Public Appointments but an appointment as an employee of the Secretary of State under the provisions of Section 407 of the Greater London Authority Act 1999. Nevertheless, the recruitment followed a search and selection process involving the use of head hunters and an independent element. This is a temporary appointment. The recruitment of a permanent Chief Executive will be a matter for Transport for London.

Parliamentary Questions

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions when he will answer the question tabled by the hon. Member for East Worthing and Shoreham for answer on 17 March on the cost to public funds of publicly owned property maintained for his private use. [125685]

Ms Beverley Hughes: I replied to the hon. Member on Friday 9 June 2000, *Official Report,* column 4192W.

Dorneywood

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions (1) what has been the cost of official entertainment at Dorneywood to his Department's budget in each year since May 1997; [125679]

(2) if he will list the occasions on which Dorneywood has been used for official purposes since 1 May 1997, listing the guests who attended on each occasion; [125678]

(3) how many staff paid out of his Department's budget have been employed at Dorneywood since May 1997. [125684]

Ms Beverley Hughes: Under the terms of the endowment providing for its use by successive Governments since the 1950s, Dorneywood is maintained at no cost to the taxpayer. The same arrangement applies now as under previous administrations: no staff from any Government Department are employed at Dorneywood, and Government Ministers pay their own personal expenses on items such as food and drink when visiting Dorneywood privately.

When Ministers from my Department use Dorneywood for official Government business, expenses are paid by the Department. Since May 1997, Dorneywood has been used for meetings with a range of Ministers and officials on a number of occasions. The approximate total cost to the Department for each year since May 1997 was as follows:

Year	£
May 1997-March 1998	3,000
April 1998-March 1999	2,000
April 1999-March 2000	1,300

FOREIGN AND COMMONWEALTH AFFAIRS

Treaty of Nice

Mr. Woodward: To ask the Secretary of State for Foreign and Commonwealth Affairs what bilateral discussions with other EU members are planned prior to the meeting to agree the Treaty of Nice in December. [124792]

Mr. Vaz: We are in constant contact with our European partners. On the IGC in particular, there has been regular contact at official and Ministerial level since the beginning of this year. Foreign and Europe Ministers discuss the IGC collectively at monthly meetings of the General Affairs Council. This will continue until the Nice European Council in December.

Sierra Leone

Mr. Mackinlay: To ask the Secretary of State for Foreign and Commonwealth Affairs how many Sierra Leone citizens have had their fares paid to Britain by his Department since the entry of the Parachute Regiment into Sierra Leone; how many of these cases relate to asylum applications; what the circumstances were of the others; and how many were arranged on the initiative of the United Kingdom High Commission. [124836]

Mr. Hain *[holding answer 7 June 2000]:* All British and Sierra Leonean passport holders evacuated from Sierra Leone undertook to repay the costs of their RAF flights from Freetown to Dakar. Consular staff in Dakar provided financial assistance to enable 55 Sierra Leonean nationals, all of whom either had close family in the UK or held resident status, to return to the UK. They all signed undertakings to repay the costs. As far as we know none of these has applied for asylum.

Mr. Keetch: To ask the Secretary of State for Foreign and Commonwealth Affairs what medical advice his Department is giving to UK visitors to Sierra Leone; and if he will make a statement. [125192]

Mr. Hain *[holding answer 9 June 2000]:* Our travel advice gives advice on safety and security to British nationals travelling overseas. Unless there are specific concerns, travel advice does not cover medical issues. Callers requesting medical advice are referred to their GPs or the Department of Health.

At present we advise against all travel to Sierra Leone.

Kosovo (MOD Police)

Mr. Key: To ask the Secretary of State for Foreign and Commonwealth Affairs for what reason his Department's police officers were disembarked from their aircraft on the tarmac at Stansted on 4 June, instead of flying to Kosovo; when the detachment will now fly to Pristina; and if he will make a statement. [124936]

Mr. Hain: It is usually the responsibility of the United Nations to finance and arrange the transport for civilian police officers deploying to Kosovo. On this occasion, the UN requested that the UK make the travel arrangements.

The FCO therefore arranged to charter a plane for 4 June to transport the 56 Ministry of Defence police officers to Kosovo. However, delays in baggage handling and a minor technical fault resulted in the plane's revised estimated arrival time in Pristina being after 17:00 hours, the time at which Pristina airport closes.

The police officers' departure was therefore re-arranged for 6 June (no aircraft were available on 5 June) on a different plane. I can confirm that the officers did indeed reach Kosovo on that day.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125154]

Mr. Hain: The Foreign and Commonwealth Office's Smoking Policy restricts smoking to designated smoking rooms and single occupancy offices. It is therefore effective in protecting all staff from the responsibility of passive smoking.

Fewer than 5 per cent. of offices are single occupancy.

International Criminal Court

Mr. Blizzard: To ask the Secretary of State for Foreign and Commonwealth Affairs when he proposes to ratify the Rome Treaty to establish the International Criminal Court. [125395]

Mr. Hain: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Clydebank and Milngavie (Mr. Worthington) on 3 May 2000, *Official Report*, column 122W.

EU Intergovernmental Conference

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs (1) if he will place in the Library a copy of the Government's response to the questions in the document CONFER 4743/00, prepared by the Conference of the Representatives of the Governments of the member states for the intergovernmental conference; [124864]

(2) if he will place in the Library a copy of the Government's response to the options for determining the method for fixing the allocation of seats in the European Parliament, as set out in document CONFER 4740/00, prepared by the Conference of the Representatives of the Governments of the member states for the intergovernmental conference; [124866]

(3) if he will place in the Library a copy of the Government's response to the suggested approach to the extension of co-decision procedures, set out in document CONFER 4740/00, prepared by the Conference of the Representatives of the Governments of the member states for the intergovernmental conference; [124865]

(4) in which areas the UK delegation has objected in principle to specific points in relation to the list of Articles suggested for an extension of qualified majority voting in Annex I of paper CONFER 4757/00, prepared for the intergovernmental conference; [124867]

(5) if he will place in the Library a copy of the UK delegation's response to the questions asked in the document CONFER 4728/00, prepared by the Conference of the Representatives of the Governments of the member states for the intergovernmental conference. [124869]

Mr. Vaz: Discussion at the level of the Preparatory Group and at Ministerial level has been based on conference papers produced by the Presidency. These papers do not require a formal response from member states' Governments, but form a basis for discussion. The Government's approach to the issues raised in these discussions is set out in the White Paper "IGC: Reform for Enlargement".

Mr. Spring: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will place in the Library a copy of the Government's response to the options for *(a)* the Economic and Social Committee and *(b)* the Committee of the Regions, set out in document CONFER 4741/00, prepared by the Conference of the Representatives of the Governments of the member states for the intergovernmental conference. [124868]

Mr. Vaz: Conference papers are produced by the Presidency for discussion at both Preparatory Group and ministerial levels. They do not require a formal response from member states' Governments. Discussion so far has focused mainly on the size and composition of the Economic and Social Committee and Committee of the Regions. For reasons of cost and effectiveness, the Government would not like to see either the Economic and Social Committee or the Committee of the Regions grow much above their present size after enlargement, although we shall ensure that the UK continues to be fairly represented on both Committees.

Zimbabwe

Mr. Nicholls: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will introduce legislation to extend similar protection to the value of pensions paid by the Zimbabwean Government to British subjects recruited from Britain for appointments in the Public Service of Southern Rhodesia before November 1965 who now live outside Zimbabwe, as that given under the Overseas Pensions Act 1973 to HMOCS officers. [124260]

Mr. Foulkes: I have been asked to reply.

The Government have no current plans to introduce legislation to expand the pension protection arrangements under the Overseas Pensions Act 1973 to former employees of the Southern Rhodesia public service.

INTERNATIONAL DEVELOPMENT

European Community Humanitarian Office

Mr. Worthington: To ask the Secretary of State for International Development if contributions to ECHO are voluntary for members of the European Union; and if she will change her contribution to ECHO based on its past performance. [121098]

Clare Short: No. ECHO is funded, as are other EC external programmes, from the EC budget, to which member state contributions are mandatory. The UK contribution, under a formula agreed in 1992, will be 17.95 per cent. this year.

Zimbabwe

Mr. Gerald Howarth: To ask the Secretary of State for International Development if she will provide accounts regarding the distribution of United Kingdom public money to Zimbabwe in the 1980s and 1990s to fund the acquisition of white-owned farms; and if she will set out the number of such farms acquired, the approximate acreage of each farm, the cost of acquiring each farm, to whom ownership of each farm was subsequently transferred, and how much of the original acreage acquired remains in productive operation. [120933]

Clare Short: A grant of £20 million was agreed with the Government of Zimbabwe in 1981. This funded 42 resettlement projects for the benefit of refugees and landless people following the Independence war. British funds were used for land demarcation and fencing, provision of water and sanitation, construction of schools, clinics and other buildings, and also for crop packs and training. The Grant was largely disbursed by 1989; however it was eventually closed in 1996 with £3 million unspent. Over a similar period, the counterpart funds to

£27 million in programme aid were used by the Government of Zimbabwe to fund their share of the programme.

An ODA evaluation in 1988 found that the majority of families settled had benefited considerably through the provision of increased opportunities for income generation and the availability of services such as health and education. The programme had also been successful from the national economic perspective, having an economic rate of return of approximately 21 per cent. The Zimbabwean Comptroller and Auditor General carried out a value for money study of the programme in 1993. Despite identifying a number of shortcomings, the study concluded that the exercise was well planned in accordance with clear policies and procedures. It had benefited mainly the landless rural poor, most of whose standard of living had significantly improved.

Mr. Nicholls: To ask the Secretary of State for International Development (1) how much money has been given to the Government of Zimbabwe under the Land Reform and Resettlement Programme, since May 1997; [124335]

(2) how many Zimbabwean families have benefited from land acquired using Her Majesty's Government funds since 1997; [124337]

(3) how many farms the Zimbabwean Government have acquired using funds provided by Her Majesty's Government since May 1997. [124336]

Clare Short: In 1996 a land resettlement grant signed in 1981 was closed with £3 million undisbursed because the Government of Zimbabwe had not produced suitable plans to spend it. We have not disbursed funds for land acquisition and resettlement since. We have made clear that land reform and resettlement should be an important part of a poverty reduction programme in Zimbabwe, and supported the principles to govern a future land reform programme agreed at the Donors Conference in 1998. These include poverty reduction, transparency and the rule of law. The Government of Zimbabwe have not implemented the 1998 principles. We made £5 million available to support land resettlement initiatives led by civil society and the private sector.

PRIME MINISTER

Public Question-time Meetings

Mr. Fallon: To ask the Prime Minister on what dates, and at which venues, he held question-time meetings with members of the public in *(a)* 1999 and *(b)* 2000 to date. [122984]

The Prime Minister *[holding answer 19 May 2000]:* I answer questions from members of the public all the time.

Queen Mother's Birthday

Mr. Burns: To ask the Prime Minister if he will designate the Queen Mother's birthday in August as a public holiday; and if he will make a statement. [124752]

The Prime Minister: The Government receive a variety of suggestions for additional bank holidays to celebrate special occasions. However, it was felt that another additional bank holiday, following so soon after the Millennium bank holiday, would be inappropriate. This followed consultation with the Royal Household who were content with the decision.

Post Office

Mr. Gordon Prentice: To ask the Prime Minister when he will publish the Performance and Innovation Unit report on the Post Office. [125314]

The Prime Minister: Shortly.

SOLICITOR-GENERAL

Crown Prosecution Service

Mr. Kidney: To ask the Solicitor-General if he will accelerate the programme for modernising the information technology of the Crown Prosecution Service to match the introduction of the new police IT for managing casework. [124913]

The Solicitor-General: I am pleased to report that all CPS offices, including those in Staffordshire, will benefit from a significant investment in IT in 2000–01.

The CPS was awarded £12 million from the Government's Capital Modernisation Fund in July 1999 and this money, together with existing CPS resources, will fund the Connect 42 project. Connect 42 will provide lawyers and caseworkers with access to modern PCs across the 42 CPS Areas for the first time. It will also enable the CPS to have secure electronic mail connections with its partners in the Criminal Justice System, including the police.

A pilot of Connect 42 has been running in Sussex since March 2000. The national roll-out timetable is demanding and is scheduled to start in August 2000 and to be completed in July 2001, in advance of the new police casework system in most Areas. I understand that the detailed timetable for the new police casework system is being developed. The intention is to implement the system in police forces by the end of 2002.

Connect 42 will be followed by step 2 of the Modernisation Programme, the Compass project, which is procuring a Managed Service through a PFI contract. This will use the IT infrastructure of Connect 42, and complement it with a case management system designed to meet the needs of front line CPS staff. It will provide the ability to work with electronic case files and allow information to be exchanged much more easily with other organisations in the criminal justice system through speedier electronic communications between computer systems.

The CPS plans to advertise its requirement for the Compass project in the Official Journal of the European Communities in the 3rd quarter of 2000. Following procurement and development in 2001 and 2002, implementation of the system is planned for 2003. The CPS does not think that it is possible to accelerate this demanding timetable.

Mr. Kidney: To ask the Solicitor-General what was the funding of the Crown Prosecution Service *(a)* in real terms and *(b)* as a proportion of GDP for each year of its existence. [124910]

The Solicitor-General: The funding of the Crown Prosecution Service in real terms and as a proportion of GDP for each year of its existence is listed as follows:

£000

Year	*Total expenditure in real terms*	*Proportion of GDP (Percentage)*
1986–87	124,124	0.019
1987–88	212,691	0.031
1988–89	233,487	0.033
1989–90	255,755	0.035
1990–91	274,902	0.038
1991–92	294,325	0.041
1992–93	321,371	0.045
1993–94	344,510	0.047
1994–95	350,410	0.045
1995–96	345,281	0.044
1996–97	339,536	0.042
1997–98	331,139	0.039
1998–99	328,347	0.038
1999–2000	323,408	0.035

Mr. Kidney: To ask the Solicitor-General by what formula the funding of the Crown Prosecution Service nationally is distributed to the area offices. [124911]

The Solicitor-General: Decisions on how much of the CPS's resources should be allocated to individual CPS Areas are for the Director of Public Prosecutions and the Chief Executive. They are informed by a number of analyses, including activity based costing (ABC), estimated payroll costs of staff not included in ABC analyses, accommodation costs, indicators of the type and nature of Areas, specific local factors, and the involvement of individual Areas in new initiatives.

Mr. Kidney: To ask the Solicitor-General what assessment he has made of the adequacy of the budget of the Staffordshire CPS. [124912]

The Solicitor-General: Decisions on how much of the CPS's resources should be allocated to individual CPS Areas are for the Director of Public Prosecutions and the Chief Executive. The allocation of the CPS's budget to the 42 CPS Areas is informed by a detailed analysis of the costs of the prosecution process and caseload. This analysis is used to inform decisions on the budget for CPS Staffordshire and for all other CPS Areas.

Performance Indicators

Mr. Simon Hughes: To ask the Solicitor-General if he will make a statement on how each of the agencies and non-departmental bodies relating to his Department performed against their key performance indicators in *(a)* the last year and *(b)* the previous two years. [125332]

The Solicitor-General: A summary of performance for work in England and Wales is set out in the tables.

Treasury Solicitor's Department

Target	*1997–98*		*1998–99*		*1999–2000*	
	Target	*Outcome*	*Target*	*Outcome*	*Target*	*Outcome*[1]
To achieve annual efficiency savings	2.5%	Achieved	2.5%	Achieved	3.0%	Achieved
To recover the full operating costs for the Agency's chargeable services	100%	Achieved	100%	Achieved	100%	Achieved
To achieve x% level of customer satisfaction in advisory services	90%	Achieved	95–100%	Achieved	>95%	Achieved
To achieve x% reduction in average unit cost per chargeable hour (litigation)	2.5%	Achieved	2.5%	Achieved	2.5%	Achieved
To achieve x% reduction in the average unit cost per case (Bona Vacantia)	2.5%	Achieved	2.5%	Not achieved	2.5%	Not achieved[2]
To achieve a minimum average number of chargeable hours per full-time caseholder per year (litigation) of x	1,100	Achieved	1,150	Achieved	1,150	Achieved
To achieve instructions in at least x new litigation cases —	8,000	Achieved	Discontinued		Discontinued	
To achieve 20% improvement on 1998–99 level of income recovery from clients within 30 days of their receipt of a validated invoice	—	—	75%	Achieved	90%	Not achieved
To increase the proportion of undisputed supplier invoices paid in accordance with terms or 30 days	—	—	95%	Achieved	100%	Not achieved

[1] The information in this column is provisional, pending the preparation of the final accounts for 1999–2000.

[2] Since the Key Performance Target for Bona Vacantia Division was introduced it has become apparent that the methodology used to assess the number of cases is statistically biased towards non-achievement as it makes no allowance for the differing complexity of individual cases. The target will remain as set for 1999–2000 but the baseline against which performance is judged will be assessed and, if necessary, adjusted to recognise the differing complexity of cases.

Note:

Further information on performance against these targets can be found in the Executive Agencies 1999 Report (Cmnd 4658).

Government Property Lawyers

Target	*1997–98*	*1998–99*[1]	*1999–2000*
To recover the full operating costs of the Agency	Achieved	—	—
To receive at least 4,350 new instructions from its clients	Not achieved	—	—
To achieve 95 completions per case holder	Not achieved	—	—
To maintain and improve the quality of service, in particular by keeping the proportion of cases completed satisfactorily (that is, without requiring rectification by reason of any fault of the Agency) on or before the target dated at or above 99.5%	Achieved	—	—
Over the three-year period, 1996–97 to 1998–99—To achieve a reduction in operating costs of an average of 2.5% per year in real terms taking 1996–97 as the base year	Not achieved	—	—

[1] The Government Property Lawyers Agency was the subject of a Quinquennial Review from November 1997 to November 1998 and no formal targets were set for 1998–99 pending its outcome. The eventual outcome was that the Agency should close by 30 September 1999 and as a result no further key performance indicators were set.

Serious Fraud Office

The Serious Fraud Office's key performance indicators were published on 17 December 1998 as part of the Law Officer's Department's Public Service Agreement. They are:

(i) caseload;

(ii) time from accepting a case to completing investigations; and

(iii) length of the prosecution stage between transfer/committal and verdict.

The targets set were:

(i) to increase caseload from 73 cases per year in 1998–99 to 77 cases per year within resources provided;

(ii) to reduce average time from accepting a case and completing investigations from 18 months in 1998–99 to 17.5 months;

(iii) to reduce the average length of the prosecution stage between transfer/committal and verdict from 16.5 months in 1998–99 to 16 months.

Outturn data which show that the Office has met its key targets are set out in the following table. Figures for the year 1997–98 are included to enable comparison.

Financial year	*1997–98*	*1998–99*	*1999–2000*
Caseload	78	73	85
Investigation (months)	19.3	18.0	15.3
Prosecution (months)	—	16.5	14.4

Crown Prosecution Service

The CPS timeliness performance targets for which comparable data are available are as follows:

Percentage

	Target	*1999–2000 Outcome*	*Target*	*1998–99 Outcome*	*Target*	*1997–98 Outcome*
Advance information	83	86.6	80	82.3	80	77.3
Committal papers	60	62.7	60	51.9	60	50.6
Briefs to Counsel	80	71.1	80	67.8	80	66.3
Witness Expenses	100	97.5	100	95	100	93
Complaints	87	88.3	85	87.7	85	86.7

Note:
Further information on performance against targets can be found in the Crown Prosecution Service's Annual Reports 1998–99 (House of Commons Paper 675), and 1997–98 (House of Commons Paper 839).

DEFENCE

Non-deployable Estate

Mr. Key: To ask the Secretary of State for Defence what were the terms of reference for the review of the non-deployable estate; when he expects it to be complete; and if he will place a copy in the Library. [121940]

Mr. Spellar: As part of the continuing effort to maximise value for money from the Defence Budget, the Army is currently engaged in an internal review of non-deployable posts. The review is due to be completed in the autumn. There are no formal terms of reference for the review, which is being undertaken by the Army chain of command. The aim is to carry out an audit of military posts in the non-deployable Army, in order to inform judgments on the requirement for and priorities for the deployment of military manpower. There are no plans to publish the outcome of the review.

Special Investigations Branch

Mr. McNamara: To ask the Secretary of State for Defence, pursuant to his answer of 24 January 2000, *Official Report*, column 67W, on the Royal Irish Regiment *(a)* for what reasons the report of the Special Investigations Branch of the Royal Military Police has not been made and *(b)* how many of the sub-sections of the Question he is in a position to respond to. [123885]

Mr. Spellar: The investigation by Special Investigations Branch, Royal Military Police is now complete and I can confirm the following information.

There have been four Parliamentary Questions on this matter including this one and two Parliamentary Inquiries. The photograph was taken on Monday 12 July at Drumadd Barracks, Armagh and shows 59 Officers and soldiers from F Company the 8th Battalion the Royal Irish Regiment (8 R IRISH). The photoshoot was supervised by a Major who took some of the photographs before joining the Company for further photographs, which were

taken by a Warrant Officer. The flag was produced by a soldier of the Company who had just come off duty. A commercial photographic service establishment in Belfast developed the film and approximately 40 copies were made and given to members within F Company. No disciplinary action is to be taken against the officer but formal administrative action procedures have been initiated.

Photographs can be taken in all sorts of circumstances which can subsequently be misinterpreted. F Company was deployed on 12 July along with other Army units precisely in order to prevent sectarian violence and it is wrong to label a whole Regiment, or the individuals in the photograph, as bigoted. We expect the highest standards of conduct from all soldiers, and in particular that they should be aware of community sensitivities in Northern Ireland. During 1999 the Royal Irish Regiment collected over £133,000 for cross-community charities. 8 R IRISH also won the prestigious Wilkinson's Sword of Peace for its cross-community work in Armagh. These are examples of their cross-community activities and are not indicative of a biased Regiment.

Staff Secondments

Mr. Don Foster: To ask the Secretary of State for Defence, pursuant to his answer of 8 February 2000, *Official Report*, columns 109–10W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124829]

Dr. Moonie *[holding answer 7 June 2000]:* My Department had nine inward secondments of 12 months or less from the following companies:

BMT Defence Systems
Vickers
Vosper Thorneycroft
BAe
Gardiner and Theobald
Simmons and Simmons
Defence Acquisition Group (x2)
PA Consulting Group

Slovenia

Mr. Hancock: To ask the Secretary of State for Defence what the extent is of joint working with Slovenia on military matters; how many UK personnel work in Slovenia on training and related matters; and if he will make a statement. [124884]

Mr. Spellar: Slovenia is one of the countries of Central and Eastern Europe included in the Ministry of Defence's Outreach Programme of bilateral assistance. My officials hold annual Defence Staff Talks with their Slovenian counterparts and from these discussions a programme of bilateral assistance is constructed. The main area of assistance is in English language training, but we also conduct seminars on various Defence related subjects, discussions on codification and standardisation, and arms control training. There are also VIP and working level short visits to UK by Slovenian Ministry of Defence officials and members of their Armed Forces, including attendance on TA summer camps, and reciprocal visits by UK Ministry of Defence officials and members of UK Armed Forces.

At present there are no MOD UK personnel working in Slovenia, however the UK Defence Attaché to Slovenia, who is currently cross-accredited to Austria and resident in Vienna, is moving to Slovenia on 13 June 2000. Additionally, an MOD civil servant is due to take up post as Adviser on Defence Policy and Planning in the Slovenian Ministry of Defence in September 2000.

Latvia

Mr. Hancock: To ask the Secretary of State for Defence what the extent of joint working with Latvia is on military matters; how many UK personnel work in Latvia on training and related matters; and if he will make a statement. [124887]

Mr. Spellar: The UK has an extensive programme of defence assistance to Latvia as part of the MOD's "Outreach" initiative to promote stability and security in central and eastern Europe. The UK's programme of assistance to Latvia is underpinned by English language training, defence management training and military training which is provided both in-country and in the UK. We also assist Latvia through our contribution to the joint Baltic projects: the Baltic Security Assistance forum; the Baltic Peacekeeping Battalion; the Baltic Naval Squadron; the Baltic Defence College; and the Baltic Air Surveillance Network. Another substantial area of co-operation is the deployment of a 10 strong Latvian contingent with BRITFOR in Kosovo.

Currently we have six personnel working permanently in Latvia on training and related matters, with a civil servant seconded to the Latvian Defence Ministry to advise on programming and budgeting systems and five Royal Marines working with the Baltic Peacekeeping Battalion Training Team. However, Short Term Training Teams (STTTs) provide most of the military training, visiting Latvia for between two weeks to three months each summer; this year the STTTs will involve approximately 15 personnel. In addition to those involved directly in training, the Defence Attaché in Riga, assisted by an Assistant Defence Attaché, liaises with the Latvian Defence Ministry to ascertain their training and assistance requirements for each year.

Sierra Leone

Mr. Hancock: To ask the Secretary of State for Defence what the cost has been so far of UK involvement in Sierra Leone; if any of that cost will be claimed from the United Nations; and if he will make a statement. [124886]

Mr. Hoon: The additional costs of Operation Palliser, the evacuation deployment to Sierra Leone which commenced on 5 May, are still being established, but it is estimated that they will amount to some £8 million. As Operation Palliser is not a United Nations operation, we do not expect to claim any of those costs from the United Nations.

Missile Defence Systems

Mr. Duncan Smith: To ask the Secretary of State for Defence for what reason the Exocet missile launcher has

been removed from HMS Sheffield; what plans there are to replace it; and what similar work has been undertaken on other ships of this class. [125083]

Mr. Spellar *[holding answer 8 June 2000]:* The Exocet missile launcher has been removed from the batch 2 Type 22 Frigate HMS Sheffield because the variant of the missile used by the RN is now obsolete and no longer in Naval service. There are no plans to replace the launcher. HMS Sheffield remains armed with a potent mixture of weapons and sensors including Seawolf Anti-Air Missiles, Stingray Anti-Submarine Torpedoes and a helicopter able to carry the Sea Skua Anti-ship missile. There are no plans to remove the launchers from the remaining batch 2 vessels in this class as, given their relatively short remaining life, it would not be economic to do so. The latest Batch (3) Type 22 Frigates carry the Harpoon anti-ship missile system.

Mr. Duncan Smith: To ask the Secretary of State for Defence if he will make a statement on the programme of work that is being undertaken by his Department in relation to ballistic missile defence. [125009]

Mr. Hoon *[holding answer 8 June 2000]:* Following the policy on ballistic missile defence set out in the Strategic Defence Review, the Ministry of Defence is undertaking a three-year programme of studies known as the Technology Readiness and Risk Assessment Programme. This programme is monitoring developments in the risks posed by ballistic missiles and in the technology to counter them. It is due to be completed next summer. The terms of reference for the programme were announced on 27 July 1999, *Official Report*, column 203W. In addition, we are contributing to NATO preparations for studies into the feasibility of theatre ballistic missile defence. We expect these studies to start next year.

Project Aquatrine

Mr. Key: To ask the Secretary of State for Defence when his Department will issue invitations to submit outline proposals for Project Aquatrine; and if he will make a statement. [125317]

Dr. Moonie: In accordance with the timetable announced at the Project Aquatrine bidders conference in March this year, I expect that invitations to submit outline proposals for the initial package of the project will be issued very shortly.

Rudloe Manor

Mr. Gray: To ask the Secretary of State for Defence what considerations other than price will affect the sale of Rudloe Manor. [125392]

Dr. Moonie: When selling surplus property the Ministry of Defence follows Government Accounting procedures seeking to achieve the full market value. This is usually best determined by offering the property for sale on the open market with a specific date for the submission of bids. In selecting a preferred purchaser for Rudloe Manor, my Department also paid regard to the proposed uses, the ability of bidders to finance the purchase and their timescales for completing the sale.

Mr. Gray: To ask the Secretary of State for Defence what account he will take of the potential for job creation in his decision on the purchaser of Rudloe Manor. [125393]

Dr. Moonie: Rudloe Manor has been offered for sale with reference to the policy for the site, identified in the North Wiltshire District Council Local Plan and the modifications to the Draft Local Plan which the Council has agreed. It is for the Local Planning Authority properly to consider the issue of job creation, as part of any future planning application for the site.

Mr. Gray: To ask the Secretary of State for Defence how many tenders there were for the purchase of Rudloe Manor; and how many of them were within the original specification. [125394]

Dr. Moonie: Sixteen bids were received, all of which complied with the original specification.

Mr. Gray: To ask the Secretary of State for Defence when he will reach a conclusion about the sale of Rudloe Manor: and if he will make a statement on the sale. [125391]

Dr. Moonie: A purchaser has now been identified for Rudloe Manor and the terms of sale have been agreed, subject to contract. Considerable interest was shown in the property and all unsuccessful bidders have now been notified.

Asbestosis

Mr. Sanders: To ask the Secretary of State for Defence if he will make a statement on the level of compensation paid to civilian dockyard workers for work-related asbestosis contracted while working *(a)* on Royal Navy vessels and *(b)* in Royal Naval dockyards. [124934]

Mr. Spellar: I will write to the hon. Member and a copy of my letter will be placed in the Library of the House.

RAF St. Mawgan

Mr. Tyler: To ask the Secretary of State for Defence how many personnel stationed at RAF St. Mawgan have been subjected to *(a)* combat survival and rescue training and *(b)* conduct after capture courses; how many personnel have refused to participate in this training; and what sanctions have been employed to ensure participation. [125200]

Mr. Spellar: Conduct After Capture (CAC) training is an integral element of the current Aircrew Combat Survival Course (ACSC) held at the RAF School of Combat Survival and Rescue at RAF St. Mawgan. Attendance on the course is a mandatory training requirement for all RAF personnel engaged on operational duties that may make them prone to capture or interrogation. Since September 1992, 1,029 students have

entered training on the ACSC at RAF St. Mawgan. Of these, five withdrew voluntarily from the practical CAC phase of the training but one returned at a later date to complete the training.

All students on the (CAC) training phase of the course must give their written consent to undergo the training. Prior to participation, all students are made aware of what they will encounter during the training, and they remain at liberty to withdraw from the training at any time, either before participation or during it. Individuals who choose not to undergo the training, or who do not complete the course, will be moved to duties where they would not be prone to capture or interrogation.

Medals

Mr. Healey: To ask the Secretary of State for Defence, pursuant to the answer given on 22 May 2000, *Official Report*, column 313W, on medals, in relation to each clasp listed, what was *(a)* the scale of the deployment, *(b)* the number of people wounded and *(c)* the number of people killed; if troops were deployed in active service; and if the area was designated an operational zone. [125556]

Dr. Moonie: This information is not held centrally. I will write to my hon. Friend and a copy of my letter will be placed in the Library of the House.

Employment (Alyn and Deeside)

Mr. Barry Jones: To ask the Secretary of State for Defence how many people are employed by his Department in the constituency of Alyn and Deeside; and if he will make a statement. [125558]

Dr. Moonie: There are 1,859 people employed by the Ministry of Defence in the constituency of Alyn and Deeside.

D Notices

Mr. McNamara: To ask the Secretary of State for Defence how many D Notices have been published with regard to the responsibilities of his Department in the last six months *(a)* relating to Northern Ireland and *(b)* relating to other matters. [124692]

Mr. Spellar: No DA Notices have been published specifically with regard to the responsibilities of the Ministry of Defence in the last six months. There are standing DA Notices which apply to all Departments, where matters of National Security are concerned, and these contain advice to editors and others which can be applied to any appropriate circumstances. From 1993 there were six such standing notices, until 24 May 2000 when, after revision of the Notices by the independent Defence, Press and Broadcasting Advisory Committee, a new set of five standing DA Notices was promulgated. Details have been passed to the House of Commons Library, and can be found also on the internet at www.dnotice.org.uk.

AGRICULTURE, FISHERIES AND FOOD

Frozen Beef Imports

Sir Michael Spicer: To ask the Minister of Agriculture, Fisheries and Food how much frozen beef was imported to the UK by country of origin, in each of the last five years; and in each case what was the percentage of total UK consumption. [124623]

Ms Quin *[holding answer 5 June 2000]:* The following table shows the volume of frozen beef imported into the United Kingdom, as recorded by the Overseas Trade Statistics from 1995 to 1999. The import figures have been converted to carcase weight equivalent for comparison with consumption figures. The imports are shown by country of despatch which is not necessarily the country of origin.

UK Imports of frozen beef by country

	1995		*1996*		*1997*		*1998*		*1999*[1]	
Country	*Imports of frozen beef ThT CWE*	*Imports as a percentage of beef available for human consumption*	*Imports of frozen beef ThT CWE*	*Imports as a percentage of beef available for human consumption*	*Imports of frozen beef ThT CWE*	*Imports as a percentage of beef available for human consumption*	*Imports of frozen beef ThT CWE*	*Imports as a percentage of beef available for human consumption*	*Imports of frozen beef ThT CWE*	*Imports as a percentage of beef available for human consumption*
Irish Republic[2]	17.4	1.9	6.7	0.9	10.8	1.3	10.5	1.2	16.6	1.8
Brazil	2.9	0.3	3.3	0.4	3.0	0.3	4.6	0.5	10.4	1.1
France	17.9	2.0	8.3	1.1	4.0	0.5	1.5	0.2	4.5	0.5
Netherlands	3.8	0.4	2.2	0.3	1.8	0.2	1.3	0.1	3.0	0.3
Uruguay	9.3	1.0	7.1	1.0	13.3	1.6	6.8	0.8	2.5	0.3
Botswana	3.3	0.4	3.3	0.5	2.1	0.2	1.9	0.2	1.6	0.2
Spain	1.9	0.2	0.8	0.1	1.1	0.1	0.4	0.0	1.3	0.1
Argentina	6.6	0.7	6.5	0.9	7.4	0.9	1.2	0.1	1.0	0.1
Germany	2.1	0.2	3.1	0.4	6.8	0.8	0.8	0.1	0.9	0.1
Namibia	1.8	0.2	1.0	0.1	1.7	0.2	0.8	0.1	0.8	0.1
New Zealand	3.3	0.4	4.8	0.7	5.5	0.6	5.3	0.6	0.6	0.1
Belgium-Luxem.	1.2	0.1	0.7	0.1	1.8	0.2	0.2	0.0	0.5	0.1
Italy	0.5	0.1	0.1	0.0	0.3	0.0	0.4	0.0	0.4	0.0
Zimbabwe	3.9	0.4	0.2	0.0	0.3	0.0	0.3	0.0	0.3	0.0
Australia	2.6	0.3	4.2	0.6	3.1	0.4	3.1	0.3	0.2	0.0
Denmark	0.7	0.1	0.7	0.1	0.3	0.0	0.1	0.0	0.1	0.0

UK Imports of frozen beef by country

Country	1995 Imports of frozen beef ThT CWE	1995 Imports as a percentage of beef available for human consumption	1996 Imports of frozen beef ThT CWE	1996 Imports as a percentage of beef available for human consumption	1997 Imports of frozen beef ThT CWE	1997 Imports as a percentage of beef available for human consumption	1998 Imports of frozen beef ThT CWE	1998 Imports as a percentage of beef available for human consumption	1999[1] Imports of frozen beef ThT CWE	1999[1] Imports as a percentage of beef available for human consumption
South Africa	—	—	2.2	0.3	—	—	—	—	—	—
U.S.A.	1.1	0.1	1.6	0.2	0.1	0.0	0.1	0.0	—	—
Other	2.0	0.2	1.7	0.2	0.2	0.0	0.2	0.0	0.1	0.0
Total	82.2	9.1	58.6	8.0	63.6	7.4	39.5	4.6	44.7	4.8
Total beef available for human consumption	902.9		732.4		856.6		858.2		936.0	

[1] Provisional
[2] Republic of Ireland data supplied by Irish C.S.O.
Notes:
ThT—Thousand tonnes.
CWE—Carcase weight equivalent.
1. Prepared by: Statistics (Commodities and Food) Division, Economics and Statistics Group, MAFF.
2. 1999 and 2000 data are provisional and subject to amendment.
Source:
H.M. Customs and Excise.

Farmers (Reskilling)

Mr. Ruane: To ask the Minister of Agriculture, Fisheries and Food what funds the Government have made available for retraining and reskilling farmers and agricultural workers in each of the past 10 years through the Agricultural Training Board and Lantra. [123464]

Ms Quin *[holding answer 23 May 2000]:* Payments made by the Ministry of Agriculture Fisheries and Food to the Agricultural Training Board, ATB-Landbase and Lantra are as follows:

Year	£000
Payments to the Agricultural Training Board	
1990–91	10,349
1991–92	7,303
1992–93	6,700
1993–94	9,755
Payments to ATB-Landbase	
1994–95	4,156
1995–96	2,471
1996–97	1,611
1997–98	[1]1,508
Payments to Lantra	
1998–99	[1]1,333
1999–2000	[1]797
2000–01[3]	[1,2]2,328

[1] Includes payments under the Government's Sector Challenge Scheme
[2] Included payments under the Agriculture Development Scheme
[3] Budgeted

Payments to the Agricultural Training Board included costs associated with the restructuring of the Board prior to privatisation in 1994. The payments to ATB-Landbase were for the provision of Industry Training Organisation services and the payments to Lantra were for the delivery of National Training Organisation services.

The figures given in the table do not include funding provided by other Government Departments including Department for Education and Employment and the Qualifications and Curriculum Authority, the devolved administrations and the European Commission.

Agricultural Wages

Mr. Sawford: To ask the Minister of Agriculture, Fisheries and Food when he expects to announce the results of the consultation on the future of the agricultural wages boards. [125170]

Mr. Paul Marsden: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the Government's consultation on the future of the agricultural wages boards. [125398]

Ms Quin: The consultation period closed on 31 March and some 250 comments have been received. Independent research was also commissioned to complement the consultation exercise and the results are due later this month. We will announce the outcome of the review as soon as possible when we have considered all the responses and issues raised.

Mr. Pickthall: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the present proportion of farm costs which are represented by labour costs. [125196]

Ms Quin: In 1998–99, labour costs are estimated to have represented an average of 16.2 per cent. of the total farm costs of full-time farm business in England. These labour costs include an imputed estimate of the wholly or mainly unpaid labour carried out on the farm, principally by farmers, spouses and other family workers. Estimates for 1999–2000 will be published early in 2001.

Mr. Pickthall: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on rates of pay in the horticulture industry. [125355]

Ms Quin: Minimum rates of pay for the horticulture industry are set by the Agricultural Wages Board, which is an independent body. The most recent Agricultural Wages Order came into force on 1 June 2000.

Mr. Pickthall: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the role played by Agricultural Wages Board rates of pay in the rural economy. [125197]

Ms Quin: As part of the quinquennial review of the Agricultural Wages Board, announced in December 1999, independent research is being undertaken to evaluate the impact of the provisions in the Agricultural Wages Order. The results will be made available when the outcome of the review is published.

Mr. Pickthall: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of the effect of Agricultural Wages Board rates of pay on rural pay levels generally. [125199]

Ms Quin: We have made no special assessment of the effect of the Agricultural Wages Board on rural rates of pay in general. Over the years some rural employers have based the pay for non-agricultural workers on the rates set by the Agricultural Wages Board.

Bovine Tuberculosis

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food when the final draft of the second report of the Independent Scientific Group on cattle TB will be published. [125172]

Ms Quin *[holding answer 9 June 2000]:* The report was published on 7 February this year and copies were placed in the Library of the House, as set out in the reply, 7 February 2000, *Official Report*, column 80W.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food how many and what proportion of badgers trapped and killed in the TB trial in Wiltshire, in May, were lactating females; and if he will make a statement. [125258]

Ms Quin *[holding answer 9 June 2000]:* Of the badgers trapped and killed in the recent trial operations in Wiltshire, 35 (5.8 per cent.) were lactating females.

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what resources have been allocated *(a)* within the public sector and *(b)* as grants to private sector research for the development of a prophylactic bovine TB treatment. [125175]

Ms Quin *[holding answer 9 June 2000]:* We are spending about £1.4 million a year on developing a vaccine against bovine TB. Research at the Veterinary Laboratory Agency accounts for approximately 70 per cent. of this expenditure; work at the Institute of Animal Health, Compton, accounts for the rest. This research also draws on significant amounts of work being undertaken in related fields internationally.

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food what risk analysis has been carried out on *(a)* the provision of a prophylactic bovine TB treatment and *(b)* the proposals advanced by the Krebs/Bourne Study. [125177]

Ms Quin *[holding answer 9 June 2000]:* Risk assessments on TB vaccines will be carried out as part of the normal regulatory process if and when suitable candidate vaccines have been developed. Proposals which emerge from the epidemiological investigation into TB in cattle being undertaken by Professor Bourne's Independent Scientific Group will be assessed against a range of factors including the impact on public health, on animal health and welfare, on the environment and on the economy.

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the intended timescale for making publicly available information arising from an audit assessing the effectiveness of the surveying and social group delineation of badger culling. [125257]

Ms Quin *[holding answer 9 June 2000]:* We intend to publish the report, together with the Government's response, as soon as possible after the final report is received from the independent auditor. On current expectations, this will be during the summer.

Fisheries Multi-annual Guidance Programme

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food what reduction in British fishing effort has been achieved so far in MAGP IV; and what reduction he hopes to gain by the end of that programme. [124453]

Mr. Morley: Between 1 January 1997 and 31 December 1999 the capacity of the UK fleet was reduced by 3.2 per cent. in tonnage and 7.7 per cent. in engine power.

Between 1997 and 1999 the effort of those segments of the fleet for which there are MAGP effort objectives (that is, pelagic, beam trawl, demersal, seines, nephrops and distant water vessels), has been reduced by 5.7 per cent. (tonnage effort) and by 8.5 per cent. (power effort).

The UK has achieved its intermediate effort objectives and is on course in most segments to achieve its full capacity and effort objectives under the programme. However, capacity of the pelagic segment is currently some way outside its MAGP IV objective.

TREASURY

Top-rate Taxpayers

Mr. Portillo: To ask the Chancellor of the Exchequer how many top rate income tax payers *(a)* there were in (i) 1996–97, (ii) 1997–98, (iii) 1998–99 and (iv) 1999–2000 and *(b)* he expects there to be in (i) 2000–01 and (ii) 2001–02. [120351]

Dawn Primarolo: Latest published estimates for the number of higher rate income taxpayers are in table 2.1 of Inland Revenue Statistics (IRS). The latest version of table 2.1 consistent with the March 2000 Budget is available on the Inland Revenue website at www.inlandrevenue.gov.uk/stats/table2–1.htm.

Estimates for 2000–01 will be published in the 2000 edition of IRS, which will be available around October 2000.

Working Families Tax Credit

Mr. Field: To ask the Chancellor of the Exchequer (1) what the expenditure on the Working Families Tax Credit was *(a)* for each month since October 1999 and *(b)* for the period April to October 1999, (i) in total, (ii) minus the projected expenditure on Family Credit, (iii) minus the savings on Council Tax Benefit and (iv) minus the savings on Housing Benefit; [122392]

(2) pursuant to his answer to my hon. Friend the Member for Glasgow, Maryhill (Mrs. Fyfe) 15 May 2000, *Official Report*, column 47W, what is the average amount by which other benefits have been reduced for families with incomes of less than £12,000 as a result of the Working Families Tax Credit. [122988]

Dawn Primarolo *[holding answers 16 and 19 May 2000]:* Working Families Tax Credit (WFTC) and Disabled Person's Tax Credit (DPTC) were introduced on 5 October 1999. Total expenditure on these tax credits in 1999–2000 is estimated at £0.9 billion, but reliable estimates for each month are not available.

Given the difference in income rules in relation to maintenance, and the fact that it is not possible to isolate behavioural effects (such as the number of families who may have entered work or increased their hours because WFTC provides a more generous work incentive than Family Credit), it is not possible to determine how much would have been spent on FC in 1999–2000 had WFTC not been introduced.

The receipt of Housing Benefit (HB) and Council Tax Benefit (CTB) cannot be determined from information processed for applications for WFTC. The receipt of WFTC by families in receipt of HB and CTB, and hence the saving in HB and CTB for these families, can be determined from the information processed for claims for those benefits. However, for some families the award of WFTC, together with other income available, will mean that there is no entitlement to HB or CTB. The general level of saving on HB and CTB for these families can only be estimated using household survey data on families receiving WFTC. Such data will become available, in sufficient sample numbers to yield reliable estimates, at some time from the second half of 2001.

Mr. Field: To ask the Chancellor of the Exchequer if he will set out for each financial year between April 1999 and April 2002 the gross actual and planned expenditure on *(a)* the working families tax credit and *(b)* the working families tax credit minus the savings on housing benefit and council tax benefit attributable to the working families tax credit. [123780]

Dawn Primarolo *[holding answer 25 May 2000]:* The total expenditure on Working Families' Tax Credit (WFTC) and the Disabled Person's Tax Credit (DPTC) in 1999–00, and the Budget projections of expenditure on these credits for 2000–01 and 2001–02, are shown at Table C12 of the March 2000 Financial Statement and Budget Report (FSBR).

No estimate for 1999–00 of the saving on Housing Benefit (HB) and Council Tax Benefit (CTB) is yet available, for the reason given in a separate answer I am today giving my right hon. Friend. I understand from the Department of Social Security that the projections of expenditure on HB and CTB in the FSBR were net of the following savings attributable to WFTC.

	£ million
2000–01	100
2001–02	115

Jackie Ballard: To ask the Chancellor of the Exchequer what estimate he has made of the number of recipients of the child care tax credit in WFTC who do not use eligible child care. [124937]

Dawn Primarolo: The child care tax credit in Working Families' Tax Credit can only be claimed by people who pay for eligible child care.

Jackie Ballard: To ask the Chancellor of the Exchequer how the child care tax credit will relate to the reformed employment tax credit and integrated child credit. [124938]

Dawn Primarolo: The child care tax credit is an integral part of the Working Families' Tax Credit, and provides help with child care costs for parents who are working. It will continue to provide help with child care costs for working parents in the new generation of tax credits. The precise position of the child care tax credit within the new tax credits depends on detailed design of the new generation of credits, on which decisions have not yet been made.

Jackie Ballard: To ask the Chancellor of the Exchequer how many families are in receipt of the child care tax credit in the Working Families Tax Credit and Disabled Person's Tax Credit in each *(a)* parliamentary constituency and *(b)* local authority. [124986]

Dawn Primarolo: It is estimated that about 103,000 families benefited from the child care tax credit among the 1.03 million families with awards of the Working Families Tax Credit (WFTC) made to the end of March in the United Kingdom.

There are too few cases in the 5 per cent. sample used for the analysis of WFTC awards to provide reliable estimates for each parliamentary constituency or local authority. However, estimates of the total number of WFTC awards made to the end of March in each parliamentary constituency are in tables which have been deposited in the Library following my reply to my hon. Friend the Member for Shrewsbury and Atcham (Mr. Marsden) on 17 April 2000, *Official Report*, column 370W.

Diesel Fuel

Sir Brian Mawhinney: To ask the Chancellor of the Exchequer what was the average retail price per litre of diesel fuel two weeks *(a)* before his 1999 Budget and *(b)* after his 2000 Budget; and in each case how much of the price was attributable to (i) fuel duty and (ii) VAT. [125195]

Dawn Primarolo *[holding answer 9 June 2000]:* The retail price and duty rate for diesel fuel in February 1999 are published in Tables 9.14 and 9.16 in the Department of Trade and Industry publication "Digest of United Kingdom Energy Statistics 1999".

The average retail price for a litre of diesel fuel in April 2000 was 81.07p. The duty rate is 48.82p per litre.

The rate of VAT for diesel fuel is 17.5 per cent..

VAT (Youth Organisations)

Mr. Bob Russell: To ask the Chancellor of the Exchequer what representations he has received in favour of the restoration of zero rating for value added tax on *(a)* new scout hall buildings, *(b)* scout hall extensions and *(c)* other community youth organisations; when the decision was taken that VAT should be levied; if he will rescind that decision; and if he will make a statement. [R] [125073]

Dawn Primarolo: When VAT was introduced the construction and extension of any building was zero-rated. In 1984 the relief for extensions was withdrawn. Following infraction proceedings by the European Commission, the relief for constructing new buildings became restricted to only certain types of building in 1989. New buildings used by charities for non-business purposes or as village halls can still be zero-rated. Agreements with our European partners mean that we cannot re-introduce any zero rates that we have given up.

In common with all charities Scout and other youth halls will benefit from the zero rate where the conditions for relief are met. Treasury Ministers have received a number of representations on this matter on behalf of the Scout Association.

ECOFIN Council

Mr. Hood: To ask the Chancellor of the Exchequer what was the outcome of the ECOFIN Council held in Luxembourg on 5 June; and if he will make a statement. [125123]

Miss Melanie Johnson: The Chancellor of the Exchequer attended the Economic and Finance Council of Ministers.

ECOFIN approved the text of the Broad Economic Guidelines for submission to the Feira European Council, with slight amendment.

There was a discussion of the Code of Conduct group and the proposed Savings Directive. It was agreed that ECOFIN would meet ahead of the Feira European Council for a further discussion.

Correspondence

Sir Brian Mawhinney: To ask the Chancellor of the Exchequer when the right hon. Member for North-West Cambridgeshire will receive a reply to his letter of 3 April on behalf of his constituent, Mrs. Hall. [125399]

Mr. Andrew Smith: I replied to the right hon. Gentleman on 5 June.

Government Borrowing

Mr. Russell Brown: To ask the Chancellor of the Exchequer if he will make a statement about the Government's borrowing plans. [125981]

Miss Melanie Johnson: In light of recent developments which have increased cash receipts this financial year by £19.5 billion more than the Budget forecast, the Government are making the following changes to the Debt Management Office's gilt remit for 2000–01.

Quantity of Gilt Sales

The DMO will aim for gilt sales of £10 billion in 2000–01, a reduction of £2.2 billion on previous plans. There will be no further reductions in gilt sales this financial year.

Amount and Maturity Mix of Conventional Gilt Issuance

DMO will hold two further conventional auctions in the long (15 years and over) maturity area. DMO should aim for total conventional gilt sales of £6.5 billion for 2000–01.

Exercise of contingency measures in the Debt Management Report

HM Treasury will accommodate £5.9 billion of the receipts by pre-financing £3.9 billion of foreign currency debt due to mature in 2001–02 and £2.0 billion of foreign currency debt due to mature in 2002–03. This differs from the £5.7 billion figure in the Debt Management Report due to the fall in sterling against the dollar since the Budget.

The planned Treasury Bill stock will also be reduced by £0.7 billion to £8 billion.

Buy-backs of debt

The buy-back programme may be increased later in the year to a maximum of £5 billion. This will be decided at the time of the Pre-Budget Report.

Net short term debt

The remaining proceeds (£10.7 billion before any increase in buy-backs) will be used to reduce net short term debt (the Ways and Means balance, Treasury Bills less short term assets). Given that £10 billion of the proceeds are not expected until later in the year, decisions on the composition of the reduction in net short term debt will also be made at the time of the Pre-Budget Report, also taking into account any revision to the forecast Central Government Net Cash Requirement.

The reduction in net debt will be unwound in 2001–02 and 2002–03, reducing gilt sales during this period.

Gilt auction calendar

Date	*Type*
2000	
Wednesday 26 July	Index-linked
Wednesday 25 October[1]	Index-linked
Late November/early December[2]	Conventional
2001	
Wednesday 24 January	Index-linked
Wednesday 28 March[1]	Conventional

[1] Exact dates subject to confirmation following the Chancellor's decision on the Budgetary timetable.

TRADE AND INDUSTRY

Welsh and Scottish Universities

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what incentives for collaboration between business and universities are to be offered to Welsh and Scottish universities. [121664]

Ms Hewitt: In addition to support from the devolved Administrations, Scotland and Wales also benefit from the LINK programme that supports collaborative R&D projects involving HEIs and business, and from the TCS Programme which supports high quality graduates working in companies, normally for two years, on technology transfer projects central to the needs of participating companies. In addition, institutions in both Scotland and Wales are eligible to participate in Science Enterprise Challenge and University Challenge.

The Government intend to publish a Science and Innovation White Paper following the Spending Review 2000. Among other things, it will consider how we can further promote university-industry collaboration, and how we might better encourage our scientists, engineers and business people to take full advantage of the UK's expertise in science and technology, to create wealth and improve the quality of our lives.

Assisted Areas Map (Angus)

Mr. Welsh: To ask the Secretary of State for Trade and Industry what measures he will take to offset the losses to Angus if the revised assisted area boundaries proposals are introduced. [123576]

Mr. Caborn: None. Local economic development is a matter for the Scottish Executive.

Mr. Welsh: To ask the Secretary of State for Trade and Industry what analysis he has made of the impact on the local economy of the loss of assisted area status to the four Angus wards. [123577]

Mr. Caborn: The needs of all areas including Angus were considered in drawing the revised assisted area proposals.

Mr. Welsh: To ask the Secretary of State for Trade and Industry for what reason the four Angus wards were included on the original assisted area map submitted in July 1999; and what economic factors have changed in the meantime to form the basis for their exclusion from the revised map. [123579]

Mr. Caborn: The exclusion of the four Angus wards from the revised assisted areas proposals did not reflect a change in the needs of those wards but rather was a consequence of changes made to meet the European Commission's concerns about our July proposals.

ECGD

Mr. Stinchcombe: To ask the Secretary of State for Trade and Industry (1) what is the total sum of *(a)* premiums received by the Export Credits Guarantee Department and *(b)* claims paid out by the ECGD for each of the last 10 years in respect of defence exports; [124659]

(2) what was the net cast outflow from the Export Credits Guarantee Department attributable to defence exports, broken down by *(a)* cost of interest rate support, *(b)* claims paid, *(c)* interest paid and *(d)* operating expenses, for each of the last 10 years. [124661]

Mr. Caborn: The following table details Claims Paid and Premium Earned in request of Defence related business in each of the last ten Financial Years. The cost of Interest Rate supported has been estimated on the proportion of ECGD credit business constituted by defence related business. For completeness the table also includes details of recoveries of claims on defence related business.

£ million

Year	*Premium Earned*	*Claims Paid*	*Estimate of Interest Rate support*	*Recoveries received*
1990–91	16	79	81	3
1991–92	11	79	2	24
1992–93	44	94	26	21
1993–94	38	83	−7	9
1994–95	16	92	−1	17
1995–96	23	90	2	28
1996–97	8	50	1	2
1997–98	12	39	4	3
1998–99	18	31	3	6
1999–2000	27	152	1	9
Total	213	789	112	122

As for the further information my hon. Friend requests, I am afraid ECGD does not hold its records on a basis which would enable it to provide the level of details he has requested. It would involve disproportionate cost to produce it.

Postal Services

Mrs. Browning: To ask the Secretary of State for Trade and Industry (1) what representations Her Majesty's Government made at the Lisbon Council concerning liberalisation of postal markets; [125563]

(2) if it is his policy to support the timescale for liberalisation of postal markets proposed by the European Commission; and if he will make a statement; [125599]

(3) what assessment he has made of the effect the liberalisation of postal markets, agreed at the Lisbon Council, will have on the Universal Service Obligation. [125597]

Mr. Byers: The Government strongly supported the Lisbon agreement on the need to speed up liberalisation in areas such postal services. That is why we have made it a priority for the new postal regulator, the Postal Services Commission, to come forward with proposals for liberalisation in the context of maintaining the universal service. That is also why we have supported a process of phased liberalisation of the postal services market in Europe. The European Commission has now agreed and will shortly publish a new proposal proposing a framework for the scope and timing of the next phase of postal liberalisation. There can now be a substantive discussion, between the member states and the Commission, about the issues the proposal raises. In the

UK, we have a commitment to consult with the Postal Services Commission and with other interested parties in reaching a view. Our key objective in considering this issue is to promote the interest of consumers and to ensure the maintenance of the universal service. We should oppose measures which put at risk the universal service.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if it is his policy to support a levy on postal service licence holders to create a fund to support the universal service obligation. [125596]

Mr. Byers: No.

Synchrotron

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry what representations the United Kingdom Atomic Energy Technology Authority has made to the *(a)* Minister for Science and *(b)* the Office of Science and Technology on the siting of the synchrotron project. [124808]

Ms Hewitt: The United Kingdom Atomic Energy Authority has made no representations on the issue of the siting of the new synchrotron project to either the Minister for Science or the Office of Science and Technology.

Research Council Spending

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry how much Research Council money was spent in each region in each of the last three years for which figures are available, broken down in each case between *(a)* universities and *(b)* other organisations. [124809]

Ms Hewitt: Details of the Research Councils' gross spend by region for the three years 1996–97 to 1998–99, analysed between universities and other organisations, mainly their institutes, is shown in the table.

Research Council spend by region

£000

	Universities	*Other*
1996–97		
England	585,475	417,469
Scotland	88,874	51,229
Wales	18,238	5,245
Northern Ireland	6,881	326
1997–98		
England	630,296	397,230
Scotland	88,200	45,888
Wales	21,739	6,998
Northern Ireland	6,204	350
1998–99		
England	627,752	407,179
Scotland	86,730	46,673
Wales	22,243	5,022
Northern Ireland	5,982	515

Notes:
1. Figures are Councils' gross expenditure, financed from the Science Budget grant-in-aid and other sources.
2. 'Universities' includes both research grants and postgraduate studentships.
3. 'Other' is largely Research Council institutes.
4. Overseas expenditure, international subscriptions and central headquarters expenditure are excluded.

Science Base

Mrs. Curtis-Thomas: To ask the Secretary of State for Trade and Industry if he will list the recent initiatives that have been introduced to expand the North West science base, indicating how they relate to the development and expansion of the regional economy. [124810]

Mr. Caborn: I refer my hon. Friend to the answer given by my right hon. Friend the Secretary of State for Trade and Industry to my hon. Friend the Member for Warrington, South (Ms Southworth) on 9 June 2000, *Official Report*, column 388W.

Razzaq *v.* Pala

Mr. Hoyle: To ask the Secretary of State for Trade and Industry what assessment he has made of the impact of the decision in the case of Razzaq *v.* Pala on his plans to establish a rescue culture for companies. [125762]

Mr. Byers: The decision in that case is a matter for some concern and I therefore propose to undertake an urgent consultation on the issues raised by that decision against the possibility of their being addressed in the context of the current proposed legislation on insolvency.

A consultation paper has been issued asking whether or not landlords should continue to be able to effect peaceable re-entry (without the leave of the court) while a company or an individual is the subject of a statutory moratorium in the context of an insolvency procedure. I have placed copies of that document in the Libraries of the House.

Opinion Research

Mr. Don Foster: To ask the Secretary of State for Trade and Industry if he will place in the Library copies of the results of all market and opinion research carried out by his Department, agencies and non-departmental public bodies since May 1997. [123815]

Dr. Howells *[holding answer 25 May 2000]:* This information is not held centrally and cannot be provided except at disproportionate costs.

The Department's Executive Agencies and non-departmental public bodies have been asked to respond separately. Copies of the letters have been placed in the Library.

Regeneration

Mr. Don Foster: To ask the Secretary of State for Trade and Industry, pursuant to his answer of 20 April 2000, *Official Report*, column 645W, on regeneration, where in his Department's annual report the information requested is given. [124410]

Mr. Caborn *[holding answer 5 June 2000]:* Chapter 4 of the Department's Annual expenditure Plans provides details of regional economic development expenditure. Such expenditure contributes to regional and local regeneration.

Call Centres

Dr. Marek: To ask the Secretary of State for Trade and Industry what assessment he has made of the impact on the level of service to residential telephone subscribers of the operation of call centres. [124813]

Ms Hewitt *[holding answer 7 June 2000]:* The Department has not made an assessment of the quality or level of services provided by the very large number of call centres in the UK.

This is a matter for individual call centres businesses.

The call centre industry is a relatively new one. The Trade Association for this industry—the Call Centres Association—is working now with its members to establish standards of service and operation.

Employment Agencies

Mr. Ian Bruce: To ask the Secretary of State for Trade and Industry when he plans that the new regulations on employment agencies and businesses will come into force. [R] [125182]

Ms Hewitt *[holding answer 9 June 2000]:* I expect the revised regulations to come in to force later this year or at the beginning of 2001, subject to Parliamentary approval.

Mr. Ian Bruce: To ask the Secretary of State for Trade and Industry (1) how many complaints were made by end-users about the imposition of temporary to permanent fees by recruitment agencies in 1999; [R] [125183]

(2) how many temporary workers suffered detriment because of the imposition of temporary to permanent fees by recruitment agencies in 1999. [R] [125184]

Ms Hewitt *[holding answer 9 June 2000]:* Temporary to permanent fees, provided they are notified by bureaux to hirers before they enter into a contract, are not at present regulated and my Department does not therefore maintain any systematic record of the complaints it receives about their imposition. Representations about the adverse effects of transfer fees were received from end-users, agencies, various trade associations and others during the course of the consultation last year. My Department has reason to believe that a substantial number of hirers, who have not negotiated satisfactory terms with bureaux, are deterred from offering permanent work to temporary workers because of the inclusion of transfer fee clauses in bureaux' terms of business.

Mr. Ian Bruce: To ask the Secretary of State for Trade and Industry (1) what assessment his Department has made of the impact on recruitment companies which place non-specialist manual workers in temporary contracts of the proposed four-week quarantine period included in his Department's current proposals for regulating temporary to permanent fees; and if he will make a statement; [125188]

(2) for what reasons his Department has proposed to limit the proposed quarantine period for the regulation of temporary to permanent fees on recruitment companies to four weeks; and if he will make a statement; [125187]

(3) what assessment his Department has made of the impact on recruitment companies placing information technology contractors in temporary contracts of the proposed four-week quarantine period included in his Department's current proposals for regulating temporary to permanent fees; and if he will make a statement; [125186]

(4) what assessment his Department has made of the case for regulations to ensure that recruitment agencies can protect themselves from end-users, or other agencies, poaching from their contractor base; and if he will make a statement. [125185]

Ms Hewitt *[holding answer 9 June 2000]:* Our proposal to limit the period of quarantine that bureaux may impose, to a maximum of four weeks, seeks to protect the interests of those using bureaux, to secure the proper conduct of bureaux and to promote labour market flexibility. I do not have power under the Employment Agencies Act 1973 in relation to the conduct of hirers. Bureaux will be able to protect their interests by a variety of means, such as by settling satisfactory transfer terms with hirers or by offering attractive employment terms to workers. In sectors such as IT, bureaux will continue to be able to arrange fixed length contracts with hirers and workers so that they have certainty over the period during which they may recoup costs. Bureaux supplying non-specialist manual workers will continue to be able to negotiate terms that suit them and their clients such as, for example, by providing that no transfer fee is payable once a minimum number of weeks' hire have elapsed.

HEALTH

Disabled People

Mr. Llwyd: To ask the Secretary of State for Health what recent representations he has received on extending the advocacy system for disabled people to the disabled in hospital; and if he will make a statement. [121725]

Mr. Hutton: We are not aware of any recent representations on extending the advocacy system for disabled people to the disabled in hospital.

Models of advocacy have been explored as part of the development of a New National Health Service Charter. This work, including the advocacy role in the NHS, is now being considered as part of the work of the Modernisation (Patient Empowerment) Action Team. The modernisation action teams will produce a National Plan for the NHS in July.

Mr. Boswell: To ask the Secretary of State for Health what plans he has to ensure equal access to the NHS census for disabled people through alternative formats. [125121]

Mr. Hutton: In the week leading up to National Health Service census day on 31 May 2000, 12 million consultation leaflets were made available at supermarkets, high street chemists and other NHS facilities. It was also published on the worldwide web. For those who may have had difficulty reading the text or completing the form in these formats, the leaflet was also made available on tape with the facility to either record responses on that tape or by dictating over the telephone.

Meat Hygiene Service

Mr. Paterson: To ask the Secretary of State for Health for what reason Mr. Yogaratnam was withdrawn from day-to-day duties in the Mead Webber plant by the Meat Hygiene Service; and what were the specific grounds for suspending him from his current post in the Meat Hygiene Service. [122050]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Mr. Yogaratnam was released from his official veterinary surgeon (OVS) duties in the Mead Webber plant by the Meat Hygiene Service to enable him to spend more time working as a principal official veterinary surgeon (POVS) overseeing contract OVS performance in other licensed premises in the area.

Mr. Yogaratnam is suspended pending an investigation into his performance as OVS and POVS at the Mead Webber plant.

Mr. Paterson: To ask the Secretary of State for Health to whom Official Veterinary Surgeon contracts have been awarded by the Meat Hygiene Service in respect of the Merthyr Tydfil abattoir. [122045]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that there is currently no licensed abattoir operating at Merthyr Tydfil. An abattoir is however currently under construction there. This has yet to be licensed.

The contract to provide official veterinary surgeon duties to the premises has yet to be put out to competitive tender by the Meat Hygiene Service.

Mr. Paterson: To ask the Secretary of State for Health what instructions are given to official veterinary surgeons regarding the calculation of HAS scores; and what steps the Meat Hygiene Service takes to ensure the instructions are followed. [122041]

Ms Stuart *[holding answer 15 May 2000]:* Chapter 2 of the Meat Hygiene Service Operations Manual provides Official Veterinary Surgeons (OVSs) with very detailed advice on carrying out a hygiene assessment system (HAS) evaluation and calculating the overall HAS score.

Extensive training is provided to all OVSs by the MHS to promote consistency.

Mr. Paterson: To ask the Secretary of State for Health what the status is of the HAS score recorded in Mead Webber's day book for 19 April. [122062]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that an independent investigation is to be carried out as soon as possible into the actions of the Meat Hygiene Service at Mead Webber's plant at Eardisley. This will include scrutiny of the records including comments made in the plant day book.

It would be inappropriate to comment further until this investigation has been completed. However, the hon. Member will be informed of its outcome.

Mr. Paterson: To ask the Secretary of State for Health what responsibilities Mr. Ivor Pumfrey of the Meat Hygiene Service has had in respect of *(a)* Mr. Yogaratnam and *(b)* the operation of the Mead Webber plant; and when he assumed those duties. [122053]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Mr. Ivor Pumfrey is the Meat Hygiene Service Regional Director (Wales). He is Mr. Yogaratnam's line manager and the Mead Webber plant is one of the plants in Mr. Pumfrey's area of responsibility. As such Mr. Pumfrey is responsible through MHS official veterinary surgeons and inspection teams, for ensuring that meat that is health marked is fit for human consumption, and that animal welfare is fully protected.

Mr. Pumfrey commenced employment with the MHS on 1 November 1994.

Mr. Paterson: To ask the Secretary of State for Health what the Meat Hygiene Service's policy is on giving explanations of HAS scores. [122061]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that full guidance notes for undertaking Hygiene Assessment System scores are included in Chapter 2, Volume I of the Meat Hygiene Service Operations Manual, copies of which are available to plant management.

MHS official veterinary surgeons (OVSs) undertake Hygiene Assessment System (HAS) scores every month for full throughput premises and every quarter for low throughput premises. The OVS responsible for the premises is available to discuss the plant HAS score with plant management. Principal official veterinary surgeons (POVSs) who oversee the work and performance of plant OVSs are also available to discuss plant HAS scores with plant management. If plant management remain unhappy with the OVSs assessment of the HAS score he/she can appeal, and an independent POVS will review the HAS score and consider the concerns expressed by plant management.

Mr. Paterson: To ask the Secretary of State for Health which officials of the Meat Hygiene Service Mr. Pumfrey informed on the day of or the day after the decision to close the Mead Webber plant of that decision. [122069]

Ms Stuart *[holding answer 15 May 2000]:* The Food Standards Agency has advised me that the management of Mead Webber informed Mr. Ivor Pumfrey, the Meat Hygiene Service Regional Director (Wales), of their intention to close the Mead Webber plant at 8am on 20 April 2000. This was confirmed by facsimile later that morning.

Mr. Pumfrey informed the following MHS officials on the day that Mead Webber Ltd. informed him of their intention to close the plant:

Mr. J. McNeill (MHS Chief Executive)
Mr. P. Soul (MHS Director of Operations)
Ms M. Redmond (MHS Director of Human Resources)
Mr. D. Simmons (MHS Area Resource Manager)
Mr. L. Wood (MHS Principal OVS)
Mr. Yogaratnam (MHS POVS and OVS at the Mead Webber plant)

Mr. Paterson: To ask the Secretary of State for Health (1) if it remains the Meat Hygiene Service's policy that Official Veterinary Surgeons, in consultation as necessary with their POVs, should determine whether it is acceptable for MHS staff to undertake minor trimming or rectification at their plants; [122058]

(2) if minor trimming by meat inspectors is permitted by the Meat Hygiene Service as long as it does not interfere with their official duties. [122059]

Ms Stuart *[holding answer 15 May 2000]:* The Meat Hygiene Service policy on carcase contamination and trimming is detailed in the MHS Operations Manual, chapter 6 page 4. It states:

> Carcases and offal presented for inspection with evidence of visible contamination must be appropriately trimmed to your satisfaction before application of the health mark. Trimming of contamination is normally a task for premises staff working under your direction. However, you may trim minor contamination provided it does not interfere with the inspection routine. Where this cannot be done on the dressing line the affected carcase or offal must be detained for more detailed attention.

If in doubt a plant Official Veterinary Surgeon (OVS) may discuss what level of trimming should be permitted by MHS meat inspectors with the Principal Official Veterinary Surgeon (POVS) responsible for the plant.

Mr. Paterson: To ask the Secretary of State for Health at what time and on what day the decision was taken by the Meat Hygiene Service to suspend Mr. Yogarathnam. [122063]

Ms Stuart *[holding answer 15 May 2000]:* The decision was taken on Monday 26 April 2000. Mr. Yogarathnam was informed at approximately 12.40 pm the same day.

Mr. Paterson: To ask the Secretary of State for Health what account the Meat Hygiene Service takes when undertaking checks on abattoirs of their need for repair and maintenance; and to what extent Meat Hygiene Service officials discount repair and maintenance defects when calculating HAS scores. [122044]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that during routine monitoring of the hygiene of production, the Meat Hygiene Service (MHS) ensures that the structure of the premises complies with the requirements laid down in the relevant legislation. Should the occupier fail to maintain the premises in a satisfactory state the MHS will take appropriate enforcement action.

The Hygiene Assessment System (HAS) scores are intended to evaluate the risk to meat arising from various factors. One section of HAS relates to the risk to meat from the structure and maintenance of the premises.

Mr. Paterson: To ask the Secretary of State for Health if he will make a statement on relations between Mead Webber and Meat Hygiene Service staff up to 10 April. [122052]

Ms Stuart *[holding answer 15 May 2000]:* An independent investigation is to be carried out as soon as possible into the actions of the Meat Hygiene Service at Mead Webber's plant at Eardisley. This will include scrutiny of the working relations between Mead Webber and Meat Hygiene Service staff.

It would be inappropriate to comment further until this investigation has been completed. However, the hon. Member will receive a copy of the findings as soon as the investigation is completed.

Mr. Paterson: To ask the Secretary of State for Health when Mr. Richard Turner was appointed by Official Veterinary Surgeon to the Mead Webber plant. [122047]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that the St. David's Farm and Equine Veterinary Practice, of which Mr. Richard Turner is a partner, was awarded the contract to supply an official veterinary surgeon to the Mead Webber plant on 10 April 2000.

Mr. Paterson: To ask the Secretary of State for Health if the evidence and results of the inquiry into Mead Webber's closure by the Meat Hygiene Service will be published immediately on the internet. [122066]

Ms Stuart *[holding answer 15 May 2000]:* I understand from the Food Standards Agency that it intends to publish the findings of the independent investigation of Mead Webber Ltd.'s complaints against the Meat Hygiene Service and that these will be made available on the internet. It is expected that the investigation will be reliant on the voluntary co-operation of the parties concerned, who will need to agree what evidence is published.

Mr. Paterson: To ask the Secretary of State for Health what Mr. Yogaratnam's position in the Meat Hygiene Service was at the time he was appointed Official Veterinary Surgeon to the Mead Webber plant; and what his duties were in respect of the plant. [122055]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Mr. Yogaratnam was a principal official veterinary surgeon (POVS) at the time he was appointed official veterinary surgeon (OVS) to the Mead Webber plant. He was also a POVS overseeing contract OVS activities in a number of other plants in the area.

Mr. Paterson: To ask the Secretary of State for Health what official responsibilities Mr. Richard Turner has had in respect of plants owned or operated by the St. Merryn's Group; and what contracts the St. David's Practice has had with the Meat Hygiene Service in respect of the provision of Official Veterinary Surgeons to plants owned or operated by the St. Merryn's Group. [122048]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Richard Turner has had no official responsibilities in respect of plants owned or operated by the St. Merryn Group.

The St. David's Farm and Equine Practice has had no contracts with the Meat Hygiene Service for the provision of Official Veterinary Surgeons to plants owned or operated by the St. Merryn Group.

Northwick Park Hospital

Mr. Gardiner: To ask the Secretary of State for Health what reasons underlay the decision to sell the waste incinerator plant at Northwick Park Hospital. [123580]

Mr. Denham: The then Northwick Park and St. Mark's Hospitals National Health Service Trust made a decision in 1996 to pursue the sale of its waste incinerator plant. This was based upon the view that, with waste disposal forming a non-core element of the Trust's activities, it would be prudent to explore the possible benefits of a partnership with the private sector that might facilitate the integration of clinical waste disposal into a wider and more environmentally-friendly waste management strategy.

Nurses, Midwives and Health Visitors

Mr. Cohen: To ask the Secretary of State for Health if he will make a statement on the work of the Reference Group in respect of structural arrangements in the NHS as they affect *(a)* midwives, *(b)* nurses and *(c)* health visitors. [124446]

Mr. Denham: The Reference Group will ensure that key stakeholders (including Professional, National Health Service and Consumer interests) have an opportunity to inform the development of proposals to establish a new regulatory body for Nurses, Midwives and Health Visitors prior to statutory public consultation.

"Fit for the Future?"

Mr. Hammond: To ask the Secretary of State for Health if he will place in the Library copies of the responses received to the Centre for Policy on Ageing draft document, entitled, "Fit for the Future?" [124493]

Mr. Hutton: We received 1,250 comments on "Fit for the Future?" during the extended consultation period. We have no plans to place these in the Library.

However, we intend to publish a summary of the responses shortly, along with the finalised standards for care homes for older people and a timetable for implementing them. These will be placed in the Library.

Laron Dwarfism

Mr. Luff: To ask the Secretary of State for Health what treatment is available on the National Health Service for Laron Dwarfism; and what assistance his Department provides to support groups for children with growth problems as a result of this condition. [124492]

Mr. Hutton: Children with short stature resulting from Laron Dwarfism and other rare conditions are provided diagnostic and follow up care from paediatric endocrinologists who work closely with other specialists. Each region has such a service and for exceptionally rare disorders care can be provided from a national centre. Where growth is limited, psychological and practical support is available through the National Health Service. Voluntary organisations also play a key part in supporting children with growth problems. Although my Department does not at present provide assistance to these organisations, there is provision for them to apply under Section 64 of the Health Services and Public Health Act 1968 for assistance.

Health Authority Funding

Sir Nicholas Lyell: To ask the Secretary of State for Health (1) how many health authorities are *(a)* closer to and *(b)* further from their capitation funding targets fair share than Bedfordshire; [124475]

(2) if he will publish figures showing how each health authority ranks in relation to their capitation funding target. [124474]

Mr. Denham: In 2000–01, 95 health authorities are closer to, and three health authorities are further away from, their weighted capitation target than Bedfordshire Health Authority.

Allocation, target and distance from target for each health authority in England are given in the table. A negative distance from target denotes an undertarget health authority.

2000–01 health authority allocation, target and distance from target

Health authority	*Allocation £000*	*Target £000*	*Distance from target £000*	*Distance from target Percentage*
Kensington, Chelsea and Westminster	321,111	348,987	−27,876	−7.99
Bedfordshire	344,490	358,470	−13,980	−3.90
East London and the City	545,950	566,894	−20,945	−3.69
Berkshire	484,623	500,470	−15,847	−3.17
Barnsley	171,018	176,397	−5,379	−3.05
Wigan and Bolton	410,052	422,403	−12,351	−2.92
Buckinghamshire	407,599	419,598	−11,999	−2.86
Leicestershire	570,114	586,393	−16,280	−2.78
Coventry	221,753	227,926	−6,172	−2.71
Cambridgeshire	442,411	453,098	−10,687	−2.36
Nottingham	427,441	437,686	−10,245	−2.34
Oxfordshire	364,378	372,544	−8,166	−2.19
North Nottinghamshire	260,428	266,191	−5,763	−2.16
County Durham	452,736	461,460	−8,724	−1.89
Wolverhampton	175,452	178,762	−3,311	−1.85
North Staffordshire	334,233	340,030	−5,796	−1.70
West Pennine	325,991	331,585	−5,594	−1.69
South Derbyshire	375,652	381,611	−5,958	−1.56
Walsall	179,022	181,848	−2,826	−1.55
South Essex	463,389	470,629	−7,240	−1.54
Dudley	200,507	203,550	−3,044	−1.50
Shropshire	270,975	274,590	−3,616	−1.32
East and North Hertfordshire	318,662	322,721	−4,059	−1.26
Avon	641,970	649,321	−7,351	−1.13
Tees	404,069	408,692	−4,624	−1.13
Rotherham	173,727	175,697	−1,970	−1.12
Croydon	223,107	225,624	−2,517	−1.12
Bradford	343,313	347,166	−3,853	−1.11
Gateshead and South Tyneside	277,321	280,211	−2,889	−1.03
Sunderland	218,745	221,000	−2,255	−1.02
Sandwell	223,644	225,704	−2,060	−0.91

2000–01 health authority allocation, target and distance from target

Health authority	Allocation £000	Target £000	Distance from target £000	Distance from target Percentage
Lincolnshire	429,691	433,424	−3,733	−0.86
St Helen's and Knowsley	257,406	259,579	−2,173	−0.84
East Lancashire	384,249	387,072	−2,822	−0.73
Hillingdon	169,434	170,397	−963	−0.56
North Yorkshire	474,576	477,038	−2,462	−0.52
West Sussex	513,306	515,915	−2,609	−0.51
North Derbyshire	249,371	250,461	−1,090	−0.44
Bury and Rochdale	275,877	276,925	−1,049	−0.38
Northumberland	214,665	215,326	−661	−0.31
Herefordshire	108,512	108,830	−319	−0.29
Doncaster	216,207	216,634	−427	−0.20
Calderdale and Kirklees	402,907	403,578	−671	−0.17
South Staffordshire	352,315	352,822	−508	−0.14
North Essex	555,679	556,115	−436	−0.08
East Riding	394,083	394,242	−159	−0.04
Ealing, Hammersmith and Hounslow	524,548	524,681	−133	−0.03
North West Lancashire	352,074	352,020	54	0.02
Portsmouth and South East Hampshire	364,591	364,531	60	0.02
Norfolk	504,549	504,363	186	0.04
Southampton and South West Hampshire	359,457	359,279	178	0.05
Bromley	201,306	201,092	214	0.11
Barnet	228,234	227,788	447	0.20
North Cumbria	217,218	216,784	434	0.20
Solihull	133,724	133,228	496	0.37
Enfield and Haringey	356,859	355,395	1,464	0.41
Wakefield	231,631	230,600	1,031	0.45
Stockport	193,464	192,538	926	0.48
North and Mid Hampshire	320,050	318,438	1,612	0.51
West Hertfordshire	346,924	345,135	1,788	0.52
Somerset	318,840	316,997	1,843	0.58
Birmingham	749,780	745,390	4,390	0.59
Worcestershire	329,672	327,690	1,981	0.60
Leeds	515,080	511,966	3,114	0.61
Northamptonshire	356,996	353,917	3,079	0.87
Newcastle and North Tyneside	364,236	361,030	3,206	0.89
South Cheshire	443,804	439,798	4,007	0.91
Suffolk	434,142	430,192	3,950	0.92
Barking and Havering	281,533	278,960	2,573	0.92
West Kent	618,824	612,850	5,974	0.97
North Cheshire	217,660	215,460	2,200	1.02
Sheffield	398,432	393,746	4,686	1.19
North and East Devon	328,698	324,303	4,395	1.36
South and West Devon	419,315	413,317	5,998	1.45
Cornwall and Isles of Scilly	344,828	339,322	5,506	1.62
Warwickshire	320,497	315,320	5,177	1.64
Salford and Trafford	339,047	333,322	5,725	1.72
Liverpool	378,330	371,727	6,603	1.78
Merton, Sutton and Wandsworth	455,914	447,669	8,245	1.84
Dorset	487,298	478,263	9,035	1.89
Camden and Islington	356,225	349,524	6,701	1.92
Lambeth, Southwark and Lewisham	636,437	624,184	12,253	1.96
South Humber	216,561	212,381	4,180	1.97
Manchester	378,849	371,351	7,498	2.02
Wiltshire	380,058	372,333	7,725	2.07
South Lancashire	206,248	201,999	4,249	2.10
Brent and Harrow	341,633	334,582	7,051	2.11
East Surrey	267,914	262,137	5,777	2.20
East Sussex, Brighton and Hove	551,376	538,304	13,072	2.43
Kingston and Richmond	237,277	231,483	5,795	2.50
West Surrey	401,226	391,077	10,150	2.60
East Kent	431,841	420,809	11,031	2.62
Sefton	211,212	205,523	5,688	2.77
Gloucestershire	364,311	353,746	10,564	2.99
Wirral	247,545	240,159	7,386	3.08
Morecambe Bay	224,098	216,807	7,291	3.36
Redbridge and Waltham Forest	323,694	311,792	11,902	3.82
Bexley and Greenwich	318,047	299,950	18,097	6.03
Isle of Wight	100,622	94,019	6,603	7.02

Notes:

1. All figures include the additional £660 million announced on 28 March 2000.
2. Non-recurrent funding for health authorities with health action zones is excluded.

Air Ambulance Service

Mr. Bob Russell: To ask the Secretary of State for Health if he will make additional funds available to support the work of the Air Ambulance Service. [125076]

Ms Stuart: The need for helicopter air ambulance services is a matter for local health economies.

Staff Accommodation (South-East)

Mr. Woodward: To ask the Secretary of State for Health, pursuant to his answer of 24 May 2000, *Official Report*, column 507W, concerning accommodation for public health care staff in south-east England, what estimates the National Housing Co-ordinator for the National Health Service has made of the provision of residential accommodation required for public health care staff in *(a)* the south-east region and *(b)* Oxfordshire. [124803]

Ms Stuart: The National Housing Co-ordinator for the National Health Service has contacted all National Health Service trusts in the south-east region of the NHS, to identify details of accommodation needs for their personnel. When this work is complete, estimates of accommodation requirements can be made, and details are expected to be available by the end of July.

This information will include the needs of the National Health Service personnel in Oxfordshire.

Hip Joints

Dr. Tonge: To ask the Secretary of State for Health if metal on metal resurfacing of hip joints is available on the NHS. [124487]

Mr. Denham *[holding answer 8 June 2000]:* This procedure is available on the National Health Service. However, it is a relatively new and unproven procedure and as such should normally be performed as part of a controlled clinical trial. The Safety and Efficacy Register of New Interventional Procedures (SERNIP), run by the Academy of Medical Royal Colleges, is the mechanism for assessing new surgical procedures. SERNIP considered there was not yet sufficient information to make a full assessment of the safety and efficacy of metal on metal resurfacing of hip joints.

Mid Essex Hospital Trust

Mr. Burns: To ask the Secretary of State for Health if he will publish the latest figures for the Mid Essex Hospital Trust area for *(a)* how many people are waiting for treatment and *(b)* how many have been waiting 12 months or more for treatment. [125268]

Mr. Denham *[holding answer 9 June 2000]:* The information is as follows:

Total number of patients waiting and the number of patients waiting over 12 months for hospital treatment at Mid Essex Hospital Services National Health Service Trust at 30 April 2000

Month	*Total waiting*	*Number waiting over 12 months*
April 2000	9,953	986

Source:
Monthly waiting list return

Waiting Lists

Mr. Andrew George: To ask the Secretary of State for Health if he will define the social reasons leading to a patient's temporary suspension from hospital inpatient waiting lists, in relation to the NHS Executive's inpatient waiting times data as published in the Green Book and the Yellow Book. [125468]

Mr. Denham: The social reasons for suspension referred to in the Green and Yellow Books published by the Department refer to situations where a patient is unavailable for admission because of family commitments, holidays or other reasons.

Mr. Loughton: To ask the Secretary of State for Health when he will reply substantively to the question (ref. 115126) on waiting lists tabled by the hon. Member for East Worthing and Shoreham. [125708]

Mr. Denham: I shall let the hon. Member have a reply to his earlier question as soon as possible.

Breast Implants

Ann Clwyd: To ask the Secretary of State for Health what advice and information his Department makes available to women considering breast implants. [125464]

Mr. Denham: We will shortly be publishing an information leaflet for women considering having breast implants.

Ann Clwyd: To ask the Secretary of State for Health what recent report he has received of adverse incidents relating to silicone gel implants; and what further action he has taken as a result. [125473]

Mr. Denham: In the 12 months prior to 31 May 2000, the Medical Devices Agency (MDA) received 19 reports of adverse incidents involving silicone gel breast implants. MDA have not identified any trends which suggest there is a problem with the performance of any particular model of silicone gel breast implant. MDA continues to record and review all reports of problems with silicone gel breast implants received via the Adverse Incident Centre. This information is regularly reviewed by the Independent Review Group.

Ann Clwyd: To ask the Secretary of State for Health what evidence he has recently received that silicone gel breast implants are causing illness. [125463]

Mr. Denham: The Department has received no new evidence recently that silicone gel breast implants are causing illness. The Independent Review Group on silicone gel breast implants continues to meet twice a year to monitor emerging scientific data on this subject. In March 2000, the Group confirmed that there was no need to revise the conclusions reached in 1998.

Ann Clwyd: To ask the Secretary of State for Health what action has been taken by his Department through the Advertising Standards Authority implant procedure, stating the possible health and safety implications of breast implants. [125470]

Mr. Denham: Our response to the Health Committee's Fifth Report on the regulation of private and other independent healthcare (Command 4540) made it clear that the powers given in the 1988 Control of Misleading Advertisements Regulations are adequate to control

advertising. We were however concerned to ensure that the information patients receive in the independent sector is of an acceptable standard.

We are addressing this in two ways. We will soon be publishing a Department of Health information leaflet for women considering breast implants. In addition, the Care Standards Bill, as drafted, will allow us to introduce regulations covering standards of information given to patients in the independent sector.

Ann Clwyd: To ask the Secretary of State for Health if information on the Breast Implants Register is made available to recipients of implants in *(a)* NHS and *(b)* private hospitals. [125467]

Mr. Denham: The National Breast Implant Registry produces an annual report which is available, upon request, to recipients of breast implants, regardless of whether they received their implants in a National Health Service or a private hospital.

Ann Clwyd: To ask the Secretary of State for Health if he will introduce legislation to make registration of breast implants compulsory. [125466]

Mr. Denham: We support the collection and provision of as much information as possible and the Medical Devices Agency has increased funding of the National Breast Implant Registry to improve compliance monitoring. Any legislation would however be coercive and would invalidate the individual's consent to surgery.

Ann Clwyd: To ask the Secretary of State for Health what progress has been made on the European Commission's investigation into silicone breast implants. [125474]

Mr. Denham: It is understood that the European Commission currently plans to review breast implants taking account of the options presented in the draft report from the Scientific Technological Options Assessment Committee (STOA) of the European Parliament. The Commission intends to give a report to STOA in November 2000. It is further understood that the investigations will involve action in three areas:

Reviewing the requirements for conformity assessment of implantable breast prostheses;

Addressing the provision of information to patients for these products;

Possible revision of the published standards for manufacturers of breast implants.

Ann Clwyd: To ask the Secretary of State for Health how many breast implants have been registered through the National Breast Implant Registry since 1997; and what estimate he has made of the number not registered. [125469]

Mr. Denham: The total number of breast implants registered on the National Breast Implant Registry (NBIR) in each complete calendar year since 1997 is as follows:

Year	*Number of implants registered*
1997	14,800
1998	16,161
1999	18,173

Based upon compliance studies carried out by the NBIR, it is estimated that this represents about 60–70 per cent. of the breast implants used in the United Kingdom.

Ann Clwyd: To ask the Secretary of State for Health how recipients of breast implants and doctors are informed of the reporting facility of the Adverse Incident Centre within the Medical Devices Agency. [125462]

Mr. Denham: At the beginning of each year, the Medical Devices Agency (MDA) writes to chief executives of trusts, health authorities and primary care trusts reminding them of their obligation to report adverse incidents involving medical devices, including breast implants, to the Adverse Incident Centre. MDA also encourages trusts to appoint MDA liaison officers, whose role is to co-ordinate adverse incident reporting and the dissemination of safety information about medical devices within the trust.

As the adverse incident reporting system is focused upon healthcare professionals and medical device manufacturers, MDA does not systematically inform recipients of breast implants of the system. Information on the system is however publicly available via the MDA worldwide website.

Asylum Seekers

Mr. Gale: To ask the Secretary of State for Health what provision he has made for the financial year 2000–01 to meet the costs incurred by the East Kent Health Authority through the provision of interpreters to assist the treatment of asylum seekers and economic migrants. [125274]

Mr. Hutton: East Kent Health Authority's unified allocation for 2000–01 is £431.8 million, an increase of £32.9 million (8.25 per cent.)

It is for health authorities, in partnership with primary care groups and other local stakeholders, to determine how best to use their funds to meet national and local priorities for improving health, tackling health inequalities and modernising services.

Mr. Gale: To ask the Secretary of State for Health what has been the cost to the National Health Service of the provision of interpreters to assist asylum seekers, for the latest period for which figures are available; how much of this money has been refunded by central Government to *(a)* local health authorities and *(b)* hospital trusts; and if he will make a statement. [125273]

Mr. Hutton: Information on the costs of interpretation services for asylum seekers is not collected centrally.

Correspondence

Mr. Gale: To ask the Secretary of State for Health when the hon. Member for North Thanet will receive a reply to his letter of 18 May 2000 in respect of the answer of 11 May 2000, *Official Report*, column 460W, on the General Osteopathic Council. [125682]

Yvette Cooper: I shall let the hon. Member have a reply to his letter of 18 May as soon as possible.

Surgery Statistics

Mr. Luff: To ask the Secretary of State for Health what estimate he has made of morbidity and mortality rates

associated with surgical intervention for similar operations between *(a)* 10 pm and 6 am and *(b)* 6 am and 10 pm. [125458]

Mr. Denham: This information is not collected centrally in this way. The National Confidential Enquiry into Peri-operative Deaths, known as NCEPOD, reports each year on deaths in hospital following surgery. Their 1995–96 report "Who operates when" gives information on operative practice for three periods, between the hours of 6 pm and midnight, midnight and 8 am and 8 am and 6 pm. A summary of their reports can be accessed via their website www.ncepod.org.uk.

SOCIAL SECURITY

Performance Cost Management Unit

Mr. Hancock: To ask the Secretary of State for Social Security what the cost is of setting up a performance cost management unit from 1 April in his Department; what are the key benefits of this; what savings to the cost of operating the Department will arise; what estimate he has made of the annual cost of the unit; and if he will make a statement. [124556]

Angela Eagle: The Department is undergoing a fundamental review of its central and support functions in order to focus resources on delivering front line services to customers. A small Performance Management Unit (PMU) has been established within the Benefits Agency to drive out performance improvement in the Agency's 13 Area Directorates (AD) and the Disability and Carer Benefits Directorate (DCBD). The additional annual cost of this team is estimated at £100,000. There were no set up costs. In addition to the PMU, each AD and the DCBD has a Performance Improvement Action Team (PIAT) to provide support to local managers.

The aim is to improve significantly front line service delivery within the resources already set and allocated in the Comprehensive Spending Review. Work is also in hand to see how productivity can be improved which will potentially lead to cost reduction in the medium term.

By the end of 2000–01, this programme is expected to demonstrate improved benefit payment accuracy, better customer service and to have contributed to the reduction of losses through fraud and error.

Benefit Fraud

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security (1) how much was spent in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency in each of the last five years on tackling benefit fraud; [124720]

(2) what estimate he has made of the amount lost to benefit fraud in each of the last five years in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency; [124722]

(3) what estimate he has made of the amount lost to benefit fraud in each of the last five years in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency as a direct result of pensions and benefits being paid via the Post Office. [124721]

Mr. Rooker: The information is not available in the format requested. Such information as is available is in the table.

Amount allocated in Scotland in each of the last five years to spend on investigating benefit fraud

Year	*£ million*
1995–96	8.35
1996–97	9.20
1997–98	19.12
1998–99	18.94
1999–2000	20.27

Notes:

1. Area Benefit Reviews results estimate that the level of fraud in Scotland for 1998–99 was £55 million. This figure does not include all benefits and relates only to Income Support and income-based Jobseeker's Allowance.
2. We are unable to provide details of all Instruments of Payment (IOP) fraudulently encashed through post offices.
3. The estimated level of losses associated with IOPs for 1999–2000 nationally is £106.9 million. It is not possible to provide a geographical breakdown for this figure.
4. Information is not available for anywhere less than the whole of Scotland. It is also not possible to provide the full amount spent in tackling fraud as some aspects of fraud expenditure such as Housing Benefit and organised fraud are controlled centrally.

Mr. Jim Cunningham: To ask the Secretary of State for Social Security what estimate he has made of the level of benefit fraud in the Coventry area; and what targets have been set for the relevant anti-fraud teams. [125616]

Mr. Rooker: Area Benefit Reviews provide a continuous measurement of fraud and error in Income Support and Jobseeker's Allowance in each of the Benefits Agency's 13 Area Directorates. The data collected are rolled up to provide a national picture.

We are unable to provide estimates of levels of fraud for specific towns, cities or counties.

Our target is to reduce by 30 per cent. benefit losses from fraud and error in Income Support and Jobseeker's Allowance by March 2007, with at least a 10 per cent. reduction by 2002.

The weekly benefit savings scheme gives local authorities the opportunity to earn a financial reward where they detect Housing Benefit/Council Tax Benefit fraud. Each local authority is set an individual threshold and can begin to earn additional payments of subsidy where they exceed this. Coventry's threshold for 2000–01 is £848,413.

Benefit Delivery

Mr. Hancock: To ask the Secretary of State for Social Security what steps he is taking to ensure services to the customers of the Benefits Agency are delivered effectively and that benefits are secure against fraud and abuse; how much this costs; how many people are being investigated for fraud; and if he will make a statement. [124544]

Mr. Rooker: In March of this year, my right hon. Friend the Prime Minister announced the creation of a new organisation that will radically change the way the Government provide support for people of working age. The new agency will draw together those elements of the

Benefits Agency which support people of working age and the Employment Service. The agency will deliver a single, integrated service to benefit claimants and employers. Information on job vacancies, training, and child care will be available as well as help and support to those who, for whatever reason, are not able to work, providing a more responsive service tailored to individual needs.

My right hon. Friend the Secretary of State for Social Security has also announced the creation of a single organisation responsible for pensions, distinct from the Benefits Agency. This new organisation will be solely focused on the needs of pensioners and pensions policy.

We are committed to improving and modernising the welfare services offered to people, and the creation of separate, client focused organisations is the next step to achieving this.

The prevention and detection of fraud will be at the heart of he new organisational arrangement. The Government set out the strategy for tackling fraud in the White Paper "Safeguarding Social Security" presented to Parliament in March 1999.

For the financial year 2000–01, £351,447,403 of Programme Protection Funds are being deployed within the BA to combat fraud and error. However all benefit paying processes and all the BA staff involved have a role in preventing and identifying fraud and abuse.

On 31 March 2000, 163,138 people were recorded as currently under investigation by the Benefit Fraud Investigation Service, while between April 1999 to March 2000 there were 436 individual suspects accepted for prosecution from the Benefits Agency Security Investigation Service.

In addition, between April 1999 and March 2000 there were in excess of 280,000 referrals for investigation identified by the datamatching computer systems; the Generalised Matching Service and the Housing Benefit Matching Scheme. This however includes cases of customer and official error as well as fraud.

Regeneration

Mr. Don Foster: To ask the Secretary of State for Social Security, pursuant to his answer of 4 May 2000, *Official Report*, column 213W, on regeneration-related initiatives, if he will list the details requested for *(a)* New Deal for Disabled people, *(b)* New Deal for Lone Parents, *(c)* New Deal for the Long-term Unemployed aged 25 plus: 12 to 18 months unemployed, *(d)* New Deal for Long-term Unemployed aged 25 plus: 2 years plus unemployed and *(e)* ONE. [124412]

Angela Eagle *[holding answer 5 June 2000]:* Details regarding sums budgeted and expended on these initiatives are set out in the tables.

Under the New Deal for Disabled People (NDDP), we have been piloting and testing ways in which to help Disabled People in to work. Over the coming months we will develop proposals for extending the NDDP nationally. Expenditure to date is set out in the following table.

Year	*£ million*
1997–98[1]	[5]0
1998–99[1]	3
1999–2000[2]	13
2000–01[3, 4]	24
2001–02[3, 4]	13

[1] Expended

[2] Expended (Provisional)

[3] Planned (Provisional)

[4] The figures for 2000–01 and 2001–02 are provisional and do not include funds for the national extension of NDDP.

[5] All figures rounded to nearest £1 million, actual 1997–98 expenditure £0.175 million.

Note:

Over £50 million has been allocated to pilot initiatives, including the pilot Personal Adviser Service, Innovative Schemes and evaluation. We are also considering what funds will be allocated for the proposed retention and rehabilitation pilots and the national extension of NDDP.

New Deal for Lone Parents

The New Deal for Lone Parents (NDLP) aims to help lone parents on Income Support move into work. The following table details the sums expended throughout the planned lifetime of this programme.

	£ million
1997–98[1]	[2]0
1998–99[1]	22
1999–2000[1]	[3]36
2000–01	[4]—
2001–02	[4]—

[1] Expended

[2] All figures rounded to nearest £1 million, actual 1997–98 expenditure £0.175 million.

[3] Provisional

[4] The remainder of the national budget, based on current projections, will be spent by the end of 2001–02.

Notes:

1. The sum of £182 million has been made available for the NDLP national programme.

2. The cost of implementing the NDLP in eight prototype areas was £8 million, incurred between July 1997 and October 1998.

New Deal for long-term unemployed persons aged 25 plus—12 to 18 months unemployed

This information refers to provision for pilot schemes in 28 different local areas. Of these, 18 are targeted at people who have been unemployed for 18 months or more, with the rest targeted at those who have been unemployed for 12 months or more. The following table details the amounts budgeted or expended on these schemes.

Year	£ million
1998–99[1]	5
1999–2000[1]	[3]60
2000–01[2]	50

[1] Expended
[2] Budgeted
[3] Provisional

Notes:
1. The majority of this funding is from windfall tax receipts. Estimates of the allocation of the windfall tax receipts between programmes are revised and published in each pre-Budget and Budget report. Since the windfall tax receipts are to be spent across lifetime of the Parliament, funds which are unspent in one year are available for spending in subsequent years.
2. Figures supplied by the Department of Education and Employment, who are responsible for this programme.
3. All figures rounded to nearest £1 million.

New Deal for long-term unemployed persons aged 25 plus—two years or more unemployed

This information refers to provision for the national New Deal 25 plus scheme, targeted on those who have been unemployed for two years or more. The following table details the amount budgeted or expended on this programme.

Year	£ million
1998–99[1]	20
1999–2000[1]	[3]50
2000–01[2]	100
2001–02[2]	350

[1] Expended
[2] Budgeted
[3] Provisional

Notes:
1. The majority of this funding is from windfall tax receipts. Estimates of the allocation of the windfall tax receipts between programmes are revised and published in each pre-Budget and Budget report. Since the windfall tax receipts are to be spent across the lifetime of the Parliament, funds which are unspent in one year are available for spending in subsequent years.
2. Figures supplied by Department of Education and Employment, who are responsible for this programme.
3. All figures rounded to nearest £1 million.

ONE Service

ONE pilots have been designed to test the effectiveness of work focused interviews for all working age clients and to develop appropriate models for the integration and improvement of welfare services. The following table details the amounts budgeted and expended in each financial year for the planned lifetime of these pilots.

	£ million
1999–2000	
Budgeted	33
Expended (provisional)	31
2000–01	
Available	41
Profiled (provisional)	36
2001–02	
Available	41
Profiled (provisional)	36

Note:
Figures rounded to nearest £1 million.

Pensions

Mr. Mitchell: To ask the Secretary of State for Social Security if he will estimate for each financial year since 1996–97 the extra expenditure on pensions and the amount of this year's pension if the link between pensions and earnings had been restored immediately before the year in question. [124345]

Mr. Rooker: The information requested is in the table.

Year	Assumed rate of basic Retirement Pension (£ per week)	Gross cost (£ billion)	Net cost (£ billion)
1996–97	—	0.7	0.6
1997–98	—	1.3	1.1
1998–99	—	1.5	1.3
1999–00	—	2.1	1.8
2000–01	73.60	3.5	3.1

Notes:
1. Assumed rates of basic Retirement Pension have been uprated by the higher prices or earnings growth at each uprating from April 1995 onwards. Rates have been rounded to the nearest 5p at each uprating.
2. Earnings growth is based on the seasonally adjusted average earnings index in the three months to July of the previous year, as originally published. Price inflation is the previous September figure.
3. Gross costs have been estimated by the Government Actuary's Department. Costs net of income-related benefit savings have been estimated using the DSS Policy Simulation Model.
4. Costs include benefits whose rates are linked to the rate of basic Retirement Pension.
5. Costs are rounded to the nearest £100 million, are in £ billion and are expressed in 2000–01 prices.

Fiona Mactaggart: To ask the Secretary of State for Social Security what estimate he has made of the length of time taken between an application for ACT payment for pensions and the date when payment is received into the pensioner's bank account. [124779]

Mr. Rooker: The administration of benefit payments is a matter for Alexis Cleveland the Chief Executive of the Benefits Agency. She will write to my hon. Friend.

Letter from Alexis Cleveland to Fiona Mactaggart, dated 9 June 2000:

The Secretary of State for Social Security has asked me to reply to your recent Parliamentary question asking what estimate he has made of the length of time taken between an application for Automated Credit Transfer (ACT) payment for pensions and the date when payment is received into the pensioner's bank account.

Customers wishing to receive payment by ACT must fill in the appropriate form of application, which includes a declaration that they have read and accept the conditions under which it is offered.

Applications for ACT payment can be received with new claims, which are subject to a clearance target of 60 days, or as a change to an existing pensioner's method of payment. The length of time taken has therefore been gauged from the time of processing the application, which in both instances should be the same.

Except in the case of weekly sums under £5, which are paid annually, currently customers have the option of receiving ACT payments at 4 weekly or 13 weekly intervals. Payment is received in the pensioner's bank account on the last banking day of the 4 or 13 week period.

If there are two full weeks or more left in the current ACT period when the application is processed a payment for that period is made accordingly. Where only one week remains this is added to the payment for the first full period. The longest time a customer must wait for payment is therefore normally limited to 5 weeks or 14 weeks.

I hope this is helpful.

Minimum Income Guarantee

Mr. Hancock: To ask the Secretary of State for Social Security what is the cost of implementing a national minimum income guarantee for pensioners; how he will ensure that pensioners are made aware of what they can claim; how much he is expecting to spend on public awareness campaigns; and if he will make a statement. [124547]

Mr. Bayley: During the lifetime of this Parliament the extra total cost of the minimum income guarantee (MIG) for pensioners over and above the cost of Income Support for which pensioners were previously eligible is estimated to be £2.2 billion pounds in real terms.

One 29 May the MIG Take-up Campaign was launched to encourage pensioners who may be entitled to claim their MIG. Around £15 million will be spent over the course of the campaign which includes national TV advertising, writing to around two million pensioners whose records indicate that they may be entitled, and the introduction of a tele-claims centre with specially trained operators who can help complete the paperwork to claim the MIG.

Since the launch was announced at the end of March, there have already been around 50,000 calls to the tele-claims centre, and 24,000 MIG claim packs have been sent to pensioners.

Benefit Take-up

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security how much was spent in *(a)* Scotland, *(b)* Dumfries and Galloway and *(c)* Galloway and Upper Nithsdale parliamentary constituency on increasing benefit take-up in each of the last five years. [124719]

Mr. Bayley: No specific allocation was made to the Benefits Agency either nationally or locally for increasing benefit take-up. However, we have recently launched a national take-up campaign for the minimum income guarantee. Around £15 million will be spent over the course of the campaign, which includes intense activity on a number of fronts. This includes television advertising, writing to around two million pensioners and a new tele-claims centre which allows pensioners to make a claim over the telephone.

Benefit Costs

Ms Harman: To ask the Secretary of State for Social Security what the cost to the Exchequer would be of providing to all households with children under *(a)* three years of age, *(b)* two years of age and *(c)* one year of age, a weekly benefit of (i) £25, (ii) £50, (iii) £75, and (iv) £100. [124777]

Angela Eagle: The information is in the table.

Annual cost for families

£ million

Weekly payment	Children under age of One	Two	Three
£25	750	1,590	2,330
£50	1,510	3,190	4,650
£75	2,260	4,780	6,980
£100	3,020	6,370	9,310

Notes:

1. Proportions of families with children in the relevant age group have been taken from the February 2000 5 per cent. scan of the Child Benefit computer system.
2. Based on forecast 2001–02 Child Benefit caseloads.
3. Rounded to the nearest £10 million.
4. If there is more than one family in a household with children in the relevant age group we are assuming that they will both receive a payment.
5. Increases are assumed to be carried through into the income-related benefits.

Incomes

Ms Harman: To ask the Secretary of State for Social Security what the average weekly income is of mothers with children under three. [124776]

Angela Eagle: The average gross weekly individual income of mothers with children under three is £139. However, the majority of mothers live in families with a partner, and the latest estimate for the gross income of families with children under three is £517 a week.

Notes:

1. Figures quoted are derived from the Family Resources Survey and are therefore subject to sampling error.
2. The individual income refers to the income accruing to women in their own right and includes earnings, income from self-employment, investments and occupational pensions/annuities, benefit income and income from miscellaneous and other sources. This estimate is from the Women's Individual Income 1996–97 dataset and is at 1996–97 survey prices.
3. Family income has been provided because the majority of mothers live with a partner and it is generally assumed that there is a certain amount of sharing of income within families. This estimate is based on 1997–98 data and is set at April 1999 prices.

Student Loans

Mr. Alasdair Morgan: To ask the Secretary of State for Social Security if he will review the rules under which mature students with dependent families have their student loan classed as family income; and if he will make a statement. [124787]

Angela Eagle: I refer the hon. Member to the Written Answer I gave the right hon. Member for Caernarfon (Mr. Wigley) on 26 November 1999, *Official Report*, column 219W.

Child Support Agency

Mr. Davidson: To ask the Secretary of State for Social Security how many liability orders were sought by the Child Support Agency from courts in Scotland during the last calendar year for which figures are available; how many were *(a)* granted and *(b)* granted and subsequently registered in each relevant judicial area in Scotland; and

what the average waiting time between submission of papers to the court and the granting of liability orders was (i) in total and (ii) in each judicial area. [125112]

Angela Eagle: The administration of the Child Support Agency is a matter for the Chief Executive, Mrs. Faith Boardman. She will write to my hon. Friend.

Letter from Faith Boardman to Mr. Ian Davidson, dated 12 June 2000:

I am replying to your Parliamentary Question to the Secretary of State for Social Security about the Child Support Agency.

You ask about the number of liability orders sought by the Agency from courts in Scotland during the last calendar year.

The Agency's policy is to encourage compliance by non resident parents, but where this fails, to use the full range of powers given by Parliament to enforce payment of child maintenance. Where arrears do arise, the Agency will take firm and prompt enforcement action if the non resident parent does not make an acceptable offer to pay. Each case is considered on it merits and the Agency will take account of the likely effect of enforcement action on the welfare of any children involved.

Wherever possible the Agency will use a Deduction from Earnings Order to enforce payment. This is an administrative mechanism operated on the Agency's behalf by the non resident parent's employer and does not involve the court. Where it is not appropriate the Agency will take action through the courts.

In the last reporting year, April 1999 to March 2000, the Agency applied to the Sheriff's Court for 686 liability order, 354 of which were granted, 26 were withdrawn, dismissed or not granted and the remainder are still undergoing Court action. The information requested regarding liability orders granted and subsequently registered and average waiting time between submission of papers to the court and their action is not collected by the Agency.

I hope this is helpful.

Housing Benefit

Helen Jones: To ask the Secretary of State for Social Security how much each local authority spent in the most recent available year on Housing Benefit to tenants of Registered Social Landlords to which their housing stock has been transferred. [124878]

Angela Eagle: The information requested is not available. This is because the data local authorities provide on Housing Benefit spending do not enable us to distinguish between spending on tenants who live in stock that has been transferred and those who live in other stock owned by Registered Social Landlords.

Employment Zones

Mr. Hancock: To ask the Secretary of State for Social Security when he will introduce employment zones; where they will be; when the greater Portsmouth area will benefit from such a scheme; and if he will make a statement. [124551]

Ms Jowell: I have been asked to reply.

Fifteen Employment Zones were introduced in April 2000 in Glasgow, Liverpool, North West Wales, Heads of the Valleys, Doncaster, Birmingham, Brighton and Hove, Plymouth, Brent, Haringey, Newham, Southwark, Tower Hamlets, Nottingham, and Middlesbrough, Redcar and Cleveland (one Zone). We have no plans to introduce an Employment Zone in Greater Portsmouth.

NORTHERN IRELAND

Elections

Mr. McGrady: To ask the Secretary of State for Northern Ireland (1) when the Government will implement the recommendations contained in the report entitled, "Administering Elections in Northern Ireland"; [119565]

(2) what measures he will introduce to counter abuse and reinforce the integrity of the Electoral Register; and if he will make a statement; [120703]

(3) what further progress he has made on combating electoral malpractice since May 1998; [120707]

(4) if he will introduce the electoral card proposal as outlined in the Second report of the Northern Ireland Affairs Committee, Session 1997–98, HC 316, on Electoral Malpractice; [120706]

(5) what improvements to electoral procedure he has announced since May 1998; [120704]

(6) when he will establish the team to investigate applications for absent and proxy votes that was referred to in the response from the Government to the Second report of the Northern Ireland Affairs Committee of Session 1997–98, HC 316, on Electoral Malpractice. [120705]

Mr. George Howarth: The report entitled "Administering Elections in Northern Ireland" contained a number of recommendations to counter the issue of electoral abuse and it is our intention to implement as many of them as is practical.

One of the major recommendations was the introduction of smart cards for voters. This remains our objective but further work is needed before we can be confident that a reliable, cost-effective system exists that would be resistant to abuse. However, the Government have already introduced legislation to extend the time available to the Chief Electoral Officer to scrutinise absent vote applications and has extended to Northern Ireland the provisions of the Representation of the People Act which makes provision for rolling registration and hence a more accurate electoral register. Additionally, officials are exploring the role which enhanced computerisation and increased staffing might play in assisting the Chief Electoral Officer in the scrutiny process.

Many of the other recommendations contained in the report will require legislation by bill. We would hope to find Parliamentary time for this before the General Election, but the timing of this will depend on the time of the election.

Sellafield

Mr. McGrady: To ask the Secretary of State for Northern Ireland if he will establish a study into the health effects of the operation of Sellafield on the people of Northern Ireland. [120710]

Mr. George Howarth: A major independent study which reported in 1989 sought to identify possible links between the incidence of Down's Syndrome and

leukaemia and radiation in the Irish Sea. The report concluded that the data examined did not obviously implicate radioactive pollution in the Irish Sea as an underlying factor in determining the patterns in Northern Ireland of the conditions studied. To facilitate ongoing research and surveillance, the report recommended that a system of cancer registration should be established. Since the establishment of the Northern Ireland Cancer Registry in 1993, there is now a complete and accurate database on cancer incidence in Northern Ireland which facilitates the monitoring of the health of the population on an ongoing basis. Analysis so far continued to support the findings of the 1989 study.

As regards monitoring of radiation levels, currently the Environment and Heritage Service's Industrial Pollution and Radiochemical Inspectorate in Northern Ireland conducts routine monitoring of the impact of Sellafield discharges on the Northern Ireland coastline. In addition, independent monitoring is conducted by District Council Environmental Health Officers under the auspices of the Norther Ireland Radiation Monitoring Committee. Both sets of monitoring continue to indicate that the levels of radioactivity measured are of negligible radiological significance.

Travellers

Mr. McNamara: To ask the Secretary of State for Northern Ireland for what *(a)* reason travellers are being prevented from using the St. Christopher's Park site, *(b)* what attempts have been made to offer them alternative accommodation, *(c)* for what reasons vacating travellers are prevented from returning to the official site in Newry and *(d)* which bodies have responsibility for looking after the housing and education needs of traveller families. [123055]

Mr. George Howarth: The management of the Travellers' site at St. Christopher's Park, Newry is a matter for the Newry and Mourne District Council. As far as accommodation for Travellers in concerned, as present it is a function of District Councils to provide transit and serviced sites, while housing (including group housing) is provided through the Northern Ireland Housing Executive.

The Department of Education and the relevant Education and Library Board have responsibility for the education of children of compulsory school age and those who remain in school past 16.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Security Situation

Mr. McNamara: To ask the Secretary of State for Northern Ireland what steps have been taken in the last month to reduce the security presence consistent with the level of threat; and what steps will be taken in the next 12 months. [123060]

Mr. Ingram: In light of the lowering of the overall threat following the recent statement by the IRA, the Chief Constable announced on 9 May that the following steps would be taken as soon as logistically possible, with work to commence within weeks:

Demolition of the Cookstown base

Vacation of Fort George Army Base and return of the land to the Londonderry Harbour Commissioners

Demolition of the Cloghogue observation base in South Armagh; and

Vacation of the observation posts at Broadway and Templer House in Belfast.

He also announced that, subject to a continuing reduction in the level of threat, these steps would be followed within three months by demolition of the observation sangar overlooking the square in Crossmaglen. A further review of possible normalisation steps would be conducted in three months' time in the light of the security threat prevailing at the time and the circumstances on the ground.

RUC

Mr. McNamara: To ask the Secretary of State for Northern Ireland (1) if he will list the criminal convictions in which statements by or evidence of RUC Officers Darren James Neill and Michael Magowan was given or taken into account; how many individuals are currently serving a custodial sentence as a result of such convictions; what mechanisms he will establish to ensure that those individuals who may be eligible to have their convictions reviewed are informed of their rights; and how many individuals are so affected; [123574]

(2) how many officers were questioned in connection with the investigation of complaints made by Mr. Bernard Griffin; what issues of fact were established during the criminal proceedings; and how many disciplinary cases are still pending; [123558]

(3) if he will make a statement on the convictions of Darren James Neill and Michael Magowan; [123559]

(4) what measures have been taken to ensure that there is public confidence in the ability of officers in Oldpark RUC barracks to treat all individuals and sections of the community equally; [123560]

(5) if he will investigate reports of an alleged breakdown of discipline at Oldpark RUC barracks in February 1998. [124414]

Mr. Ingram: While there have been criminal proceedings in respect of complaints made by Mr. Bernard Griffin, other legal and disciplinary actions have yet to be finalised. It would therefore be inappropriate, at this time, to place any further information into the public domain.

11-plus

Mr. McGrady: To ask the Secretary of State for Northern Ireland when the report commissioned by his Department, from Mr. Tony Gallagher of The Queen's University of Belfast, into the Transfer Procedure at 11 plus, will be *(a)* completed and *(b)* published; what were the costs of commissioning and producing this report; and if he will make a statement. [123872]

Mr. George Howarth: The report will be completed in July 2000. The cost of the research is £110,000. The report will be published in September 2000. Printing costs are not yet known. The report is intended to inform a widespread debate on selection and future arrangements for post-primary education in Northern Ireland to which all interested parties will be invited to contribute their views.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Ambulances

Mr. McNamara: To ask the Secretary of State for Northern Ireland what is his estimate of the cost of providing ambulance services for the annual 12 July celebrations. [123889]

Mr. George Howarth: The estimated cost of providing ambulance services for the 12th July celebrations in 1999 was £10,760. It is estimated that the cost of providing ambulance services for this year's 12th July celebrations will be of the same magnitude.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Mr. McNamara: To ask the Secretary of State for Northern Ireland what income was derived in each of the past three years by each of the district health boards from charges levied for the provision of ambulance services required for open air public events; if he will list the top 10 consumers of ambulance services and the income derived from each; and what policy considerations must be taken into account in deciding whether to charge for services provided for a particular event. [123888]

Mr. George Howarth: The income derived in each of the past three years in each Health Board area in Northern Ireland from charges levied for the provision of ambulance services was:

£

	1997–98	*1998–99*	*1999–00*
Eastern	831	13,567	8,355
Northern	3,500	3,762	3,950
Southern	1,000	—	—
Western	1,690	451	2,230

Charges are levied for open-air events organised and run by individuals or organisations, usually for profit or charity, on a one-off basis. No records are therefore maintained of regular "consumers".

The Northern Ireland Ambulance Service will raise charges for private events, at which the public may be present, when the organisers request specific services such as supplying vehicles, staff or a treatment centre. Charges are based on aspects such as the skill mix and availability of staff, the number of vehicles required, an estimation of potential number of patient journeys and the potential usage of drugs and medical equipment.

Responsibility for this subject has been devolved to the Northern Ireland Assembly and is therefore no longer a matter for the Secretary of State for Northern Ireland.

Garvaghy Road

Mr. McNamara: To ask the Secretary of State for Northern Ireland how many illegal gatherings, assemblies, parades and marches have taken place in the Garvaghy road area so far this year; in how many instances *(a)* organisers were identified by the police, *(b)* the gathering was dispersed by the police, *(c)* individuals were warned they were breaking the law and *(d)* arrests were made; what charges were brought against individuals; and what was the outcome of proceedings. [123890]

Mr. Ingram: To date there have been no illegal parades in the immediate Garvaghy road area this year. But there have been two illegal parades involving persons parading from Drumcree Church to the bridge and dispersing. The bridge is located approximately 600m from the Garvaghy road.

In both incidents, no individuals were warned they were breaking the law, no arrests were made, and the participants dispersed quickly themselves.

Shootings (Weapon Serial Numbers)

Mr. McNamara: To ask the Secretary of State for Northern Ireland what was the serial number of *(a)* the weapon used in the shooting of Private Neil Clerk in Derry on 23 April 1984, *(b)* the weapon used in the shooting of Martin Patten of the Royal Anglian Regiment on 21 September 1985 and *(c)* the weapon used in the shooting of army caterer Kurt Konig on 21 November 1985; in how many other attacks and on what dates each of these weapons are believed to have been used; and where and in whose keeping they are stored. [124326]

Mr. Ingram: While three persons were convicted of the murder of Private Clark, the investigations of the murders of Martin Patten and Kurt Konig remain open. To release any information in connection with them would not be appropriate, as it may prejudice any future legal proceedings.

Oversight Commissioner

Mr. McNamara: To ask the Secretary of State for Northern Ireland on how many occasions the Chief Constable of the RUC was present, for how long; and for which interviews, for the post of the Oversight Commissioner. [125527]

Mr. Ingram: The Chief Constable was not present at any of the interviews.

CHURCH COMMISSIONERS

Disestablishment

35. **Mr. Simon Hughes:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what discussion the Church Commissioners have had with the Government since May 1997 about the possibility and financial implications of disestablishment. [123705]

Mr. Stuart Bell: None.

Redundant Churches

36. **Mr. Paterson:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners,

if he will make a statement on the role of congregations on deciding priorities for the disposal of redundant churches. [123706]

Mr. Stuart Bell: The procedure for settling the future of redundant Church of England churches gives priority to dioceses seeking and achieving suitable alternative uses. Dioceses are also encouraged to keep informed the local parochial church councils, which are also given the opportunity to make representations for or against the proposed use.

Hunting with Hounds

37. **Mr. Gordon Prentice:** To ask the hon. Member for Middlesbrough, representing the Church Commissioners, what action the Commissioners plan to take in response to the report of the Burns Inquiry. [123707]

Mr. Stuart Bell: I understand the results of the Burns inquiry—to which the Commissioners were not invited to give evidence—are expected to be made public shortly. Until then it is not possible to answer my hon. Friend's question, but we will look forward to seeing the report.

CULTURE, MEDIA AND SPORT

Millennium Dome

12. **Miss Kirkbride:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the future of the Millennium Dome after 31 December. [123681]

Mr. Chris Smith: On 16 May the Government announced that two proposals had been selected to advance to the final stage of the competition. These two bids were chosen from a strong field of five bids which had been invited in January to submit detailed proposals and indicative financial offers.

The bids in the final shortlist are:

Dome Europe, an advanced leisure, business and retail attraction, proposed by the Principal Finance Group of Nomura International plc.

Legacy plc, a high technology industrial campus of workspace, leisure and retail uses, proposed by Robert Bourne.

We are now working with the bidders to develop these proposals further, and will proceed to a decision in the summer on the winning proposal.

24. **Mr. Brooke:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the financial situation of the Millennium Dome. [123693]

Mr. Chris Smith: I refer the right hon. Member to the answer I gave my hon. Friend the Member for Eccles (Mr. Stewart) on 25 May 2000, *Official Report*, columns 579–80W.

Mr. Redwood: To ask the Secretary of State for Culture, Media and Sport how many of the Millennium Dome's sponsors have paid their full agreed amount of sponsorship funding. [124479]

Janet Anderson *[holding answer 5 June 2000]:* Under the terms of the individual sponsorship contracts, sponsors are on a rolling and varied schedule of payments. The New Millennium Experience Company are continuing to receive payments.

Mr. Welsh: To ask the Secretary of State for Culture, Media and Sport if he will list the grant payments made from the Millennium Commission to fund the Millennium Dome including the value of those payments, and the date on which they were agreed. [124741]

Mr. Chris Smith: This is a matter for the Millennium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

National Lottery

16. **Mr. Steen:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement about additionality in respect of the national lottery awards for health and education projects. [123685]

Mr. Chris Smith: The Government remain committed to the principle of additionality and established the NOF, after extensive public consultation, to support innovative health, education and environment projects which are additional to programmes funded from taxation. The National Lottery through the New Opportunities Fund has so far committed £1.5 billion to specific, time limited health and education initiatives.

20. **Mr. David Heath:** To ask the Secretary of State for Culture, Media and Sport what support has been given by the National Lottery Charities Board to youth work in support of policy against social exclusion in *(a)* urban and *(b)* rural areas in (i) 1998, (ii) 1999 and (iii) 2000 to date. [123689]

Kate Hoey: The majority of grants awarded by the National Lottery Charities Board (NLCB) help to promote social inclusion, although they are not separately categorised. During 1998, 1999 and 2000 to date, the NLCB awarded the following grants to projects in urban and rural areas specifically targeted at young people aged 25 or under.

Urban areas

1998: 785 grants worth £32.8 million

1999: 2,448 grants worth £87 million

2000: 1,212 grants worth £22.3 million

Rural areas

1998: 933 grants worth £8.8 million

1999: 1,864 grants worth £20.9 million

2000: 780 grants worth £6.3 million

22. **Mr. Bill O'Brien:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to ensure that former coalfield areas receive an increased share of the proceeds from the national lottery. [123691]

Mr. Chris Smith: Following the publication on 5 June of research into the impact of the National Lottery on coalfield areas, I announced a package of measures intended to ensure that coalfield and former coalfield areas receive more benefit from National Lottery money. My Department and Lottery distributors, who jointly commissioned the research, have set up an action team to

consider the recommendations made in the report and to identify ways of actively encouraging applications from coalfields and other areas of low take up.

Mr. Alasdair Morgan: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the average cost to organisations of making National Lottery funding applications. [124724]

Kate Hoey: My right hon. Friend the Secretary of State has directed the independent Quality Efficiency and Standards Team (QUEST), which he established last year to examine issues of standards and good practice across the range of this Department's responsibilities, to look at the costs of making applications for Lottery grants and consider how these costs could be contained without compromising the demands of proper accountability in decisions about how to spend public money. QUEST plans to publish the first phase of its report, which focuses on applications for Lottery grants of up to £100,000, shortly. The second phase, dealing with applications for grants of £100,000 plus, will be published later in the year.

Excellence in Sport

17. **Mr. Blizzard:** To ask the Secretary of State for Culture, Media and Sport what proposals he has for the development of excellence in sport in the Eastern region. [123686]

Kate Hoey: Sport England have made it clear that the Eastern Region will be an integral part of the English Institute of Sport. Discussions remain ongoing about the services and facilities that may be required to support the development of sporting excellence in the Region.

Space for Sport and Arts

19. **Mr. Hopkins:** To ask the Secretary of State for Culture, Media and Sport when he expects the first grants will be made to primary schools under the Space for Sport and Arts scheme. [123688]

Kate Hoey: Officials from my Department and the Department for Education and Employment are now in the process of working up further details about the scheme with members of the sports strategy implementation group and Lottery distributors and we hope to be in a position to invite applications in the autumn with the first grants being made in the early part of next year.

Free Television Licences

21. **Mr. Burgon:** To ask the Secretary of State for Culture, Media and Sport how many families in the Elmet constituency will benefit from the introduction of free television licences for households with a member aged 75 years or over. [123690]

Mr. Chris Smith: I refer my hon. Friend to the answer given by my hon. Friend the Minister for Film, Tourism and Broadcasting to my right hon. Friend the Member for Alyn and Deeside (Mr. Jones) on 2 March 2000. *Official Report*, column 350W.

Mr. Hancock: To ask the Secretary of State for Culture, Media and Sport what steps the Department is taking to liaise with the television licensing authorities to ensure that all pensioners over the age of 75 will be fully informed of when they become eligible for a free television licence; what efforts his Department is making to ensure that pensioners are given accurate information in respect of this; and if he will make a statement. [124545]

Janet Anderson: Officials at both the Department for Culture, Media and Sport and the Department of Social Security are in regular contact with the BBC as Licensing Authority to ensure the effective implementation of free television licences for the over-75s. The BBC is providing me with regular progress reports covering a range of issues, including publicity for the concession. Progress to date includes the establishment of a dedicated TV Licensing helpline, publication of explanatory leaflets, television trailers and the start of direct mailings to all domestic addresses on the TV Licensing database. DCMS has prepared a separate question and answer guide to the concessionary scheme.

Football (Community Involvement)

23. **Mr. Hilary Benn:** To ask the Secretary of State for Culture, Media and Sport if he will make a statement on his policy as regards encouraging football clubs to be involved in their local communities. [123692]

Kate Hoey: The Government fully support the efforts of football's governing bodies and individual clubs to become more involved in their local communities, and encourages the football authorities to continue to implement the recommendations of the Football Task Force's third report, "Investing in the Community".

School Sport

25. **Mr. MacShane:** To ask the Secretary of State for Culture, Media and Sport what representations he has received about sport in schools in Yorkshire; and if he will make a statement. [123694]

Kate Hoey: I have received one letter recently from a school in Rotherham about the provision of a sports hall under the Private Finance Initiative. This is a matter primarily for my right hon. Friend the Secretary of State for Education and Employment, whom I am consulting. I am also aware of the series of articles which have appeared in the Yorkshire Post recently about sport and PE in schools in Yorkshire. Our sports strategy—A Sporting Chance for All—recognised that in too many of our schools sport and PE have declined, and the need to find a new approach which will support teachers, parents and young people. That is why the strategy set out a five part plan aimed at raising standards of physical education and sport in all schools to match those of the best. The plan proposes:

i) the rebuilding of sports facilities at primary schools with £150 million of funding;

ii) the creation of 110 Specialist Sports Colleges to provide the lead in innovative practice and to work with partner secondary and primary schools to share good practice and raise standards;

iii) the provision of £240 million to encourage and support schools in a range of out of school learning opportunities including physical education and sport;

iv) the establishment of 600 school sports co-ordinators in areas of greatest need which will provide opportunities for young people to compete regularly for their school and take part in a wide range of sports; and

v) that our most talented 14 to 18-year-olds have access to the coaching and support which will enable them to fulfil their potential.

Mr. Goggins: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the introduction of school sports co-ordinators. [123673]

Kate Hoey: As part of the aims of raising the standards of Physical Education and sport in schools, 600 School Sports Co-ordinators will be appointed by 2002. They will work in 150 'families' of schools. This means that 600 secondary schools and the 110 sports colleges will be linked to 3,000 primary schools. We aim to have the first tranche of 40 school sports co-ordinators in place by the autumn term 2000.

Football (Youth and Amateur)

26. **Dr. Ladyman:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to increase investment in youth and amateur football facilities. [123696]

Kate Hoey: I am pleased to say that the Football Foundation, a new body, which will distribute funding from the Premier League, the FA and Sport England will be launched shortly. This follows the Premier League's commitment last year to investing 5 per cent. of its next broadcasting contract for the good of the sport. It is envisaged that the majority of the Foundation's income will be used to fund initiatives designed to develop football at the grass roots.

Museums and Galleries

27. **Jane Griffiths:** To ask the Secretary of State for Culture, Media and Sport what steps he is taking to improve pensioners' access to museums and galleries. [123697]

Mr. Alan Howarth: I refer my hon. Friend to the oral answer I gave earlier today to my hon. Friend the Member for Lancaster and Wyre (Mr. Dawson), *Official Report*, column 499W.

Mr. Dawson: To ask the Secretary of State for Culture, Media and Sport what steps he is taking to give pensioners easier access to museums and galleries. [123672]

Mr. Alan Howarth: From 1 April free entry for the over 60s was introduced to those museums funded by my Department which currently charge for admission, including the National Museums and Galleries on Merseyside, the National Museum of Science and Industry, the Natural History Museum, the Imperial War Museum, the National Maritime Museum, and the Victoria and Albert Museum.

Seaside Resorts

Mr. Quinn: To ask the Secretary of State for Culture, Media and Sport what steps he is taking to promote family-friendly holidays at traditional seaside resorts. [123687]

Mr. Chris Smith: Later this year the English Tourism Council, which is sponsored by my Department, will be undertaking a new programme of research to examine the current provision for family holidays in England. The research will aim to gain a better understanding of the market and to identify opportunities for growth particularly at seaside resorts.

Mr. Don Foster: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 28 February 2000, *Official Report*, column 100W, concerning secondments, if the secondee listed was appointed for a period of 12 months or less. [124823]

Mr. Chris Smith *[holding answer 7 June 2000]:* The secondee listed in my response of 28 February 2000, *Official Report*, column 100W was appointed for a period of more than 12 months.

King Edward VII Convalescent Home

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport what the average bed occupancy rate was at King Edward VII Convalescent Home at Osborne *(a)* in each of the five years between 1989 and 1993 and *(b)* in 1999, broken down between (i) residents and (ii) convalescents. [125131]

Mr. Alan Howarth: Figures are not available for 1989 and 1990. The information for the other years requested is as follows:

Percentage

Year	*Residents*[1]	*Convalescents*[2]
1991	100	85
1992	99	58
1993	100	63
1999	57	64

[1] Average occupancy per year.
[2] Average occupancy per week.

Mr. Blunt: To ask the Secretary of State for Culture, Media and Sport how many beds have been available for *(a)* residents and *(b)* convalescents (i) in each of the five years from 1989 to 1993 and (ii) in 1999 at King Edward VII Convalescent Home at Osborne [125132]

Mr. Alan Howarth: Figures are not available for 1989 and 1990. The information for the other years requested is as follows:

Year	*Residents*[1]	*Convalescents*
1991	15	5
1992	20	23
1993	21	19
1999		30[2]

[1] Any unfulfilled residents beds were offered to convalescents whenever there was demand.
[2] Registered beds reduced from 40 to 30 in 1998 with no distinction between residents and convalescents.

Missing Works of Art

Mr. Gordon Prentice: To ask the Secretary of State for Culture, Media and Sport if he will list those works of art and other artefacts from national collections that have gone missing, been stolen or are otherwise unaccounted for in the period from 1990 to date. [125547]

Mr. Alan Howarth: We have contacted the National Museums and Galleries sponsored by DCMS to request information for a reply to my hon. Friend's question. I will write to him as soon as this is available, placing copies of my letter in the Library.

National Lottery (Computer Failures)

Mr. Maclennan: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 5 June 2000, *Official Report*, column 96W, if he will ask the National Lottery Commission to consult with him before the best course of action in respect of unidentified income is determined by Camelot; and what estimate he has received from Camelot of the number of unidentified prize winners to whom the full amount has not been paid. [125672]

Kate Hoey: This is properly a matter for the National Lottery Commission as the relevant regulatory body and I do not intend to ask it to consult me before reaching its decision. I understand that Camelot estimate that 78,187 players were underpaid by a matter of pounds and 34,897 were overpaid. The total amount underpaid in prizes was £85,974 and the total amount overpaid was £94,380.

Mr. Maclennan: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 5 June 2000, *Official Report*, column 96W, what representations he has received from *(a)* Camelot and *(b)* others in respect of the responsibility for the computer defect. [125686]

Kate Hoey: The only representation received by my right hon. Friend the Secretary of State was from an ex-GTECH employee. Since then he has been kept informed of developments by the National Lottery Commission.

Mr. Maclennan: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 5 June 2000, *Official Report*, column 96W; if, when he was informed of the defect in the National Lottery computer, he was told when the defect was identified and by whom; if he was informed of estimates Camelot had made of how long the defect affected its operation before it was corrected; and if he has been informed as to when the National Lottery Commission will complete its investigations. [125673]

Kate Hoey: My right hon. Friend the Secretary of State was informed when the defect was identified and by whom, and was also informed of how long the defect had affected operations.

The defect was first drawn to the National Lottery Commission's attention in a letter from an ex-GTECH employee on 29 February 2000. The defect affected operations from the start of the Lottery until it was corrected 27 July 1998.

The Commission intend to complete its investigations as soon as possible.

Commonwealth Games 2002

Mr. Tony Lloyd: To ask the Secretary of State for Culture, Media and Sport what assistance he has given to development of the site in Manchester and services for the Commonwealth Games in 2002. [123678]

Kate Hoey: Manchester has received approximately £73 million of Government assistance for their earlier Olympic bids and £115 million is currently available from the Lottery Sports Fund for capital projects for the Commonwealth Games within Manchester; with up to a further £6 million for the redevelopment of Bisley in Surrey for the shooting events.

My right hon. Friend the Minister of State, Cabinet Office is co-ordinating the Government's interests in the Games and chairs a Games Task Force ensuring a joint departmental approach to supporting the Games across Government.

HOME DEPARTMENT

Police and Immigration Services (Interpreters)

Mr. Gerrard: To ask the Secretary of State for the Home Department if he will list the level of fees payable to interpreters per hour by *(a)* the Immigration Service and *(b)* the Metropolitan Police in respect of (i) illegal entry matters and (ii) criminal matters; and if travelling time is also reimbursed. [123900]

Mrs. Roche: The level of fees payable to interpreters by the Immigration Service and the Metropolitan Police are set out in tables. Neither Service distinguishes between illegal entry and criminal matters.

Metropolitan police service interpreting rates

Hours	*Day 0800–200*	*Night/ Saturday 2000–0900*	*Sunday/ Bank Holiday 24 Hours*
0.50	14.50	21.75	29.00
1.00	29.00	43.50	58.00
2.00	58.00	87.00	116.00
3.00	87.00	130.50	174.00
4.00	116.00	174.00	232.00
5.00	145.00	217.50	290.00
6.00	174.00	261.00	348.00
7.00	203.00	304.50	406.00
8.00	232.00	304.50	406.00
9.00	261.00	391.50	522.00
10.00	290.00	435.00	580.00
Minimum [1]	87.00	135.50	174.00

[1] This includes payment for travelling time, where the total time (i.e. travelling and attendance) is three hours or less.

Notes:

1. These rates are only intended as a guide for period of less than an hour, proportionate rates are paid.
2. Standard Class travelling expenses are reimbursed at cost. Mileage expenses are reimbursed at a rate of 35.7 pence per mile.

Immigration service interpreting rates

£

	Interpreters who are also members of staff		*Interpreters who are not members of staff*	
Mondays to Fridays[1]	*Per hour*	*Minimum*	*Per hour*	*Minimum*
0800–1800	6.55	22.95	9.85	34.50
1800–2300	8.20	28.70	12.30	43.05
2300–0800	9.85	34.50	14.75	51.65
Sundays and Bank Holidays	13.10	45.85	19.65	68.80

[1] Except Bank Holidays

Mileage rates for interpreters

Engine size	*Rate per mile*
Up to 1500	35.7p
1600 to 2000	42p
Over 2000	46p

Note:
1. These payments also apply to travelling time

Departmental Responsibilities

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123847]

Mr. Straw *[holding answer 25 May 2000]:* Statistics of candidates' election expenses at United Kingdom Parliamentary General Elections and certain other associated details relating to postal voting and rejected ballot papers have been collected and published, listed by United Kingdom parliamentary constituency, in the form of a House of Commons paper. The series covers every General Election since 1883, with the exception of that of December 1918.

Figures on the votes cast, postal and proxy voting and rejected ballot papers in the 1999 European Parliamentary Election will be published on a parliamentary constituency basis. This information will be contained in a Home Office statistical paper to be published later this year.

No other Home Office statistics are collected on a parliamentary constituency basis.

Departmental Policies

Caroline Flint: To ask the Secretary of State for the Home Department in what ways his Department and its executive agencies deliver services to meet the needs of the public as consumers, with particular reference to families. [124541]

Mr. Boateng *[holding answer 5 June 2000]:* As part of the wider drive to modernise Government, the Home Office and its agencies are working to ensure that its various services fully meet the needs of the public. Supporting families is a key priority for the Home Office. When providing services we bear the needs of families in mind.

Services for families: 1999–2002

£7 million provided through the Family Support Grant for work carried out by voluntary organisations to support parenting and family life.

£1 million funding given to ParentLine Plus to establish a freephone national helpline service capable of taking up to 500,000 calls a year. The helpline has extended its opening hours to 9.00 am to 9.00 pm Monday to Friday, 9.30 am to 5.00 pm Saturday and 10.00 am to 3.00 pm Sunday to be available when parents most need the service.

£666,000 (part of cross Government funding of £2 million) was given to help establish the National Family and Parenting Institute. In its first year, the Institute is mapping services available to families and will report on gaps by December 2000.

Probation Service

The Home Office, through Probation services, also currently supports the work of Family Court Welfare Service. Where marriages or relationships have broken down the Service works with all courts dealing with family matters to ensure protection of children, provide relevant information to the court and work towards enabling parents to co-operate as separated parents. Much of this work is undertaken in partnership with the voluntary sector, funded through partnership grants from probation services. Partnership expenditure on Family Court Welfare related projects amounts to approximately £1 million per annum. This includes funding for out of court dispute resolution and contact centres.

The service will be transferred to the Lord Chancellor's Department from April 2001 under the new arrangements for a Children and Family Court Advisory and Support Service (CAFCASS).

Through direct grant to the National Association for the Care and Resettlement of Offenders (NACRO), the Home Office supports the Resettlement Information and Advice Service. The service deals with resettlement inquiries from serving prisoners, ex-offenders, their families and from organisations working with them.

Immigration service

Agencies such as the Immigration and Nationality Directorate (IND) are key service providers for the Home Office. The National Asylum Support Service (NASS) is responsible for providing support to destitute asylum seekers. Customers, including families, might be required to attend their offices at Voyager House, Croydon, for a short assessment of eligibility. There are no special facilities for children because, in NASS's view, the duration of the assessment interview does not warrant them. If, however, a family appeals against refusal to give support, there are play facilities at the appeal hearing centre at Christopher Wren House, Croydon.

Grants are given by NASS to the voluntary sector to deliver Reception Service and One-Stop Services for asylum seekers. For 2000–01 these have been apportioned as follows:

Services	*£*
Refugee Council	6,895,619
Refugee Arrivals Project	1,913,351
Migrant helpline	2,102,975
Refugee Action	2,024,216
Welsh Refugee Council	537,864
Scottish Refugee Council	561,222
Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO)	41,216

In addition, NASS will be grant-funding each organisation to provide emergency accommodation to asylum seekers pending their application for support. The annual indicative costs are estimated to be in the region of £7.2 million. This amount will of course be dependent on the numbers of asylum seekers who apply for emergency accommodation.

IND Headquarters is currently dispersed in buildings around Croydon while Lunar House is being totally refurbished. The Public Caller Unit at the Integrated Casework Directorate (ICD) is at present housed in the Whitgift Centre. It offers vending machines and telephones but regrettably there is no space for a play area. There will be a large play area in the "new" Lunar House which is due to open next summer. As an interim measure, the ICD is currently collecting toys for children of parents attending for interview.

At Oakington Reception Centre there are family facilities which include an indoor play area, a crèche with qualified nursery nurses and a collection of books and games for older children. At Tinsley House Detention Centre near Gatwick Airport a family suite is under construction. This will have a play area and computer games for older children.

The Home Secretary makes grants in aid under section 23 of the Immigration Act 1971 to the Refugee Legal Centre and the Immigration Advisory Service to provide services of advice, assistance, and representation to those who have rights of appeal under the 1971 Act. In 1999–2000 the total amount of grants paid was £6.7 million. In 2000–01, the Home Office is also paying a grant in aid to the Northern Ireland Law Centre.

Prison Service

The Prison Service fully recognises the needs of prisoners' families, particularly with regard to the need for support; maintaining regular contact with imprisoned family members; and the opportunity to contribute to regimes and rehabilitation programmes. Much of this is achieved through working in partnership with prisoners' families support groups, listening to people's concerns. The Prison Service co-ordinates the Family Ties Consultative Group which includes a number of these groups and is tasked with assisting the development of policy and good practice.

Further support is provided by way of funding to the umbrella organisation, the Federation of Prisoners' Families Support Groups, as well as to CLINKS which is working with the Service to develop the relationship between the voluntary sector and prisons. An increasing number of establishments also provide facilities for visiting families such as visitors' centres and play areas in visits rooms. The latter has been supported by funding for the lead organisation in this area, Kids Visiting In Prisons (KIDS VIP).

Youth Justice Board

The Youth Justice Board for England and Wales is a Non-departmental Public Body of the Home Office that has been in operation since September 1998. One of its functions is to advise the Government on standards for service delivery in the youth justice system.

Reinforcing the responsibilities of parents is one of the Youth Justice Board's key aims and objectives.

Projects are delivered by youth offending teams in partnership with a wide range of specialist organisations such as ParentLine, Coram Family and Barnardos.

Some of the projects the Youth Justice Board have sponsored include:

an 18 month project in Liverpool to extend support for parents involved or at risk of being involved in the youth justice system. The project will focus on support provided to families with persistent young offenders and those involved in Final Warnings; and

an 18 month project in Liverpool to help the Youth Offending Teams and other practitioners understand the impact family breakdown and change can have on young people and the functioning of their families. Project findings will be delivered to Youth Offending Teams and other practitioners.

Services to promote racial equality

The Home Office has recently launched a new race equality grants programme, "Connecting Communities", to help marginalised minority ethnic communities at grass roots level. The grants aim to empower communities, enabling them to have greater access to and influence over policy makers and service providers. £12 million will be made available through the programme over three years.

The programme aims to:

help people in marginalised communities gain new skills and combat disaffection and disengagement within communities;

work on joint initiatives with other faith and community groups to build strong community networks;

provide opportunities for young people to participate in seminars, mentoring and job shadowing opportunities with Home Office services, for example, the police and fire service;

celebrate minority ethnic achievements to counteract racist and negative stereotyping.

Football (Offences and Disorder)

Mr. Greenway: To ask the Secretary of State for the Home Department how many people have been required to surrender their passports in connection with football events in the last five years. [124377]

Mr. Straw: There are currently 100 people subject to international football bans, all of whom are required to report to a police station throughout the period of Euro 2000. The Football (Offences and Disorder) Act 1999, which came into force in September 1999, includes provision for the court to require an individual to surrender their passport for designated periods as a condition of their banning order. The courts have imposed nine such conditions to date.

The Dutch and Belgian authorities have extensive powers to refuse entry to any England supporter who poses a threat to public order, including those subject to domestic bans. Acting on information provided by the National Criminal Intelligence Service, police will be monitoring all England supporters at every United Kingdom exit point throughout the tournament and sharing the intelligence gathered with the Dutch, Belgian and French authorities and the English police team operating in all these countries.

Local Authority Grants

Mr. Sanders: To ask the Secretary of State for the Home Department if he will list the funds which are available to local authorities on application, indicating those for which the Torbay Unitary Authority has successfully applied in each of the last two years. [124194]

Mrs. Roche: Local authorities can claim the costs of accommodating and supporting asylum seekers plus an element of administrative costs. Prior to 1 April 1999, all grants were administered by the Department of Health. That Department retains responsibility for the payment of a special grant for the support of unaccompanied asylum seeking children.

From 1 April 1999 to 5 December 1999, costs to local authorities for adult asylum seekers were covered in a special grant report. From 6 December 1999 until 31 March 2000, these costs were covered by grant paid under the Asylum Support (Interim Provisions) Regulations 1999.

In addition, the costs incurred by local authorities in supporting Kosovan evacuees, who arrived as part of the Humanitarian Evacuation Programme, is being reimbursed under the terms of Special Grant Report (No. 49).

The Torbay Unitary Authority has not applied for any grants from the National Asylum Support Service or under the terms of the Kosovo Special Grant Report.

On 31 May 2000, we announced the introduction of a new race equality support grants programme—Connecting Communities—which will address racial disadvantage by helping marginalised minority ethnic communities at grass roots level. There are four support programme areas—Community Networks, Opportunity Schemes, Towards More Representative Services, and Positive Images.

Local authorities will be eligible to bid for funding under the new support programmes, which are expected to start in October 2000.

Asylum Seekers

Mrs. Ellman: To ask the Secretary of State for the Home Department what arrangements his Department has made for identifying suitable accommodation for asylum seekers under the Government's dispersal policy. [125116]

Mrs. Roche: Accommodation providers are responsible for identifying suitable accommodation. They are bound by contract to provide accommodation to certain specifications. These specifications were drawn up with other organisations, including the Refugee Council. The National Asylum Support Service check all proposed addresses for suitability of location for asylum seekers and access to Post Offices and the retail network.

Mrs. Ellman: To ask the Secretary of State for the Home Department what was the result of consultations with *(a)* the North West Consortium and *(b)* Liverpool City Council prior to the decision to award contracts to place asylum seekers in The Landmark and The Inn on the Park in Everton, Liverpool; and when these consultations took place. [125114]

Mrs. Roche: Officials in the National Asylum Support Service wrote to the North West Consortium, including Liverpool City Council, on 9 February seeking comments on proposed providers. No comments were received.

Mrs. Ellman: To ask the Secretary of State for the Home Department what arrangements have been made to monitor contracts entered into in respect of the Government's dispersal policy for asylum seekers. [125115]

Mrs. Roche: The National Asylum Support Service (NASS) has established dedicated contract managers to oversee all accommodation contracts. In addition, a dedicated contract management team oversees the contract with Sodexho. NASS also has a network of regional managers monitoring support provision for asylum seekers.

Mr. Cousins: To ask the Secretary of State for the Home Department how many bed spaces are contracted for by the Home Office in its asylum seeker allocation and dispersal schemes in each district of the counties of *(a)* Tyne and Wear, *(b)* Northumberland, *(c)* Durham and *(d)* Cleveland; through which bodies these bedspaces have been contracted; and if he will estimate the (i) average annual unit cost per bedspace and (ii) total annual cost of these bedspaces. [125141]

Mrs. Roche: The number of bed spaces contracted are as follows: Tyne and Wear 485; Northumberland 0; Durham 0; and, Cleveland 50. The accommodation contracts in these areas are with private sector providers Roselodge, Angel and Adelphi. To avoid prejudicing negotiations currently taking place with potential further accommodation providers, I am unable to provide information on unit costs as this is commercially sensitive.

Mrs. Ellman: To ask the Secretary of State for the Home Department how many contracts have been entered into with *(a)* local authorities, *(b)* the private sector and *(c)* the voluntary sector in relation to the Government's scheme for the dispersal of asylum seekers. [125118]

Mrs. Roche: Contracts have been entered into with one local authority, one housing association, one YMCA and seven with the private sector.

Mr. Gale: To ask the Secretary of State for the Home Department how much money has been received by public funds in the last five years in fines levied upon foreign lorry drivers apprehended for importing asylum seekers into the United Kingdom. [125271]

Mrs. Roche: Since the coming into force of the civil penalty provisions of the Immigration and Asylum Act 1999, a total of £12,000 in penalties has been paid by foreign lorry drivers or their employers. In addition, a further £105,829 has been paid by foreign lorry drivers or their employers to secure the release of vehicles which had been detained pending payment of the penalty. These provisions of the Act came into force only on 3 April this year, so no sum actually fell to be paid until 4 June 2000.

Statistical information relating to the sums of money imposed in fines on those convicted in the courts for the offence of facilitation of illegal entry does not record separately the amounts paid by foreign lorry drivers

Mr. Gale: To ask the Secretary of State for the Home Department what has been the cost to police budgets, for the latest year for which figures are available, of the provision of interpreters to assist asylum seekers and economic migrants; how much of this money has been refunded by central Government to local police authorities; and if he will make a statement. [125276]

Mr. Charles Clarke: The information requested is not centrally collected. The Home Office does not refund the cost of interpreters to police authorities. The cost of using interpreters is a matter for Chief Officers of police and as part of their operational activities the cost would be met from within force budgets.

Mr. Gale: To ask the Secretary of State for the Home Department what provision he has made for the financial year 2000–01 to meet the costs incurred by Kent Police through the provision of interpreters to assist asylum seekers and economic migrants. [125272]

Mr. Charles Clarke: No specific provision has been made in the allocation of Government funding to Kent Police Authority for the cost of using interpreters. The arrangements for the employment of interpreters are a matter for the Chief Constable.

The funding allocation for the Kent Police Authority in 2000–01 has recognised the costs to the local police of asylum seekers and other policing demands that arise from Dover being the main route between the United Kingdom and Europe. Government supported funding for Kent Police Authority increased by 4.4 per cent. or £8 million, and around 20 per cent. of this extra funding was in consequence of the growing pressures from illegal immigration and other "Gateway to Europe" policing demands on the Kent Constabulary.

Chinese President (State Visit)

Dr. Gibson: To ask the Secretary of State for the Home Department what action he will take following the criticism made in the judgment of Mr. Justice Burton on the actions taken by police during the visit of the President of China; and if he will make a statement. [124890]

Mr. Charles Clarke: I understand that the judgment in this case, while noting that there remained some disagreement between the parties on matters of fact, supported the declarations granted by the Metropolitan Police and considered the matter settled.

It is for the Commissioner of Police of the Metropolis to determine in the light of this case what changes should be made to policing arrangements for future events.

Hereford (City Status)

Mr. Keetch: To ask the Secretary of State for the Home Department what recent representations he has had about the future status of the city of Hereford; and if he will make a statement. [125129]

Mr. Mike O'Brien: Hereford Town Council has applied for the honour of city status to be restored to Hereford, which lost its previous status as a city when the new Parish of Hereford came into existence on 1 April 2000. It is for Her Majesty The Queen, acting on the advice of Ministers, to decide whether city status should be restored. The application is under consideration.

Firefighters

Mr. Oaten: To ask the Secretary of State for the Home Department what proportion of front-line firefighters do not hold a current first aid qualification; and what plans the Government have to increase the number who do hold such a qualification. [125002]

Mr. Mike O'Brien *[holding answer 8 June 2000]:* Information about the number of firefighters with first aid qualifications is not held by the Home Office and could be obtained only at disproportionate cost.

The Home Office issued advice to Fire Authorities in 1993 recommending that all firefighters be trained to either 'Trained First Aider' or 'Emergency First Aider' standards. Also, there is an expectation that all firefighters are competent in casualty handling and first aid by virtue of their role.

Fire Authorities are required to comply with the Health and Safety (First-Aid) Regulations 1981.

Local Elections

Mr. Ben Chapman: To ask the Secretary of State for the Home Department what plans he has to promote postal ballots in local elections. [125389]

Mr. Mike O'Brien: The Representation of the People Act 2000 contains provisions, which will shortly be brought into force, which will allow for postal votes on demand.

Seven local authorities ran pilot schemes involving all postal ballots at the recent local elections and we are looking forward to receiving the evaluation reports of those schemes.

We hope that more local authorities will apply to run such schemes at future local elections.

Mr. Ben Chapman: To ask the Secretary of State for the Home Department what plans he has to extend the practice of increasing the number of voting days in local elections. [125388]

Mr. Mike O'Brien: Fifteen local authorities ran pilot schemes involving voting on more than one day at the recent local elections and we are looking forward to receiving the evaluation reports of those schemes.

We hope that more local authorities will apply to run such schemes at future local elections.

Alcohol Licences (River Boats)

Mr. Fearn: To ask the Secretary of State for the Home Department for what reason *(a)* trains and aeroplane will be exempt and *(b)* river boats will not be exempt, from obtaining a premises licence under the proposals for the amendment of licensing laws. [125447]

Mr. Mike O'Brien: Paragraphs 2 to 7 of Appendix 3 to "Time For Reform" sets out the thinking behind the proposals that boats selling alcohol should require a premises licence but that trains and aeroplane should not. We shall consider comments on these paragraphs when preparing legislation.

Crown Prosecution Service

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what recent representations he has received about resources available to the Crown Prosecution Service to pursue prosecutions; and if he will make a statement. [125321]

Mr. Straw *[holding answer 9 June 2000]:* I am not aware of having received very recent representations from outside Government, though I have received representations in the past from the First Division Association and from staff of the Crown Prosecution Service and others about the organisation's resources. Expenditure plans for the criminal justice system as a whole in resource terms for 2000–01, including the Crown Prosecution Service, were set out in the Criminal Justice System Business Plan published on 23 May 2000.

Passport Agency Computer System

Mr. William Ross: To ask the Secretary of State for the Home Department what software language is used in the National Passport Centre Computerisation; and if it is programmed as a totally integrated relational database. [125542]

Mrs. Roche: The new United Kingdom Passport Agency Computer system, ("PASS") is an integrated relational database solution using the industry-standard ORACLE Relational DataBase Management System (RDBMS). The programming language and database tools used include Oracle Forms, Sequel (SQL), Visual Basic and "C".

Road Accidents

Mr. Chaytor: To ask the Secretary of State for the Home Department what his policy is on breath testing and blood sampling of individuals involved in serious road traffic accidents. [124694]

Mr. Charles Clarke: Under the Road Traffic Act 1988, the police have the power to breath test any motorist who has been involved in a car crash. We support the Association of Chief Police Officers' policy that breath tests should be carried out at all crashes which the police attend. Those motorists who fail that screening test are then normally required to take an evidential breath test at the police station. Failure of that test provides the evidence for prosecution. In certain situations detailed in the Act, a blood sample may be taken by the police in place of an evidential breath sample and it is required where the motorist is suspected of driving when unfit through drugs.

Immigration Services Commissioner

Mr. Chaytor: To ask the Secretary of State for the Home Department if he will make a statement on the role of the Immigration Services Commissioner. [124768]

Mrs. Roche: The role and responsibilities of the Immigration Services Commissioner are set out in Part V of, and in Part I of Schedule 5 and Schedule 6 to, the Immigration and Asylum Act 1999. The Act prohibits any person or organisation from providing immigration advice or services unless that person or organisation is registered with the Immigration Services Commissioner, authorised to practise by a designated professional body, or is exempt under the terms of the scheme.

The Immigration Services Commissioner will publish the criteria for registration, will receive applications for registration and will determine whether individuals and organisations are competent and otherwise fit to provide immigration advice and services. The Commissioner will also consider cases for exemption. Exemption is likely to be sought by organisations from the voluntary, health and education sectors and the Commissioner will ensure that these organisations meet satisfactory standards.

The Commissioner will establish a complaints scheme and may investigate and determine complaints made against immigration advisers, including members of the designated professional bodies. Remedies available to the Commissioner on finding a complaint proven include powers to require a registered person to re-apply for registration without delay, to withdraw an exemption or to refer a disciplinary charge to the Immigration Services Tribunal. The power to discipline members of a designated professional body remains with the relevant professional body, but the Commissioner has power to refer his findings to the relevant professional body and to impose a timetable for that body to consider the complaint and, where appropriate, to take disciplinary action.

The Commissioner also has a duty to promote good practice by those who provide immigration advice or services.

The Government believe that the activities of the Commissioner, together with other initiatives such as the establishment of the Community Legal Service, will provide a comprehensive and coherent strategy for rooting out unscrupulous and incompetent immigration advisers and service providers, while supporting those providing a quality service. In this way standards in the immigration advice sector will be improved. The Commissioner is in the process of consulting widely within the advice sector in order to formulate the rules and standards, which will govern the regulatory scheme.

Extradition

Mr. Donaldson: To ask the Secretary of State for the Home Department, pursuant to his answer of 2 May 2000, *Official Report*, column 76W, on extradition, *(a)* what is his policy on requests for consent certificates, when the requesting state has withheld information (i) which would have enabled them to have included further offences in the initial extradition request and (ii) which was relevant to the original offences and *(b)* what effect the Northern Ireland peace process has had on his practice in relation to extradition requests. [125557]

Mr. Straw: Each case is decided on its own merits weighing up all relevant considerations and excluding irrelevant ones. I am not aware of any cases in which the requesting state has asked for the rule of specialty to be waived, and has withheld information relating to either the original, or further offences. The Northern Ireland peace process has not had any effect on my handling of extradition requests.

Metropolitan Police

Mr. Gerald Howarth: To ask the Secretary of State for the Home Department how many applicants sought to join the Metropolitan police force in each month since January 1999; how many were accepted for training; and what the rate of take-up was for each course at Hendon since May 1997. [125270]

Mr. Charles Clarke: The information requested is set out in the tables. The selection process is a rolling programme and therefore those who have applied since January 2000 are unlikely to have completed all selection elements. The percentage take-up rates of places offered is based on those individuals who were offered employment and accepted.

Applications and candidates accepted for training for each month since January 1999

	Applications received	*Candidates accepted for training*
1999		
January	476	146
February	652	162
March	571	181
April	580	151
May	523	No intake
June	554	87
July	326	99
August	268	119
September	405	109
October	735	92
November	566	101
December	459	No intake
2000		
January	413	104
February	443	61
March	382	65
April	297	100
May	307	102

Rate of take-up since May 1997

Month	*Percentage take-up/places offered*
1997	
May	99
June	100
July	99
August	98
September	98
October	No intake
November	99
December	94
1998	
January	98
February	93

Rate of take-up since May 1997

Month	*Percentage take-up/places offered*
March	No intake
April	No intake
May	96
June	99
July	97
August	97
September	99
October	100
November	98
December	No intake
1999	
January	99
February	100
March	100
April	98
May	No intake
June	93
July	100
August	99
September	98
October	97
November	97
December	No intake
2000	
January	97
February	97
March	97
April	100
May	98

Prison Service

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how much was spent on prisoners' wages in each of the last two years. [125339]

Mr. Boateng: Expenditure on prisoners' earnings in England and Wales was £20.270 million in 1998–99 and £21.210 million in 1999–2000.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many women received into prison *(a)* under sentence and *(b)* on remand who had children under the age of 18 months were given a place in a mother and baby unit in each of the last five years. [125340]

Mr. Boateng: There are 64 places in total available in mother and baby units at four prisons. On 5 June 2000, there were 54 mothers and their babies in the units.

Centrally available data only give figures for the past 19 months. The information is given in the table.

Numbers of mothers admitted to prison Mother and Baby Units for the period 2 November 1998—31 May 2000

	Number
Remands	22
Sentenced	184
Total	206

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what proportion of prison service staff is registered disabled; how many *(a)* applicants for jobs and *(b)* employees in the Prison Service are registered disabled; and if he will make a statement. [125335]

Mr. Boateng: Most recruitment undertaken in the Prison Service is for unified grades (prison officers, governors) who are currently exempt from the provisions of the Disability Discrimination Act 1995.

From the statistics gathered for the quarter October—December 1999, of those who applied for jobs, a total of 13 declared a disability and one person with a disability was appointed.

Out of 43,683 staff in post on 31 March 2000, a total of 139 were identified as disabled.

The Prison Service will be undertaking a staff disability survey towards the end of this year which should allow a more accurate database to be established. This, in turn, will inform decisions on the level of resources required to assist staff to carry out their duties.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many disabled people visited prisons in England and Wales in each of the last three years. [125336]

Mr. Boateng: I regret that this information is not available.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what plans he has to repeat the 1991 National Prison Survey in 2001; and if he will make a statement. [125333]

Mr. Boateng: There are no plans to repeat the 1991 National Prison Survey in 2001. A survey of prisoners is being carried out this year for the Home Office to investigate factors related to criminality. This covers much of the same information.

Mr. Simon Hughes: To ask the Secretary of State for the Home Department how many hours per week on average remand prisoners spent out of cell in each local prison in England and Wales in 1999; and if he will make a statement. [125334]

Mr. Boateng: The Prison Service does not monitor time out of cell for remand prisoners separately. The average time out of cell on weekdays and weekends for all prisoners in local prisons in England and Wales for the year 1999–00 are given in the table.

1999–2000 Average time out of cell

Prison	*Weekdays*	*Weekends*
Altcourse	13.0	13.0
Bedford	9.3	7.5
Belmarsh	8.8	7.6
Birmingham	6.8	5.1
Blakenhurst	11.5	10.3
Bristol	10.4	8.8
Brixton	8.8	6.8
Bullingdon	9.5	8.0
Canterbury	8.8	7.5
Cardiff	8.8	5.9
Chelmsford	7.8	7.8
Doncaster	10.3	10.3
Dorchester	7.9	6.8
Durham	7.5	5.1
Elmley	8.1	7.4

1999–2000 Average time out of cell

Prison	*Weekdays*	*Weekends*
Exeter	6.2	5.2
Gloucester	9.3	6.5
Highdown	7.8	5.1
Holme House	9.5	7.3
Hull	10.0	7.7
Leeds	8.3	7.3
Leicester	10.9	9.5
Lewes	9.3	6.3
Lincoln	10.5	9.0
Liverpool	6.7	4.1
Manchester	8.3	7.0
Norwich	8.1	7.8
Nottingham	9.6	7.1
Parc	9.2	10.5
Pentonville	9.0	7.0
Preston	6.3	5.0
Rochester	9.2	9.8
Shrewsbury	9.9	9.9
Swansea	8.7	8.0
Wandsworth	8.0	7.0
Winchester	7.2	6.5
Wolds	11.5	11.7
Woodhill	10.2	8.5
Wormwood Scrubs	7.9	4.8

Mr. Simon Hughes: To ask the Secretary of State for the Home Department what plans he has to introduce privacy screening in shared prison cells fitted with integral sanitation. [125338]

Mr. Boateng: A significant proportion of shared prison cells with integral sanitation already have privacy screening. This work has been carried out by establishments under local management.

The Prison Service is currently evaluating options to standardise the type of privacy screen and to extend the installation to all shared cells with integral sanitation. A decision has not yet been taken as to when this work might be carried out.

Criminal Justice

Mr. Lidington: To ask the Secretary of State for the Home Department (1) if he will list those measures on just processes and outcomes which his Department is monitoring as described on page 4 of the Criminal Justice System Business Plan 2000–01; [125621]

(2) if he will list those measures on just processes and outcomes which his Department is monitoring, as referred to on page 4 of the Criminal Justice System Business Plan 2000–01. [125619]

Mr. Charles Clarke: On just processes, the Lord Chancellor's Department, the Home Office and the Law Officers Department are jointly monitoring the number of cases that are dismissed because the magistrates find that there is no case to answer, and non-jury acquittals in the Crown Court.

For just outcomes, the three Departments are monitoring the number of successful appeals against sentence; the number of successful appeals by the prosecution on the basis that the original sentence is unduly lenient; and the number of criminal cases in which there is a successful appeal to the Divisional Court by way of case stated or judicial review.

Mr. Lidington: To ask the Secretary of State for the Home Department how his Department measures the satisfaction of jurors with their treatment by the criminal justice system; and if he will place in the Library details of the opinion research on jurors mentioned on page 4 of the Criminal Justice System Business Plan 2000–01. [125625]

Mr. Charles Clarke: The Lord Chancellor's Department is to conduct an annual survey of jurors to measure their satisfaction with their treatment by the criminal justice system. We are placing in the Library the results of the survey conducted to inform the new measure and target for juror satisfaction.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his definition of a public disorder incident as referred to on page 4 of the Criminal Justice System Business Plan 2000–01. [125617]

Mr. Charles Clarke: The Business Plan follows the definition of disorder used by the police service, i.e. a breach of the peace of which the police are aware, which may require police intervention or action in partnership with others. Racist or homophobic incidents and incidents involving or arising out of disturbances in public places, licensed premises or private property, drunkenness, domestic incidents, marches and demonstrations, civil disputes, neighbour disputes, public or sports events, hunt sabotage, and other unlisted types of disorder or nuisance will all count towards the total.

Mr. Lidington: To ask the Secretary of State for the Home Department if a decision not to prosecute or to discontinue a prosecution will count as a disposal for the purposes of meeting the Government's objective of reducing the time taken from arrest to disposal, as set out on page 4 of the Criminal Justice System Business Plan 2000–01. [125623]

Mr. Charles Clarke: The timeliness measure for the time taken from arrest to sentence or other disposal for all offenders is currently collected from charge. It excludes cases where there is a decision not to prosecute before the first listing at a magistrates court. Cases discontinued at or after first listing at a magistrates court are counted as disposals in the calculation of the measure; cases that are discontinued at the Crown court also count as disposals except where the indictment is left to lie on file as a result of a prosecution application before the first main hearing.

Mr. Lidington: To ask the Secretary of State for the Home Department how many public disorder incidents, as defined in his list of performance measures on page 4 of the Criminal Justice System Business Plan 2000–01, were recorded per 1,000 of the population in each of the last 10 years; what the baseline figure is against which his reduction target will be measured; and when he expects that target to be achieved. [125615]

Mr. Charles Clarke: Information is not available in the form required for the last 10 years. The baseline will be that recorded during 2000–01 and the target will be for achievement by 31 March 2002.

Mr. Lidington: To ask the Secretary of State for the Home Department if he will list the principal cities whose robbery figures will be taken into account in measuring the performance of the criminal justice system under its

business plan 2000–01; and what is the baseline figure for robbery against which his reduction target will be measured. [125612]

Mr. Charles Clarke: The following police authorities have set targets under Best Value for reduction of robbery:

Police authority	*Percentage*
Greater Manchester	10
Merseyside	15
Metropolitan police	15
West Midlands	34
West Yorkshire	22

Police authorities have used the baseline year of 1999–2000. The full figures for 1999–2000 will be published on 18 July.

Mr. Lidington: To ask the Secretary of State for the Home Department what the baseline levels of vehicle crime and domestic burglary are against which he has set the performance targets listed on page 4 of the Criminal Justice System Business Plan 2000–01. [125613]

Mr. Charles Clarke: Based on the 1998–99 recorded crime figures, the baseline levels used are as follows:

	Number of offences
Vehicle crime[1]	1,077,732
Domestic burglary	473,352

[1] Theft of and from vehicles

Mr. Lidington: To ask the Secretary of State for the Home Department if he will give details of the ingredients of the basket of measures on the rights of defendants mentioned on page 4 of the Criminal Justice System Business Plan 2000–01; and if he will give details of the performance targets in each case. [125626]

Mr. Charles Clarke: The measures on the rights of the defendants contained in the basket are listed on page 5 of the Business Plan.

Work is continuing on targets for the underlying measures to be in place by 31 March 2001.

Mr. Lidington: To ask the Secretary of State for the Home Department what his baseline figure is for public confidence in the criminal justice system against which he will measure his target, described on page 4 of the Criminal Justice System Business Plan 2000–01; and if he will place in the Library details of how he measures public confidence. [125627]

Mr. Charles Clarke: The public confidence measure is going to be based on questions in the British Crime Survey. The baseline figure will come from the British Crime Survey 2000. The results will become available for analysis this summer. When available, details of the calculations will be placed in the Library.

Mr. Lidington: To ask the Secretary of State for the Home Department what his latest estimate is of the overall cost of the criminal justice system per person *(a)* proceeded against, *(b)* found guilty or admitting guilt and *(c)* found not guilty. [125628]

Mr. Charles Clarke: Information on the overall cost of the criminal justice system per person is not yet available. Information on the average costs of court proceedings in 1997–98 (including disposals, but excluding police investigation, for which no unit costs were available), was published in 1999, in Home Office Research Findings 103, a copy of which is available in the Library.

Mr. Lidington: To ask the Secretary of State for the Home Department what is his estimate of the economic cost of crime in each of the last 10 years; what is the baseline against which the reduction target set out on page 4 of the Criminal Justice System Business Plan 2000–01 will be measured; and if he will make a statement on the methodology used in calculating the economic cost of crime. [125618]

Mr. Charles Clarke: Information on the economic cost of crime in each of the last 10 years is not available. A baseline is to be established to enable a target to be set by 31 March 2001 and research will be published in the next few months setting out the data available and the work proposed to improve data.

Mr. Lidington: To ask the Secretary of State for the Home Department for what reason he has replaced the measure of reducing the long-term rate of growth of crime which he proposed in the 1999 Criminal Justice System Business Plan. [125622]

Mr. Charles Clarke: We decided that the challenging and specific crime reduction targets which we have set would provide a better focus for the work of the police, crime and disorder reduction partnerships and the criminal justice system.

Euro 2000

Miss McIntosh: To ask the Secretary of State for the Home Department what arrangements he has made in respect of those travelling to the Euro 2000 Football Championship. [123695]

Mr. Straw: In December 1999, I established a Euro 2000 Co-ordination Group, involving government agencies, the police and the Football Association. The aim was to ensure that comprehensive and complementary measures were put in place for minimising the risk of disorder involving England supporters during the tournament. The measures taken are outlined in the Home Office report of the Co-ordinating Group's work, a copy of which was placed in the Library on 7 June.

Global Cultural Diversity Congress

Mr. Lidington: To ask the Secretary of State for the Home Department when he expects to receive the report from the Chairman of the Commission for Racial Equality on the collapse of Global Cultural Diversity Congress Ltd. [125614]

Mr. Mike O'Brien: The report was submitted to my right hon. Friend the Home Secretary on 7 June 2000.

Home Detention Curfew

Mr. Simon Hughes: To ask the Secretary of State for the Home Department if he will provide a breakdown by ethnic group of those prisoners who were *(a)* eligible for release on home detention curfew in the last year and *(b)* released on home detention curfew in the last year. [125337]

Mr. Boateng: A breakdown by ethnic group prisoners who were eligible for release on home detention curfew and of those who were actually released on the scheme, and the release rate for each group during the period from 1 June 1999 to 31 May 2000 is shown in the table.

HDC eligibility/release figures and release rates by ethnic group between June 1999 and May 2000

	Eligible	*Released*	*Release rate*
Total	55,175	16,108	29%
White	48,260	13,563	28%
Black	4,122	1,277	31%
South Asian	1,405	719	51%
Chinese and other	1,388	549	40%

LORD CHANCELLOR'S DEPARTMENT

Damages

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department how many responses he has received to his consultation document CP3/00 on the discount rate for levels of damages; how many were from *(a)* hon. Members, *(b)* the general public, *(c)* the legal profession and judges and *(d)* the insurance industry; in each case, how many favoured (i) a rate of return of 2 per cent., (ii) a rate of return of 3 per cent. and (iii) a rate of return of 4 per cent. or more; and when he plans to publish his proposals in response to the consultation. [124846]

Mr. Lock: The deadline for responses to the Lord Chancellor's damages consultation paper was 31 May. Eighty responses have been received and are being analysed. Two responses have been received from academics, one from a member of Parliament, 44 from the legal profession, 13 from the insurance industry, 11 from financial specialists and nine others. The remaining information requested by my hon. Friend will be made available to him when the analysis is complete. The Lord Chancellor expects to announce his conclusions in the early Autumn.

Reserved Judgments

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department in respect of reserved judgments in the High Court for each of the last three years, *(a)* what was the longest period of time between conclusion of submissions and delivery of judgment, *(b)* what was the average period and *(c)* in how many cases judgment was reserved for over one month; what guidance he issues on the length of the period between the conclusion of submissions and the delivery of judgment in the High Court; what plans he has to introduce systems to ensure the prompt delivery of judgment; how much has been paid, earmarked, or is estimated as likely to be paid in compensation due to delayed judgments; and if he will make a statement. [124880]

Jane Kennedy: The Court Service has kept no information centrally in respect of reserved judgments over the past three years. The information could not be collected except at disproportionate cost to taxpayers.

The Lord Chancellor does not give guidance on the length of the period between the conclusion of submissions and the delivery of judgment in the High Court. He has, however, agreed with the senior judiciary that in future they will make known to him any reserved judgment which is outstanding after three months, providing an explanation of the delay and the measures which will be taken in order to ensure delivery of the judgment.

There has been no claim for compensation due to delayed judgments within the Supreme Court Group. However, the Lord Chancellor's Department expects to receive claims for compensation in respect of one case from the Supreme Court Group and one High Court case on Circuit. The amount of any compensation that may be paid for these two cases is unknown at present and no funds have been earmarked for this purpose.

Tribunal System

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department what are the terms of reference of the inquiry by Sir Andrew Leggatt into the tribunal system. [124879]

Mr. Lock: I refer my hon. Friend to the written answer I gave to the hon. Member for Poplar and Canning Town (Mr. Fitzpatrick) on 18 May 2000, *Official Report*, columns 206–07W.

Magistrates Courts (Wales)

Mr. Barry Jones: To ask the Parliamentary Secretary, Lord Chancellor's Department how many magistrates courts closed in Wales in each of the last 10 years; and if he will make a statement. [125559]

Jane Kennedy: Three Magistrates courts closed in Wales in 1995; three in 1996; five in 1997; one in 1998; and none in 1999. Earlier data are not held centrally, and could be obtained only at disproportionate cost.

The Government's policy is that the administration of magistrates courts is best decided locally. It is for each Magistrates Courts Committee to decide how best to deploy its resources, in order to carry out its statutory responsibility to provide an efficient and effective service to court users. Decisions concerning the location and number of magistrates courts in their area are for the relevant Courts Committee to determine.

Performance Indicators

Mr. Simon Hughes: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on how each of the agencies and non-departmental bodies relating to his Department performed against their key performance indicators in *(a)* the last year and *(b)* the previous two years. [125331]

Mr. Lock: A summary of the performance in 1998–1999 and 1997–98 for those agencies and executive NDPBs for which the Lord Chancellor is responsible is shown in the table. A more detailed explanation of their achievements can be found in the respective published Annual Reports. Finalised performance figures for last year will be published in the Annual Reports for 1999–2000 which will shortly be laid before Parliament.

Summary of performance against key performance indicators

	Target achieved or not achieved	
	1998–99	*1997–98*
Agency/Key performance indicator		
Court Service		
The average percentage of Charter standards achieved	[1]n/a	Achieved
The quality of service provided to Court users	Achieved	[1]n/a
The percentage of administrative work in the civil courts dealt with within target time	Achieved	Achieved
The percentage of defendants in the Crown Court whose trial begins within the waiting time target	[1]n/a	Achieved
The percentage of Crown Court cases that commence within target	Not Achieved	[1]n/a
The unit cost of an item of originating process in the Crown Court	Achieved	Achieved
The unit cost of an item of originating process in the civil courts	Not Achieved	Not Achieved
The percentage of the cost of the civil courts recovered through fees	Achieved	Achieved
Public Trust Office		
To bring to account x per cent. of receipts and payment transactions within turnaround targets	Achieved	Achieved
To pay on special rate accounts an annual rate at or above the average of the agreed comparator; and to pay at least 75 per cent. of that rate on basic rate accounts	Achieved	Achieved
That x per cent. of all funds which have a Dedicated Investment Portfolio will have a formal investment review	Achieved	[1]n/a
On an annual basis, to ensure 85 per cent. of measured funds perform in line or better than their model based stock market indices	[2]n/a	Not Achieved
On a three year rolling basis, to ensure that 80 per cent. of all measured funds perform in line or better than their model based on stock market indices	[2]n/a	Not Achieved
To achieve 98 per cent. of Charter Standards	Not Achieved	Not Achieved
The unit per cost to be £x	Not Achieved	Achieved
The recovery of full costs	Achieved	Achieved

Summary of performance against key performance indicators

	Target achieved or not achieved	
	1998–99	*1997–98*
Key performance indicator		
Public Record Office		
Reduction in unit cost of selecting and preserving the public records per metre	Achieved	[1]n/a
Reduction in unit cost of giving access to records per information transaction	Achieved	[1]n/a
To reduce the backlog of records in departments reported as being over 30 years old and awaiting review	Achieved	Achieved
To increase the proportion of records stored to the preservation and environmental standards recommended by BS 5454	Achieved	Achieved
To reduce the running costs of the Office's support services as a proportion of overall running costs	Achieved	Achieved
To meet Charter Standard targets for answering letters, delivering documents to users and reprographic services	Achieved	[1]n/a
In user satisfaction surveys: to achieve assessments of 'excellent' on 56 per cent. of survey forms returned	Achieved	[1]n/a
Performance in achieving specific milestone targets		
To carry out the agency review of the Office and to implement its agreed recommendations to the required timetable	[1]n/a	Achieved
To increase revenue by 13 per cent. against the 1996–97 target	[1]n/a	Achieved
To extend the Office's opening hours by 29 per cent.	[1]n/a	Achieved
To implement the recommendations of the Scoping Study of records management in government to the timetable established	Achieved	[1]n/a
To increase revenue by 3.3 per cent. against the 1997–98 target	Achieved	[1]n/a
To produce a new edition of the PRO Guide	Achieved	[1]n/a
HM Land Registry		
Percentage return on average capital employed	Achieved	Achieved
External Financing Limit	Achieved	Achieved
Cost per unit in real terms	Achieved	Achieved
Cost per unit in cash terms	Achieved	Achieved
Percentage of office copy and official search applications processed within two working days and	Achieved	Achieved
Percentage of office copies and official search applications processed within three working days	Achieved	[1]n/a
Time taken to process all pre-completion applications	[2]n/a	Achieved
Percentage of all registrations processed within 25 working days	Not Achieved	Achieved
Percentage of registrations processed free of any error	Achieved	Achieved

Summary of performance against key performance indicators

	Target achieved or not achieved 1998–99	*1997–98*
Percentage of customers responding to the Annual Survey who perceive the accuracy of registrations to be excellent or good	Achieved	Achieved
Percentage of computerised titles in the land register	Achieved	Achieved
Percentage of computerised title plans in the land register	Not Achieved	Achieved
Number of scanned pages of filed documents (millions)	Achieved	Achieved
Bring into force provisions of the Land Registration Act 1997 introducing new 'triggers' for compulsory first registration	[1]n/a	Not Achieved
Implementation of concessionary fees under the Land Registration Act 1997	Achieved	[1]n/a
Number of Direct Access account holders at the end of the year	Not Achieved	Achieved
Implementation and evaluation of the National Land Information System Pilot	Achieved	[1]n/a

Executive NDPBs/Commentary on performance in 1997–98 and 1998–99[3]

Legal Aid Board[4]

The Board has 17 operational performance targets. In 1997–98 it met or exceeded 15 of its targets. In 1998–99, the Board's performance fell slightly and only 10 targets were met or exceeded. This drop in performance was expected as work in each of the Board's area offices was disruped during the phased implementation of the Board's new computer strategy, the Corporate Information System (CIS). Prior to implementation, each area office was meeting or exceeding the targets. Following the successful implementation of CIS, performance recovered and stabilised. New and more challenging targets for some types of work were set for 1999–2000.

Information on the Legal Aid Board's performance against targets is also included in the 'Report on Executive NDPBs', published annually by the Cabinet Office.

[1] Target not applicable to this year

[2] Not applicable as target discontinued

[3] Only active executive NDPBs are lised. Advisory NDPBs are not set Key Performance Indicators in the same way

[4] The Legal Services Commission replaced the Legal Aid Board on 1 April 2000

WALES

New Deal (Over-50s)

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the First Secretary concerning the New Deal for the over 50s; and if he will make a statement. [125562]

Mr. Paul Murphy: I meet the First Secretary on a weekly basis to discuss a variety of issues including the New Deal for over 50s, which is a UK Government scheme. The national roll-out of the New Deal for over 50s was launched on 3 April this year at Merthyr College by the Prime Minister, although a pilot has been in operation in Flintshire and Wrexham since October 1999. Early indicators suggest that the programme will benefit Wales and the 50-plus jobseeking community. The Employment Service will be releasing statistical information on New Deal 50 plus in September.

Airbus A3XX

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the First Secretary concerning the application for £25 million RSA grant from the Wales Assembly to the Airbus A3XX project; and if he will make a statement. [125600]

Mr. Paul Murphy: I meet the First Secretary on a regular weekly basis and we discuss a wide range of issues including the Airbus A3XX project. I understand the Company has submitted a new application with a new cast for £25 million RSA. This is entirely a matter for the Assembly and I know that it will give the application full consideration and make a decision based on sound economic analysis and a set of fixed criteria.

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the Secretary of State for Trade and Industry concerning the application by Airbus UK for £503 million repayable launch investment for the A3XX project; and if he will make a statement. [125601]

Mr. Paul Murphy: I have regular discussions with my Whitehall colleagues and we discuss a wide range of issues including the A3XX project. I was pleased to learn of the £530 million Launch Investment decision. It is good news for the UK and the plant at Broughton.

Assisted Areas Map

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the First Secretary concerning the assisted area status map as it concerns the constituency of Alyn and Deeside and the county of Flintshire; and if he will make a statement. [125603]

Mr. Paul Murphy: The Assisted Areas map is a matter for the UK Government, but I have, of course, discussed the designation of Welsh areas with the First Secretary. I have also met with a delegation from Flintshire county council to hear their concern first hand.

The Government are still in discussion with the European Commission and are pressing for early approval of the Assisted Areas map. Within the framework set by the European Commission, all concerned have tried to include, so far as possible revised proposals reflecting local and national priorities. The Government will make an announcement when the map is approved.

Shotton Steelworks

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the Secretary of State for Trade and Industry concerning the future of the Shotton Steelworks and the impact of the strength of sterling; and if he will make a statement. [125602]

Mr. Paul Murphy: I am in close contact with my right hon. Friend the Secretary of State for Trade and Industry regarding all aspects of the steel industry. I have also met representatives from the Corus Group plc and from the ISTC and discussed a range of issues with both.

The Government understand the difficulties that the current fall in the euro is causing for British industry. In a wider international context, it is clear that the problem is one of Euro weakness rather than sterling strength. Recently the pound depreciated to a six-year low against the dollar.

EDUCATION AND EMPLOYMENT

Staff Secondments

Mr. Don Foster: To ask the Secretary of State for Education and Employment how many staff from his Department were seconded to private sector companies in *(a)* May 1997 to April 1998, *(b)* May 1998 to April 1999 and *(c)* May 1999 to April 2000; and if he will list in each case the companies to which staff were sent, the names and ranks of the staff involved and the duration of the secondment. [123427]

Mr. Wills *[holding answer 24 May 2000]:* Secondments and attachments are part of the Government's approach to interchange which promotes the exchange of people and good practice between the Civil Service and other organisations. All sectors of the economy are involved: voluntary, public and private. Interchange is a key component of the Government's agenda for Civil Service reform.

Secondments from DfEE to other organisations generally last between three months and three years. The number of secondments from the DfEE to private sector companies, beginning in the years since May 1997, were:

Grade	*Dates of secondment*	*Private sector company*
May 1997 to April 1998: 4		
SEO	12 January 1998–31 August 2000	The Football Association
HEO	2 February 1998–24 June 1998	The Football Association
HEO	14 April 1998–31 March 2000	New Millennium Experience
HEO	16 March 1998–15 March 1999	Birks Sinclair and Associates Ltd.
May 1998 to April 1999: 16		
SCS(5)	1 January 1999–31 July 2000	UFI Ltd.
Grade 6	1 February 1999–1 November 2000	UFI Ltd.
Grade 7	10 November 1998–9 November 2001	Capita RAS
Grade 7	23 October 1998–1 November 2000	UFI Ltd.
Grade 7	1 April 1999–31 October 2000	UFI Ltd.
Grade 7	10 December 1998–31 January 2000	Glaxo Wellcome
Grade 7	24 February 1999–27 August 1999	UFI Ltd.
SEO	1 April 1999–31 March 2002	UFI Ltd.
SEO	29 March 1999–1 September 2000	UFI Ltd.
SEO	1 February 1999–31 January 2002	UFI Ltd.
SEO	12 April 1999–11 April 2001	UFI Ltd.
HEO	1 April 1999–1 October 2000	UFI Ltd.
HEO	6 April 1999–31 March 2001	UFI Ltd.
IO	18 May 1998–17 May 1999	Bell Pottinger Good Relations Co. Ltd.
HEO	1 April 1999–1 October 2000	UFI Ltd.
EO	22 February 1999–21 August 2000	UFI Ltd.
May 1999 to April 2000: 5		
SCS(5)	1 September 1999–31 December 2000	UFI Ltd.
SCS(3)	1 September 1999–26 June 1999	UFI Ltd.
HEO	14 June 1999–12 June 2001	UFI ltd.
HEO	1 July 1999–30 June 2002	UFI Ltd.
HEO	4 May 1999–31 December 2000	UFI Ltd.

Notes:
SCS—Senior Civil Service (formerly Civil Service grade 3 and 5)
SEO—Senior Executive Officer
HEO—Higher Executive Officer
IO—Information Officer
EO—Executive Officer

New Deal

Mr. Pike: To ask the Secretary of State for Education and Employment what assessment he has made of the impact of the New Deal on employment in *(a)* Lancashire, *(b)* the North-West Region and *(c)* Burnley. [123556]

Ms Jowell: 3,971 young people in Lancashire had found work through the New Deal by the end of March 2000. The equivalent figures for the North-West and Burnley are 30,921 and 260 respectively.

It is likely to prove difficult to assess the impact of New Deal on specific localities. Independent evaluation at national level has, however, shown that New Deal helps people leave unemployment more quickly and has increased employment, and reduced unemployment, by more than would otherwise have happened. It has also suggested that the programme will be close to self-financing.

With the help of New Deal, long-term youth unemployment has been virtually eliminated. Since April 1998 the number of 18–24 year olds claiming JSA for more than a year has fallen from 400 to 50 in Lancashire, from 6,700 to 800 in the North-West and from 12 to two in Burnley.

Dr. Iddon: To ask the Secretary of State for Education and Employment what measures he is taking to alert school leavers to the availability of New Deal options. [123878]

Ms Jowell: General information about New Deal and the options is available to school leavers through the Careers Service. There are, however, no plans to promote options in any detail to this group as we hope that they will move into work before they become eligible to join New Deal through the help and advice offered either by the Careers Service or by the Employment Service.

Dr. Iddon: To ask the Secretary of State for Education and Employment what research his Department has *(a)* carried out and *(b)* commissioned into the reasons for which people leave the unemployment register while remaining unemployed instead of entering the New Deal Gateway. [123880]

Ms Jowell: Young people leave Jobseeker's Allowance at all stages of their unemployment duration and not just at the point of joining New Deal. Information on the reasons for leaving Jobseeker's Allowance by duration of unemployment is published monthly by the Office for National Statistics in Labour Market Trends.

Dr. Iddon: To ask the Secretary of State for Education and Employment (1) what help is given to prisoners on leaving prison to enter the New Deal Gateway; and if this help is monitored; [123879]

(2) if discharged remand prisoners are given help to enter the New Deal Gateway. [123881]

Ms Jowell: Unemployed offenders and discharged remand prisoners have equal access to employment, training and education and are able to count the period of detention towards the qualifying period for Employment Service programmes. They may enter New Deal from the first day after being released.

Separate management information is not collected on the number of offenders who enter ES programmes, so monitoring of progress overall cannot be undertaken nationally. However, the progress of individuals may be monitored locally by the Employment Service and Probation Service as part of working in partnership with each other.

To help with the transition from custody to employment, the Employment Service have developed a National Framework Document that assists agencies to establish and develop local agreements. The National Framework has been developed in close working partnership with the Prison Service, the Probation Service, the Benefits Agency and the TEC National Council. Local agreements ensure that offenders are aware of employment, training and education opportunities open to them and their responsibility to find work.

Mr. Ian Bruce: To ask the Secretary of State for Education and Employment how many people in each month since April 1997 were unemployed for over six months but were excluded from the claimant count because they were undertaking a New Deal Option, broken down into those aged *(a)* 18 to 24 and *(b)* under 18 or over 24 years. [125179]

Ms Jowell *[holding answer 9 June 2000]:* Since the national roll out of New Deal in January 1998, 163,800 young people have started New Deal options. The claimant count includes only those persons claiming Jobseeker's Allowance. People undertaking a New Deal option are not in receipt of Jobseeker's Allowance and are therefore, by definition, not included in the count.

Mr. Ian Bruce: To ask the Secretary of State for Education and Employment how many people who have completed the New Deal once have *(a)* re-entered the gateway to New Deal for a second time and *(b)* gone onto a second New Deal option. [125180]

Ms Jowell *[holding answer 9 June 2000]:* In the period ending March 2000, 34,870 young people had re-entered the New Deal Gateway. Of these, 10,170 had started a New Deal option.

Specialist School Status

Mr. Blizzard: To ask the Secretary of State for Education and Employment how many applications for specialist school status have been received for the current bidding round *(a)* nationally and *(b)* in the Eastern Region. [124891]

Ms Estelle Morris: In the March 2000 Technology and Language College competition, 77 applications were received, of which nine were from schools located in the Eastern region. In the June 2000 Arts and Sports competition, 113 applications have been received, including 23 from the Eastern region.

Jobcentres

Caroline Flint: To ask the Secretary of State for Education and Employment (1) what definition he uses of a reasonable distance when determining access to a jobcentre; [124667]

(2) what percentage of the population lives *(a)* within one mile of and *(b)* over three miles from a job centre in (i) rural and (ii) urban areas. [124671]

Ms Jowell *[holding answer 5 June 2000]:* Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Caroline Flint, dated 12 June 2000:

As the Employment Service is an Executive Agency, the Secretary of State has asked me to reply to your questions concerning the distances people live from a Jobcentre and the definition of a reasonable distance when determining access to a Jobcentre. These are issues which fall within the responsibilities delegated to me as Chief Executive of the Agency.

I am afraid that we do not collect information about the distances at which jobseekers, or the population more generally, live from their nearest Jobcentre. However, with over 1000 Jobcentres nationwide, very many people will live within 3 miles of the one nearest to them.

As to the definition of a "reasonable distance", it may be helpful to explain that jobseekers are normally required by regulations made under the Jobseeker's Act 1995 to attend a Jobcentre in person each fortnight in order to confirm that they are available and actively seeking work and that their circumstances have remained unchanged. Where, however, a jobseeker lives more than one hour, by public transport (in either direction), from their nearest Jobcentre; or if their attendance would result in an absence from home of more than four hours; or if they have a mental or physical disability which restricts their mobility, then they will be offered the opportunity to have their claims dealt with by post.

In addition Jobcentre Managers may also exercise discretion in offering this facility to other jobseekers, even if their journey is possible within the time limits set out above, in circumstances where it would be unreasonable to expect a jobseeker to attend; for example, where they would have to use a form of transport which they could not be expected to use on a fortnightly basis, such as an Intercity train, a ferry or a plane.

National Childcare Strategy

Mr. Bob Russell: To ask the Secretary of State for Education and Employment how many places under the National Childcare Strategy Early Years Development and Childcare Partnership have been provided in the Colchester constituency; what plans he has to extend the scheme in the Colchester constituency; and if he will make a statement. [125074]

Ms Hodge: Essex Early Years Development and Childcare Partnership reported that there were 20 new out of school child care places created in the Colchester constituency during 1999–2000. The Partnership also reported that 215 new childminder places were created in the Colchester borough during 1999–2000. Childminder places are not broken down to constituency level.

The Essex Early Years Development and Childcare Plan includes plans to create a total of 2,650 new child care places across the county in 2000–01. The Plan sets out arrangements for involving Area Partnerships which cover district and borough council areas in Essex in planning places at a local level. (The North East Essex Area Partnership covers Colchester and Tendring).

Teaching Assistants

Mr. Kidney: To ask the Secretary of State for Education and Employment what plans he has to expand the availability of training places for classroom teaching assistants in *(a)* Staffordshire and *(b)* England. [125146]

Ms Estelle Morris: We are making available to local education authorities in England £350 million over three years to recruit and train an additional 20,000 teaching assistants by 2002. In addition, we are providing Standards Funds to support the training of more experienced teaching assistants, so that they may develop their skills and further their careers. Staffordshire has received £2.109 million for this purpose in 2000–01.

Equal Opportunities

Mr. Boswell: To ask the Secretary of State for Education and Employment what instructions and guidance have been issued to jobcentres in connection with the admissibility of job advertisements referring to the application, enthusiasm or capacity of potential applicants, in connection with their obligation to comply with disability and other equal opportunities legislation. [125400]

Ms Jowell: Responsibility for the subject of the question has been delegated to the Employment Service agency under its Chief Executive. I have asked him to arrange for a reply to be given.

Letter from Leigh Lewis to Mr. Tim Boswell, dated 12 June 2000:

As the Employment Service is an Executive Agency, the Secretary of State has asked me to reply to your question concerning the instructions and guidance given to Jobcentres in the administration of job advertisements, in connection with their obligation to comply with disability and other equal opportunities legislation. This is something which falls within the responsibilities delegated to me as Chief Executive of the Agency.

Guidance to Jobcentre staff instructs them that job advertisements should avoid language that might unfairly discriminate against groups of unemployed jobseekers.

However, all Jobcentres have now been reminded that terms such as "hard working", "enthusiastic", and "reliable" are normal descriptions, which can be freely used in vacancy advertisements. We have also asked Jobcentre staff to apply common sense and accept an employer's wording, unless it would be clearly inappropriate to do so.

Mr. Andrew George: To ask the Secretary of State for Education and Employment how many limited jobseeker's agreements for disabled people and people suffering long-term illness were in force in *(a)* 1997, *(b)* 1998, *(c)* 1999 and *(d)* 2000 to date. [125402]

Ms Jowell: Jobseeker's Allowance Regulations allow people with physical and mental health problems to restrict their availability in any way providing the restrictions are reasonable in the light of their condition. Jobseekers agree any restrictions with advisers when they draw up their Jobseeker's Agreement when they first claim Jobseeker's Allowance. By detecting health problems at an early stage we can help jobseekers who may be entitled to alternative benefits; identify circumstances which may affect their attendance and offer any help or special arrangements that are needed.

We do not hold information about how many jobseekers there are who place restrictions for the reasons about which the hon. Gentleman asks. Statistics are available on the number of claims referred to and decisions made by the adjudication authorities, now decision makers, where there is a doubt on availability because an unreasonable restriction has been identified.

The hon. Gentleman may be interested to know that since the introduction of Jobseeker's Allowance in October 1996, the number of decisions given by the adjudicating authorities on questions of restricted availability has reduced considerably. In the year from April 1995 to March 1996, 27,851 claims were disallowed because of restrictions placed on claimant's availability. In the year to April 1997 only 17,243 disallowances were recorded. The figures for 1997–98, were 14,273; for 1998–99, were 8,627; and for year ending April 2000, were 7,906. These reductions reflect not only the fall in numbers of unemployed but the way in which Jobseeker's Allowance is underpinned by an individually tailored Jobseeker's Agreement for each client taking into account their personal circumstances.

This information, together with statistics on the other adjudication officer and decision makers decisions and disallowance rates, is contained in a published document entitled "Analysis of Adjudication Officers Decisions". This provides information on all main entitlement questions arising on claims. The latest information relates to the quarter ending March 2000.

Mr. Boswell: To ask the Secretary of State for Education and Employment if he will make a statement on developments in reaching a common European Union approach towards improvement of the condition of disabled people as regards access to *(a)* employment, *(b)* services and *(c)* premises, indicating where appropriate the policy of the UK Government and the balance between common Community policy and subsidiarity of national decision-making. [124948]

Ms Hodge: Article 13 of the European Community Treaty empowers the European Council, acting unanimously on a proposal from the Commission, and after consulting the European Parliament, to take appropriate action to combat discrimination based on disability. On 25 November 1999 the European

Commission published a proposal under Article 13 for a framework directive dealing with discrimination in employment and training on grounds which included disability. The UK welcomes proposals under Article 13 to improve the condition of disabled people in the European Union. The framework directive on employment and training, which is currently being negotiated, will set out the broad principles to be achieved, but will leave implementation to individual member states. The UK Government are seeking to secure certain changes to the drafting of the proposed directive to meet the approach and framework developed on disability discrimination in the United Kingdom. The Commission has not put forward any legislative proposals relating to the provision of services or access to premises for people with disabilities.

School Sixth Forms

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will list *(a)* each local authority with more than three 11 to 18 years schools whose sixth forms contain 50 pupils or fewer and *(b)* each local authority with more than four 11 to 18 years schools whose sixth forms contain 100 pupils or fewer. [124693]

Ms Estelle Morris: The requested information follows.

Final figures on maintained secondary schools with sixth forms will be published in the Annual Statistical Volume "Statistics of Education: Schools in England (2000 edition)" in September.

Local education authority areas in England with four or more maintained secondary schools who have sixth forms of 50 pupils or fewer[1]

Position as at January 2000 (provisional)

Birmingham
Bristol, City of
Gloucestershire
Hertfordshire
Hillingdon
Kent
Leeds
Lincolnshire
Liverpool
Nottinghamshire

[1] Derived from returns made by schools (Annual Schools' Census January 2000)

Local education authority areas in England with five or more maintained secondary schools who have sixth forms of 100 pupils or fewer[1]

Position as at January 2000 (provisional)

Bexley
Birmingham
Bristol, City of
Buckinghamshire
Cheshire
Coventry
Cumbria
Derby
Durham
Essex
Gloucestershire
Haringey
Hertfordshire
Hillingdon
Kent
Kingston upon Thames
Leeds
Lincolnshire
Liverpool
Norfolk
Northamptonshire
Nottinghamshire
Oxfordshire
Southend-on-Sea
Staffordshire
Surrey
Walsall
Wolverhampton

[1] Derived from returns made by schools (Annual Schools' Census January 2000)

Departmental Advertising

Mr. Loughton: To ask the Secretary of State for Education and Employment how much has been spent by his Department on advertising in each year since May 1997. [125687]

Mr. Wills: Department for Education and Employment expenditure on advertising since May 1997 is as follows:

Year	*£*
1997–98	9,992,350
1998–99	15,673,258
1999–2000	11,900,968

Written Answers to Questions

Tuesday 13 June 2000

HOME DEPARTMENT

Criminal Justice

Mr. Lidington: To ask the Secretary of State for the Home Department what is the baseline against which he will measure his target of improving the satisfaction of *(a)* victims and *(b)* witnesses with their treatment by the criminal justice system; how that baseline was measured; and how he proposes to measure levels of satisfaction by 31 March 2002. [125624]

Mr. Charles Clarke: The baseline for victim satisfaction is the British Crime Survey 1998.

There is presently no reliable indicator of witness satisfaction. A new cross Criminal Justice System survey on witness satisfaction has accordingly been put in hand. The results will be available in the autumn, enabling a baseline to be set.

Future levels of victims' satisfaction will be measured by the British Crime Survey, and of witness satisfaction by a further survey.

Departmental Expenditure Limits

Maria Eagle: To ask the Secretary of State for the Home Department what proposals he has for changes to the 2000–01 Department expenditure limits within his responsibility. [126025]

Mr. Straw: Subject to Parliamentary approval of the necessary Supplementary Estimate, the Departmental Expenditure Limit (DEL), which covers Class IV Vote 1 (Home Office administration, police, probation, immigration and other services, England and Wales) and Vote 2 (Prisons, England and Wales), will be increased by £42,050,000 from £8,068,786,000 to £8,110,836,000.

The changes are the net effect of the following transfers: £1,200,000 to the Department for the Environment, Transport and the Regions (Class III Vote 1) in respect of neighbourhood wardens; £20,200,000 from the DEL Reserve for police modernisation; £2,900,000 from the Capital Modernisation Fund for the electronic chipping of goods; and £20,150,000 from the Capital Modernisation Fund for the national strategy for police information systems.

The increases will be offset by a charge on the Reserve and will not, therefore, add to the planned total of public expenditure.

Changes to the budgeted amount for the Immigration and Nationality Directorate, which includes the costs of dealing with the asylum seekers, have yet to be confirmed.

Prison Service Race Relations Group

Maria Eagle: To ask the Secretary of State for the Home Department if he will publish the report of the Prison Service race relations group. [126026]

Mr. Boateng: A copy of the ninth report of the Prison Service race relations group to the Prison Service Management Board has been placed in the Library.

Interception of Communications Tribunal

Mr. Jim Murphy: To ask the Secretary of State for the Home Department what arrangements have been made following the expiry of the term of appointment of the President of the Interception of Communications Tribunal on 4 April; and if he will make a statement. [126027]

Mr. Straw: Mr. Justice Burton has been appointed as President of the Interception of Communications Tribunal for a period of five years.

Immigration and Nationality Directorate

Mr. Hope: To ask the Secretary of State for the Home Department if he has received the annual report for 1999 of the Complaints Audit Committee of the Immigration and Nationality Directorate; and if he will make a statement. [126067]

Mr. Straw: A copy of the report has been placed in the Library. It is a useful and informative document and I am grateful to the Committee for its comments and its recommendations which will all be followed up. The report also includes details of the broadening of the Committee's terms of reference to reflect their role in monitoring complaints arising from the enhanced powers of Immigration Officers under Part VII of the Immigration and Asylum Act 1999.

Animal Experiments

Mr. Baker: To ask the Secretary of State for the Home Department, pursuant to his answer to the hon. Member for Sittingbourne and Sheppey (Mr. Wyatt) of 15 May 2000, *Official Report*, column 53W, on animal experiments, whether the review of section 24 of the Animals (Scientific Procedures) Act 1966 in the context of freedom of information legislation has been completed; and if he will make a statement. [125902]

Mr. Mike O'Brien: Section 24 of the Animals (Scientific Procedures) Act 1986 prevents the disclosure of information about the use of animals in scientific procedures that has been provided in confidence. Under the proposals for the Freedom of Information Bill, all statutory bars are being reviewed, including Section 24.

The maintenance of the necessary protection for individual scientists and their research institutions and for the commercial confidentiality of their work is a priority in the review of Section 24.

No decision has yet been taken on whether to repeal or amend Section 24.

Health and Safety

Mr. Ian Bruce: To ask the Secretary of State for the Home Department when the criminal sanctions in his proposed Health and Safety legislation come into force which official or Minister will be criminally liable for deaths caused in or by each Government department and agency; and if he will list the job title of each such official or Minister in each Government department or agency. [125810]

Mr. Charles Clarke: The consultation paper published on 23 May, "Reforming the Law on Involuntary Manslaughter: the Government's Proposals", set out proposals for a new offence of corporate killing and invited views on the application of Crown immunity to the offence. The closing date for comments on the proposals is 1 September 2000.

Once we have been able to consider responses to the consultation paper, we will reach a decision on the possible application of Crown immunity to the offence.

Asylum Seekers

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department how many asylum applications were *(a)* lodged, *(b)* outstanding and *(c)* decided in the years 1995–96, 1996–97, 1997–98, 1998–99 and 1999–2000. [125691]

Mrs. Roche: The information requested is given in the table.

Applications for asylum to the United Kingdom, initial decisions and cases awaiting an initial decision[1]

	Asylum applications[2]	*Initial decisions*[2]	*Cases awaiting an initial decision*[2,3]
1995–96	43,365	28,915	69,165
1996–97	27,685	38,895	54,950
1997–98	33,855	36,020	50,950
1998–99[4]	51,255	26,525	74,405
1999–2000[4]	76,115	51,445	98,365

[1] Figures rounded to the nearest five
[2] Excluding dependants
[3] Cases outstanding at the end of the financial year
[4] Provisional data

Mrs. Ellman: To ask the Secretary of State for the Home Department what the arrangements are for assessing the suitability of individual retail outlets for receiving vouchers allocated to asylum seekers; what criteria are applied in the assessment; and what monitoring arrangements are in place. [125119]

Mrs. Roche: The retail outlets have been selected to provide a wide range of retail opportunities to asylum seekers. In excess of 19,000 outlets are signed up to the voucher scheme. Sodexho is responsible for the maintenance of this retail network. The National Asylum Support Service monitors the growth of the retail network in terms of overall numbers, geographical spread, and retail mix.

Mrs. Ellman: To ask the Secretary of State for the Home Department what criteria are applied in assessing the suitability of *(a)* contractors and *(b)* accommodation in relation to the Government's dispersal policy for asylum seekers; and what weight is given in that assessment to factors concerning management arrangements and care of the asylum seekers. [125117]

Mrs. Roche: Independent property surveyors were appointed to inspect property proposed by all potential providers prior to contract. An ongoing programme of inspection is in place for all providers to ensure providers maintain acceptable standards.

Potential providers were assessed in terms of their financial standing, nature of accommodation offered, commercial offer and support infrastructure. This process included seeking references from past and present customers and consultation with Local Authority Consortia.

The assessment model for assessing the suitability of contractors includes management arrangements and care of asylum seekers. I am unable to give further details since this information could prejudice negotiations with additional accommodation providers.

Dr. Harris: To ask the Secretary of State for the Home Department how many *(a)* failed asylum seekers and *(b)* others have been (i) deported and (ii) removed to Zimbabwe in each month since May 1999. [125124]

Mrs. Roche: The requested information is not held centrally and could be obtained only at disproportionate cost.

Firearms Legislation

Mr. Paice: To ask the Secretary of State for the Home Department what guidance he has issued to police forces since 1 May 1997 with regard to the implementation and enforcement of firearms legislation; if the guidance suggested a reduction in approval or renewal of firearm licences or shotgun certificates; and if he will place copies in the Library. [125799]

Mr. Charles Clarke: Since 1 May 1997, the Home Office has issued three circulars on firearms licensing matters to all police forces in England and Wales: Home Office Circular (HOC) 32/97 on the Firearms (Amendment) Act 1997, HOC 68/97 on the Firearms (Amendment) (No. 2) Act 1997 and HOC 41/98 on the Firearms Rules 1998. In addition, a letter to all chief officers on 19 October 1999 provided guidance on fittedness to possess firearms and a letter to all chief officers of 10 March 2000 provided guidance on the secure storage of firearms.

The Home Office has not suggested to chief officers that the number of firearm and shotgun certificates on issue should be reduced as a matter of policy. Home Office guidance on firearms licensing has always made clear that each case should be dealt with on its own merits. The aim of our controls on firearms is to protect public safety rather than to reduce the overall number of firearms in lawful hands.

Copies of the three Home Office circulars were placed in the Library at the time of their issue. I will arrange for copies of the guidance on security and the guidance on fittedness to be placed in the Library.

Correspondence

Mrs. Roe: To ask the Secretary of State for the Home Department when he will reply to the letters from the hon. Member for Broxbourne dated 21 February, 13 April, 11 May and 8 June in connection with Mr. Doug Eve of Cheshunt, a constituent. [125798]

Mrs. Roche: I will be responding to the letters of 21 February, 13 April and 11 May from the hon. Member shortly. I am sorry for the delay in replying. I will reply to the letter of 8 June as soon as I receive it.

Horse Racing

Mr. Welsh: To ask the Secretary of State for the Home Department if he will initiate a review of the procedures which were implemented on 22 May for calculating starting prices in horse racing. [125638]

Mr. Mike O'Brien: Whether, and if so how, the calculation of starting prices should be regulated is an issue which is within the terms of reference of the independent review of gambling chaired by Sir Alan Budd, whose report we expect next summer.

Lord Archer

Mr. Gordon Prentice: To ask the Secretary of State for the Home Department what is the estimated *(a)* number of person hours and *(b)* cost to date of the Metropolitan police investigation in to the allegation of perjury made against Lord Archer of Weston-super-Mare. [125313]

Mr. Charles Clarke: I understand from the Metropolitan police that to date, an estimated 1,446 person hours have been devoted to the investigation and that the cost is approximately £36,000. Most of the work has been undertaken by police officers and civilian staff in normal duty time.

Police Helicopters

Ms Julie Morgan: To ask the Secretary of State for the Home Department, pursuant to his answer of 5 June 2000, *Official Report*, column 159W, on police helicopters, what the helicopter supplied by Veritair Ltd. is used for in addition to tracking stolen cars. [125431]

Mr. Charles Clarke: The helicopter is used to support officers on the ground in a range of policing activities, including vehicle pursuits; searching for suspects; missing person searches; surveillance; public order; command and control; and to provide direct support for tactical operations.

Software Language

Mr. William Ross: To ask the Secretary of State for the Home Department what software language is used in the new Central Immigration and Nationality Directorate computerisation; and if it is programmed as a totally integrated national database. [125541]

Mrs. Roche: The new computerised system for dealing with immigration and nationality casework uses a number of standard applications and programmes. The system uses Microsoft NT and Office products.

Government Technical Assistance Centre

Mr. Cohen: To ask the Secretary of State for the Home Department if he will make a statement on the work and objectives of the Government Technical Assistance Centre. [125667]

Mr. Charles Clarke: When established, the Technical Assistance Centre will be a twenty-four hour facility. Our intention is that it shall be operated by the National Criminal Intelligence Service on behalf of the law enforcement, security and intelligence agencies. It will undertake complex processing needed to derive intelligible material from lawfully intercepted computer-to-computer communications and will provide improved facilities for deriving evidence from lawfully seized computer data.

The Technical Assistance Centre will not analyse the intelligible content of any intercepted or seized material. That will remain a function of the agency which applied for the interception warrant or executed the warrant for seizure of the material.

The primary objective of the Technical Assistance Centre will be to sustain law enforcement capabilities in the face of criminal use of new information and communication technologies. Day-to-day operating procedures for the Centre are being developed by a Home Office-led Project Team.

HOUSE OF COMMONS

Members' Lockers

Mr. Dismore: To ask the Chairman of the Accommodation and Works Committee for what reason hon. Members' lockers are being refurbished and renumbered; what is the cost of the work; and if he will make a statement. [125739]

Sir Sydney Chapman: This is a matter for the Serjeant at Arms; I have asked him to write to the hon. Member.

AGRICULTURE, FISHERIES AND FOOD

Agricultural Wages

Mr. Pickthall: To ask the Minister of Agriculture, Fisheries and Food what assessment he has made of Agricultural Wages Board rates of pay in tackling social exclusion in rural areas. [125198]

Ms Quin *[holding answer 12 June 2000]:* We have made no specific assessment of the effect of the Agricultural Wages Board rates of pay in tackling social exclusion in rural areas.

Bovine TB

Mr. Drew: To ask the Minister of Agriculture, Fisheries and Food when he expects a prophylactic bovine TB treatment to be available. [125176]

Ms Quin *[holding answer 9 June 2000]:* This work is taking place in an international context at the frontiers of scientific knowledge and could take between 10 and 15 years to complete. As with any such scientific endeavour at such an early stage, there is no guarantee of success.

INTERNATIONAL DEVELOPMENT

Parliamentary Questions

Mr. Cohen: To ask the Secretary of State for International Development when she will reply to the question tabled by the hon. Member for Leyton on 1 March concerning her Department's budget (ref 113063). [125670]

Mr. Foulkes: I refer my hon. Friend to the reply given on 9 June 2000, *Official Report*, column 409W.

PRESIDENT OF THE COUNCIL

Appointments Commission

Mr. Gordon Prentice: To ask the President of the Council, pursuant to her reply of 2 February 2000, *Official Report*, column 633W, on the Appointments Commission, how much time was spent by PricewaterhouseCoopers in helping to recruit the Appointments Commission. [125361]

Mrs. Beckett: PricewaterhouseCoopers Executive Search and Selection assisted the Cabinet Office and independent selection panel to recruit the Chairman and independent members of the House of Lords Appointments Commission.

They employed a number of consultants and administrators and invested well in excess of 300 hours in the generation, administration and evaluation of applications.

Mr. Gordon Prentice: To ask the President of the Council, pursuant to her reply of 2 February 2000, *Official Report*, column 633W, on the Appointments Commission, what expenses were incurred in recruiting the Appointments Commission and what were the advertising costs. [125362]

Mrs. Beckett: The expenses incurred in the process of recruiting members of the House of Lords Appointments Commission came to £4,186.50.

The advertising costs, including VAT, were £35,878.63.

SOLICITOR-GENERAL

Crown Prosecution Service

Mr. Simon Hughes: To ask the Solicitor-General what was the total expenditure by the Crown Prosecution Service in each of the last five years; what is the planned total expenditure for the current year and subsequent two years; what is the total and percentage real terms change in each year; and if he will make a statement. [125311]

The Solicitor-General: The total expenditure by the Crown Prosecution Service in cash terms in each of the last five years; the planned total expenditure for the current and subsequent year; and the total and percentage real terms change in each year are as follows.

Year	*Total expenditure £000*	*Total real terms change £000*	*Percentage real terms change*
1995–96	315,083	—	—
1996–97	319,823	–5,745	1.7
1997–98	320,602	–8,398	2.5
1998–99	328,347	–2,792	–0.8
1999–2000	331,493	–4,939	–1.5
2000–01	350,530	11,048	3.4
2001–02	336,930	–20,817	–6.2

The increase in total planned expenditure in 2000–01 includes, for example, an additional £9 million from the Capital Modernisation Fund to fund new investment in information technology. Planned total expenditure is available for one subsequent year only. The expenditure plan for 2001–02 is subject to the outcome of the current spending review, which will also set the expenditure for 2002–03.

Mr. Simon Hughes: To ask the Solicitor-General how many contested cases were conducted by the Crown Prosecution Service in *(a)* magistrates courts and *(b)* Crown courts and *(c)* in total, in each of the last five years and in the current year to date; and if he will make a statement. [125312]

The Solicitor-General: The following table shows the number of contested hearings recorded by the Crown Prosecution Service in magistrates courts, in the Crown court, and in total, for each of the last five calendar years and for the period January to March 2000.

The table also shows the number of guilty pleas recorded in each period, and the number of magistrates courts cases which were proved in the absence of the defendant. Also shown are the proportion of cases which proceeded to a contested hearing and the proportion dealt with by way of guilty plea and proof in absence.

The overall number of contested hearings dealt with by the Crown Prosecution Service has fallen over the period under review, from 105,707 in 1995 to 82,355 in 1999—a fall of 22.1 per cent. However, the pattern of change in magistrates courts and in the Crown court has been rather different: the proportion of contests in magistrates courts has fallen with each succeeding year, from 9.2 per cent. in 1995 to 6.2 per cent. in 1999; and the proportion of contests in the Crown court has risen over recent years, from 22.8 per cent. in 1997 to 26.9 per cent. in 1999.

The reasons for these trends are believed to be as follows:

There has been an increase in the number of magistrates courts cases proved in the absence of the defendant rather than proceeding to a contest, from 92,251 in 1995 to 114,880 in 1999: an increase of 24.5 per cent. Proofs in absence have increased since 1995 largely in response to a simplified procedure for prosecuting minor road traffic offences;

The Plea Before Venue procedure, introduced in November 1997, has led to an increasing number of guilty pleas being entered in magistrates courts rather than in the Crown court. This has had the effect of lowering the proportion of contests in magistrates courts and increasing it in the Crown court.

CPS contests and contest rates

	1995		1996		1997		1998		1999		[1]2000	
	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.	Number	Per cent.
Magistrates court												
Contested hearings	84,403	9.2	72,812	8.0	71,558	7.6	67,156	6.8	61,901	6.2	15,284	5.9
Guilty pleas	744,247	80.8	737,510	81.5	766,836	81.0	810,952	81.7	820,741	82.3	214,744	82.3
Proofs in absence	92,251	10.0	95,142	10.5	108,831	11.5	114,133	11.5	114,880	11.5	30,846	11.8
Total hearings	920,901		905,464		947,225		992,241		997,552		260,874	
Crown court												
Contested hearings	21,304	23.5	20,382	23.3	21,983	22.8	20,515	24.9	20,454	26.9	5,108	25.7
Guilty pleas	69,260	76.5	67,202	76.7	74,398	77.2	61,863	75.1	55,705	73.1	14,758	74.3
Total hearings	90,564		87,584		96,381		82,378		76,159		19,866	
Total contested hearings	105,707		93,194		93,541		87,671		82,355		20,392	

[1] January to March

ENVIRONMENT, TRANSPORT AND THE REGIONS

Railways

16. **Mr. Swayne:** To ask the Secretary of State for the Environment, Transport and the Regions if he has met the Director General of the Association of Train Operating Companies to discuss the future of the railways. [124005]

Mr. Hill: I last met the Director General of ATOC on 1 November 1999 when among other topics, we discussed the Transport Bill, railway performance and railway safety. Officials from my Department have met with ATOC to discuss train operator's concerns about station leases, and to explore the extent to which the existing regulatory provision can safeguard against the public interest.

Housing

17. **Mr. Evans:** To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received concerning the construction of new houses on greenfield land and the green belt. [124006]

Mr. Raynsford: The Secretary of State has received a number of representations in the context of various reviews of regional planning guidance currently under way and in exercise of his other statutory planning functions. Most recently, I met the leaders of local authorities with strategic planning functions in the South East. I emphasised the Government's commitment to re-use brownfield land and existing buildings before building on greenfields.

Croydon Tramlink

18. **Mr. Geraint Davies:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received about the extension of the Croydon tramlink and its linkage to the London underground. [124007]

Mr. Hill: I understand that London Transport are conducting a study into the extension of Croydon tramlink to other areas and its interchange with other forms of public transport including the London underground. Ultimately, it will be for the Mayor to decide if any such extensions and linkages should be taken forward.

Railway Lines

20. **Charlotte Atkins:** To ask the Secretary of State for the Environment, Transport and the Regions what Government support is available to industry to reopen disused railway lines to reduce the number of journeys by heavy lorries. [124009]

Mr. Hill: Support is available through my Department to assist companies in moving goods from road to rail where payment is justified by the environmental benefits.

A capital grant is available towards the cost of new or refurbished freight facilities, which might in principle include the reopening of disused railway lines.

Pensioner Transport Concessions

21. **Mr. Campbell-Savours:** To ask the Secretary of State for the Environment, Transport and the Regions what discussions are taking place between his Department and transport undertakers on concessionary transport for pensioners. [124010]

Mr. Hill: This has been one of the topics discussed at meetings between the bus industry and my Department which take place from time to time.

Traffic Reduction Policy

22. **Mr. Clifton-Brown:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the progress of the Government's traffic reduction policy. [124011]

Mr. Hill: As we set out in "Tackling Congestion and Pollution", published in January, our policies focus on improving the outcomes that matter to people, such as congestion, pollution and road safety, rather than national traffic volume figures. The Transport Bill currently before Parliament, and the 10-year plan we will be publishing this summer, demonstrate our commitment to put in place the policies and resources that are needed.

Waste Incineration

23. **Mr. Gill:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received concerning the waste incineration directive. [124012]

Mr. Meacher: Representations on a range of different aspects of the proposed Directive have been received from various environmental and rural organisations, industry

representatives and individuals. As the hon. Member may be aware, recent interest has been focused on the implications of the proposal for operators of small-scale animal carcase incinerators.

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of UK incinerators that fail to meet the terms of the EU Waste Incineration Directive. [125305]

Mr. Hill *[holding answer 9 June 2000]:* The proposed waste incineration directive, the precise scope of which is yet to be finalised, requires upgrading of incineration plant to the specified standards within five years of its adoption. The consultants Entec UK Ltd. undertook a cost-benefit analysis of the proposed directive to underpin a regulatory and environmental impact assessment, and their report (copies of which are in the House Library) largely identified numbers of incinerators in different sectors, although subsequently we have received information that the report significantly underestimated the number of animal carcase incinerators. The National Farmers Union have suggested there are some 3,000 on-farm small scale animal carcase incinerators.

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the organisations he has consulted over the EU Waste Incineration Directive. [125329]

Mr. Hill *[holding answer 9 June 2000]:* Copies of the various drafts of the proposed directive and the cost-benefit analyses DETR commissioned from Entec UK Ltd. were distributed as they arose to the trade representative organisations listed over the period since 1994, as well as to relevant Government Departments and environmental organisations. Trade representative organisations were also invited to meetings with DETR on the following dates: 27 April 1994, 25 September 1997 and 6 October 1998.

Association of Drum Manufacturers
Association of Independent Electricity Producers
Association of Electrical Machinery Trades
British Scrap Federation
British Cement Association
British Recovered Paper Association
British Biogen
British Foundries Association
British Plastics Federation
Chemical Industries Association
Combined Heat and Power Association
Combustion Engineering Association
Confederation of British Industry
Electricity Association
Energy from Waste Association
Environmental Services Association
Environmental Engineering Group, Open University
Federation of Small Businesses
Food and Drink Federation
Institute of Waste Management
Licensed Animal Slaughterers and Salvage Association
National Farmers Union
National Association of Waste Disposal Officers
Oil Recycling Association
Paper Federation of Great Britain
Pet Food Manufacturers' Association
Photographic Wastes Management Association
Quarry Products Association
Society of Motor Manufacturers and Traders Ltd.
TRADA Technology Ltd.
UK Renderers Association Ltd.
UK Steel Association
United Kingdom Agricultural Supply Trade Association
Waste Processing Association
Water UK
Wood Panel Industries Federation.

Mr. Green: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the effect of the EU Waste Incineration Directive on the disposal of animal carcases in the UK; and if he will make a statement. [125306]

Mr. Hill *[holding answer 9 June 2000]:* No assessment has been made of the effect of the proposed waste incineration directive on options for disposing of animal carcases in the UK. The Waste Strategy 2000, published on 25 May, indicates that wastes should be managed in accordance with the Best Practicable Environmental Option, and should be disposed of as close to the point of production as possible, consistent with the need for effective environmental controls.

Congestion Taxes (London)

24. **Mr. Leigh:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the introduction of congestion taxes and car bans in London. [124013]

38. **Mr. Viggers:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the introduction of congestion taxes and car bans in London. [124027]

Mr. Hill: This is a matter for the Mayor of London.

Traffic Congestion

25. **Sir Teddy Taylor:** To ask the Secretary of State for the Environment, Transport and the Regions if it is his policy to support the approval of ring roads as a means of reducing traffic congestion and pollution. [124014]

Mr. Hill: Our policy is to support road schemes if, after consideration of alternative options and full appraisal, it is concluded they provide sustainable solutions to transport problems and should be accorded priority having regard to available resources. In the case of local roads it is for authorities to justify road schemes as part of their Local Transport Plans.

Waste Disposal (Worcestershire)

26. **Mr. Luff:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the level of fly-tipping and other illegal waste disposal in Worcestershire; and if he will make a statement. [124015]

Mr. Mullin: None. There are strict controls in place to ensure that waste is disposed of without danger to the public or the environment. The responsibility for their enforcement rests with the Environment Agency and, in some circumstances, with local authorities as waste collection authorities and planning authorities.

The Environment Agency is investigating allegations of illegal waste disposal in Worcestershire in co-operation with Worcestershire County Council, Wychavon District Council and, because of the nature of the allegations, the West Mercia Police. The allegations concern activities at Mucknell Farm, Badgers Hill, Crabbe Yard and other locations in central Worcestershire. The purpose of the Environment Agency's investigation is to establish whether the waste management controls of Part II of the Environmental Protection Act 1990 have been contravened and, if there is evidence of contravention, action will be taken in line with the Agency's published Enforcement Policy.

Parish Council Names

27. **Mr. David Heath:** To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received from parish councils concerning cyber-squatting of parish council names. [124016]

Ms Beverley Hughes: I am not aware of any representations on cyber-squatting of parish council names. UK Governmental bodies, including parish councils, are entitled to set up websites using the ".gov.uk" suffix, making it clear that the site is an official part of Government.

Household Waste

28. **Mr. Blizzard:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on his target for recycling household waste. [124017]

Mr. Mullin: The Government's waste strategy sets ambitious targets for increasing recycling of household waste—doubling recycling in three years, and nearly trebling it in five. This is a substantial step forward, which will require authorities to provide householders with doorstep recycling services.

Housebuilding Targets

29. **Mr. Peter Bottomley:** To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to issue new regional planning guidance on housebuilding targets. [124018]

31. **Mr. Grieve:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the proposed regional planning guidance on new housebuilding targets. [124020]

Mr. Raynsford: The timetable for the production of new Regional Planning Guidance (RPG) is set out in the table. RPG includes guidance on the future level of provision of housing, which may be provided either through new build or conversion of existing buildings.

Region	*Draft RPG advice from Regional Planning Body to Secretary of State*	*Public Examination*	*Target for issue of revised RPG by Secretary of State*
Eastern (RPG6)	August 1998	February 1999	Summer/autumn 2000
North East (RPG1)	December 1999	'June/July 2000	Spring/summer 2001
East Midlands (RPG8)	November 1999	'June 2000	Summer 2001
South East (RPG9)	December 1998	May 1999	Autumn 2000
South West (RPG10)	August 1999	March/April 2000	Winter 2000/01
West Midlands (RPG11)	'End 2001	'Early 2002	Autumn 2002
Yorkshire and the Humber (RPG12)	November 1999	'June/July 2000	Spring/summer 2001
North West (RPG13)	'June/July 2000	'February 2001	Winter 2001

' Target

Notes:

1. The entry against Eastern Region is for RPG6 covering East Anglia. Draft RPG in this case was issued for consultation by the Government Office.
2. The review of RPG9 covers London, the Government Office area for the South East and Bedfordshire, Essex and Hertfordshire.
3. In London the GLA will produce a statutory spatial development strategy (SDS) instead of non-statutory Regional Planning Guidance. Hence there is no separate entry for London.

Telecommunications Masts

30. **Mrs. Laing:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on planning controls on mobile phone masts. [124019]

Mr. Raynsford: In its response to the report of the Independent Expert Group on Mobile Phones, issued on 11 May 2000, the Government said that they were minded to introduce a requirement for an application for full planning permission for all new telecommunications masts, but would need to consult widely before doing so, including on the principle and precise scope of any new arrangements. We shall issue a consultation paper on this and related guidance as soon as practicable.

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the impact of the announcement of a review of planning policy with respect to telecommunications masts on the number of new planning applications to build such masts. [125888]

Ms Beverley Hughes: In their response to the report of the Independent Expert Group on Mobile Phones, issued on 11 May 2000 and placed in the Libraries of both Houses, the Government said that they were minded to introduce a requirement for an application for full planning permission for all new telecommunications masts, but would need to consult widely before doing so, including on the principle and precise scope of any new arrangements.

We have made no assessment of the impact of the response on the number of applications to build telecommunications masts. In considering applications, local planning authorities should continue on the basis of current legislative arrangements and policy guidance.

New Deal for Communities

32. **Mr. Woodward:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress in ensuring that the needs of ethnic minorities are recognised in the New Deal for Communities. [124021]

Ms Armstrong: We assess all New Deal for Communities proposals for evidence of their capacity to work with, and involve, people from ethnic minorities. To help partnerships achieve this objective, we have issued specific race equality guidance, developed by a steering group of experienced practitioners. We will monitor progress at our annual reviews with partnerships.

Neighbourhood Renewal

33. **Ms Blears:** To ask the Secretary of State for the Environment, Transport and the Regions what responses he has received to the consultation on the national strategy for neighbourhood renewal. [124022]

Ms Armstrong: Consultation on the National Strategy for Neighbourhood Renewal continues until 30 June. Later in the year, the Social Exclusion Unit will make known the number of responses and the main issues raised.

Road Charging (Motorways)

34. **Mr. Mackinlay:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on plans for road charging on motorways. [124023]

Mr. Hill: We have no current plans to introduce widespread charging on the motorway network. The Transport Bill contains tightly defined powers to charge on limited parts of the trunk road network (which includes most motorways). These are on tunnels and bridges of at least 600 m, or in order to support a local authority charging scheme (and then only at the request of the charging authority). We have no plans to charge on bridges and tunnels that are currently free from tolls.

Brownfield Sites

35. **Mr. Drew:** To ask the Secretary of State for the Environment, Transport and the Regions what further proposals he plans to bring forward for the use of brownfield sites in rural areas. [124024]

Ms Beverley Hughes: Planning Policy Guidance note 3: Housing, sets out the Government's policy for maximising the re-use of previously-developed land for housing. It requires local planning authorities to make sufficient land available either within or adjoining villages to meet the needs of local people.

Directly Elected Mayors

36. **Mr. Hammond:** To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the benefits of directly elected mayors. [124025]

Ms Beverley Hughes: There is considerable international experience of the benefits which directly elected mayors can bring for local communities.

The Local Government Bill [HL] will give local people the choice of three broad frameworks for effective, dynamic and accountable leadership, including the option of a directly elected mayor.

Local Government

37. **Mr. Robertson:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement about the planned Cabinet-style operation of local government. [124026]

Ms Beverley Hughes: The proposals in the Local Government Bill [HL] will introduce three broad frameworks for new constitutions for councils (including a mayor and cabinet and leader and cabinet framework) which will increase the efficiency, transparency and accountability of council decision making. Councils will have to consult their local community about how, within these broad frameworks, they wish to be governed in the future. Where local people express a preference for an elected mayor to lead their community, the council will first have to put this option to them in a referendum.

Flaxmill Project

39. **Mr. Paul Marsden:** To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on funding for the Flaxmill project in Shrewsbury. [124028]

Ms Beverley Hughes: I understand the Flaxmill project is the restoration of an old iron frame building in Shrewsbury. It has received an approval for a grant from Advantage West Midlands (AWM) towards this restoration, to be given when funds are available.

Light Rail Services

Mr. Tony Lloyd: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on funding for light rail services. [123990]

Mr. Raynsford: Light rail and similar rapid transit systems can have a role to play in delivering integrated transport in major conurbations, particularly in densely used transport corridors. Government funds can be provided to authorities for such systems where these deliver net benefits that are greater than those offered by the available alternatives; cannot be entirely funded from

local sources or the private sector; provide good value for money and are essential to the achievement of the objectives of the relevant authority's local transport plan.

Air Service Agreements

Mr. Hoyle: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on progress in the bilateral negotiations with the United States of America on air service agreements for transatlantic routes. [123999]

Mr. Mullin: The latest round of UK/US talks, aimed at liberalising our bilateral aviation relations, resumed today. I expect further rounds of talks during the course of this year and it would be premature, at this early stage, to anticipate any agreements which may eventually be reached.

Rail Safety

Mr. Simon Hughes: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to improve safety at railway stations. [124008]

Mr. Hill: We are continuing to work with the rail industry, the British Transport Police and others to improve safety at railway stations. For example, we are seeking further accreditations under the Secure Stations Scheme that we introduced in April 1998, which is designed to improve and standardise good security practices at all overground and underground stations.

I very recently met my right hon. Friend the Secretary of State for the Home Department to explore further joint initiatives on the rail safety and security.

My Department is also taking a close interest in the current North-West pilot scheme aimed at improving security in the whole public transport journey: walking, bus/rail interchange, as well as security at stations and on trains.

Runways (South-East)

Mr. Blunt: To ask the Secretary of State for the Environment, Transport and the Regions when the Government expect the South East Regional Airports study into runway capacity in the South-East to report. [125122]

Mr. Mullin: I refer the hon. Member to the reply given on 6 June 2000, *Official Report,* column 203W.

Airworthiness Certificates

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions if the (CAA) *(a)* requires manufacturers and operators to provide complete checklists, including emergency checklists, before granting an airworthiness certificate and *(b)* considers full authority digital engine control systems as flight safety critical. [125301]

Mr. Mullin: The CAA requires routine and emergency checklists to be provided by the manufacturers before a certificate of airworthiness is granted. These are included in the aircraft flight manual. Operators also have to produce emergency checklists but this is not related to the issue of the Certificate of Airworthiness.

The CAA considers full authority digital engine control systems with no manual back up systems to be flight safety critical. The process of certification ensures that the level of design assurance applied to the digital software of such systems is in proportion to the level of criticality.

Small Farm Incinerators

Mr. Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the number of small farm incinerators in each EU member state. [125166]

Mr. Hill: No such assessment has been made. We understand, however, that the practice of small-scale animal carcase incineration is less widespread in other member states than in the UK.

Mr. Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the dangers to human health posed by small farm incinerators. [125165]

Mr. Hill: The study undertaken on behalf of the Department by the consultants Entec UK Ltd. (copies of which are in the House Library) to underpin a regulatory and environmental impact assessment of the proposed waste incineration Directive considered the health impacts of incineration processes generally (section 1.4) and the health benefits of the proposal in respect of animal carcase incinerators of different capacities (Appendix 1.5.4). The report, however, significantly underestimated the number of small-scale animal carcase incinerators, of which there are some 3,000 operating, and health benefits are accordingly underestimated.

Marine Surveyors

Mr. Sayeed: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 23 May 2000, *Official Report*, column 430W, on marine surveyors, what plans he has to ensure that practising marine surveyors operating in the private sector are professionally qualified and covered by professional indemnity insurance. [125136]

Mr. Hill: There are no plans to ensure that practising marine surveyors operating in the private sector are professionally qualified and covered by professional indemnity insurance.

Private sector surveyors acting on the MCA's behalf must hold professional qualifications equivalent to the MCA's own surveyors. Certifying authority surveyors carry professional indemnity insurance as a contractual requirement. A classification Society's liability to the MCA is unlimited in the case of wilful omission, in the case of negligence it is limited to £500,000. These levels of liability are currently under review.

Aircraft Safety (Mobile Phones)

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what tests have been undertaken on the level of interference by mobile telephones on the safety of aircraft; what tests are planned on the effect of such telephones on aircraft safety; what guidance his Department has given to airlines about the use of mobile phones and lap top computers on *(a)* landing and

(b) taking-off; and when a system of checking that all such equipment is detected and switched off before aircraft are boarded will be introduced. [125669]

Mr. Mullin: I refer my hon. Friend to my answer of 8 June 2000, *Official Report*, column 312W. In addition to the blanket prohibition on the use of mobile phones on aircraft, the Civil Aviation Authority also require lap top computers and similar electronic equipment to be switched off during landing and take-off.

The CAA is also promoting the evaluation by the airlines of on-board detection equipment, and if its use proves effective will propose its introduction to the Joint Aviation Authorities.

Bicycle Lanes (Central London)

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions (1) when he last met representatives of Chelsea and Kensington Borough Council to discuss increasing the number of bicycle lanes in central London; [124849]

(2) when he last met representatives of Islington Borough Council to discuss increasing the number of bicycle lanes in central London; [124850]

(3) when he last met representatives of Camden Borough Council to discuss increasing the number of bicycle lanes in central London; [124851]

(4) when he last met representatives of Hammersmith and Fulham Borough Council to discuss increasing the number of bicycle lanes in central London; [124852]

(5) when he last met representatives of Westminster Borough Council to discuss increasing the number of bicycle lanes in central London; [124853]

(6) when he last met representatives of the Greater London Assembly to discuss increasing the number of bicycle lanes in central London; [124854]

(7) when he last met representatives of the City of London Corporation and Council to discuss increasing the number of bicycle lanes in central London; [124855]

(8) when he last met representatives of Southwark Borough Council to discuss increasing the number of bicycle lanes in central London; [124856]

(9) when he last met representatives of Lambeth Borough Council to discuss increasing the number of bicycle lanes in central London; [124857]

(10) when he last met representatives of Hackney Borough Council to discuss increasing the number of bicycle lanes in central London. [124858]

Mr. Hill *[holding answer 9 June 2000]:* We have not met recently with representatives of the individual inner London local authorities or members of the Greater London Assembly to discuss bicycle lanes. However, all London local authorities have been given additional support, as part of the Local Transport Capital Expenditure Settlement for 2000–01, for advancing the 2,900km London Cycle Network.

Copies of the London Cycle Network map have been placed in the Library.

Parliament Square

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received about safety for *(a)* pedestrians and *(b)* cyclists in Parliament Square. [124859]

Mr. Hill *[holding answer 9 June 2000]:* The safety of pedestrians and cyclists in Parliament Square received extensive consideration as part of the "World Squares for All" Masterplan. We look forward to the implementation of the Masterplan proposals.

Bicycle Parking Facilities

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions if he provides external bicycle parking facilities for visiting members of the public at his departmental sites. [124860]

Mr. Hill *[holding answer 9 June 2000]:* The facilities available for cyclists vary between our 1,250 plus sites but visitor parking provision is made at our three headquarters sites in London and at most of our buildings outside London. In some instances, where no facilities are provided, there are plans to rectify this situation.

Bicycle Use

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions if he will list for each year since 1990 the number of *(a)* people using bicycles, *(b)* miles cycled and *(c)* journeys made by bicycle. [124862]

Mr. Hill *[holding answer 9 June 2000]:* The available information for Great Britain, from the Department of the Environment, Transport and the Regions' National Travel Survey, is shown in the table:

	1990–92	*1993–95*	*1996–98*
Percentage of households with at least one cycle	36	38	40
Stages per person per year[1]	20	18	17
Miles per person per year[1]	41	37	38

[1] The figures for journeys and miles per person per year are averages over all people in the survey

Further information is given in the Transport Statistics Report "Cycling in Great Britain" available from the House of Commons Library.

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions what progress has been made towards achieving the National Cycling Strategy's objective of doubling the proportion of journeys made by bicycle by 2002. [124863]

Mr. Hill *[holding answer 9 June 2000]:* We have endorsed the targets set by the National Cycling Strategy when it was launched in 1996, i.e. to double the number of cycle trips (based on 1996 figures) by 2002 and to double it again by 2012.

However, we now recognise that it is unlikely that the 2002 target will be achieved. It has become apparent that more preparation was needed than was originally anticipated in 1996. But with the increased provision of infrastructure and other measures by local authorities,

following the introduction of Local Transport Plans and the Launch of the Road Safety Strategy, we are confident of achieving the target of a fourfold increase in the number of cycle trips by 2012.

London Buses

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will estimate the increase in journey times resulting from the replacing of two-person crews with one-person crews on central London bus routes in the last five years. [125607]

Mr. Hill *[holding answer 12 June 2000]:* This is a matter for London Bus Services Ltd. (LBSL), formerly London Transport Buses, as the organisation responsible for providing bus services in London.

LBSL have estimated that replacing open platform, crew-operated buses with one person operated vehicles increases journey times by between 12 per cent. and 20 per cent. The smallest increases in journey time are achieved on the latest generation of fully accessible low-floor buses, which have wide 'easy flow' entrances.

Gas Safety

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions when the Health and Safety Executive started its investigation into gas safety due to be reported this summer. [124873]

Mr. Mullin *[holding answer 12 June 2000]:* The Health and Safety Executive, on behalf of the Health and Safety Commission, started work on a fundamental review of the health and safety regime for the installation and use of gas at the end of 1998. A Discussion Document was published on 4 November 1999 with a formal consultation period to 4 February 2000.

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions what assessment his Department has made of the use of excess gas flow valves in housing in the USA. [124875]

Mr. Mullin *[holding answer 12 June 2000]:* No assessment has been made.

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the cost of installing excess gas flow valves in all local authority housing in England. [124871]

Mr. Mullin *[holding answer 12 June 2000]:* No estimate has been made.

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions what safeguards exist to protect public sector housing against excess gas flow arising from *(a)* vandalism, *(b)* accident and *(c)* carelessness. [124874]

Mr. Mullin *[holding answer 12 June 2000]:* Legislation covering the installation and use of gas requires that all gas fittings are properly supported and so placed or protected as to avoid any undue risk of damage to the fitting due to *(a)* vandalism, *(b)* accident and *(c)* carelessness.

DVLA (Lost Passports)

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions how many passports submitted with driving licence applications have been lost by the Driver and Vehicle Licensing Agency in the last three years; and how much compensation has been paid by the DVLA in relation to this. [125454]

Mr. Hill *[holding answer 12 June 2000]:* Since April 1999, when customers had to provide original identity documents with their photocard driving licence applications, the DVLA has reimbursed the replacement cost of 682 identity documents, of which 417 were passports, at a total cost of £17,000.

Of these cases Royal Mail accepted Responsibility for the loss of 487 documents and have reimbursed DVLA accordingly. In this same period DVLA has issued over 4 million photocard licences.

Diabetic Pilots

Mr. Loughton: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the implications of the ruling by the Canadian Federal Government allowing the restoration of pilots' licences to pilots diagnosed with diabetes. [125711]

Mr. Mullin *[holding answer 12 June 2000]:* The international standards for pilots' licences established by the International Civil Aviation Organisation do not permit individuals with insulin dependent diabetes to hold a pilot's licence. Under the terms of the Chicago Convention, any licence which has not been issued in accordance with ICAO standards must be endorsed to that effect and may be used in other states only with the permission of the state concerned. The CAA will not grant permission for any pilot with insulin dependent diabetes to operate in UK airspace.

Park Homes Working Party

Mr. Luff: To ask the Secretary of State for the Environment, Transport and the Regions when the report of the Park Homes Working Party will be available; and if he will make a statement. [125868]

Mr. Mullin: My Department will publish the recommendations of the Park Homes Working Party in July this year, with a deadline of 31 October for any comments interested individuals and bodies may wish to make. We will announce our conclusions in due course after that date.

Our Lady of Perpetual Help, Middlesbrough

Miss McIntosh: To ask the Secretary of State for the Environment, Transport and the Regions what decision he has taken concerning a possible second inquiry into the future of Our Lady of Perpetual Help, St. Hilda's, Middlesbrough. [125871]

Ms Beverley Hughes: None. The listed building consent applications to demolish the former Middlesbrough Cathedral, now known as the Church of Our Lady of Perpetual Help, and its former Presbytery, were called in by the Secretary of State on 13 April. Following a major fire on 30 May, the church building is beyond reasonable hope of being repaired and is to be demolished on grounds of

public safety. The Secretary of State therefore on 7 June withdrew his direction to call in the application to demolish the church building. The adjacent presbytery survived the fire reasonably intact and remains called in. The public local inquiry will now be held into finding possible alternative uses for the presbytery building only. The length of the inquiry will therefore be shorter than was originally proposed for the joint inquiry into both buildings.

Aircraft (Organophosphates)

Mr. Tyler: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 14 December 1999, *Official Report*, column 103W, if his review of incidents involving possible organophosphate air pollution on board civilian aircraft has reached conclusions. [125342]

Mr. Mullin *[holding answer 12 June 2000]:* The investigation of these incidents is still under review. The report will be published following its outcome. I am unable to comment until that stage has been reached.

Areas of Outstanding Natural Beauty

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions what his policy is on planning protection for areas of outstanding natural beauty; and if he will make a statement. [125979]

Mr. Raynsford: The Government accept the view put by the then Countryside Commission in section 4 of their publication "Protecting our finest landscapes: advice to Government (1998)", that the landscape qualities of National Parks and Areas of Outstanding Natural Beauty (AONBs) are equivalent. Conserving and enhancing the beauty of the landscape are objectives for both types of designation. The Government therefore believe that the protection given to both types of area by the land use planning system should also be equivalent.

The Government's planning policies for AONBs are set out in Planning Policy Guidance Note (PPG) 7: "The Countryside—Environmental Quality and Economic and Social Development (Revised February 1997)". PPG7 states that:

> The Government regards National Park Designation as conferring the highest status of protection as far as landscape and scenic beauty are concerned.

This reflects the National Park Authorities' primary objective to conserve and enhance the natural beauty, wildlife and cultural heritage of the Parks. It does not mean that the landscape beauty of AONBs is in any way inferior to that of National Parks. AONBS should therefore share the highest status of protection in relation to landscape and scenic beauty.

In relation to major projects, it is the Government's view that, henceforth, the assessment required in paragraph 4.5 of PPG7 in National Parks should also apply in to proposals for major development in AONBs. Such proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of applications should therefore normally include an assessment of:

> (i) the need for the development, in terms of national considerations, and the impact of permitting it or refusing it on the local economy;
>
> (ii) the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;
>
> (iii) any detrimental effect on the environment and the landscape, and the extent to which that should be moderated.

The guidance in the preceding paragraph therefore replaces the last two sentences of paragraph 4.8 of PPG7.

Dr. Whitehead: To ask the Secretary of State for the Environment, Transport and the Regions when he will make an announcement about new measures to conserve and enhance areas of outstanding natural beauty; and if he will make a statement. [125980]

Mr. Meacher: I am very pleased to announce today that the Government will shortly bring forward amendments to the Countryside and Rights of Way Bill, as part of a series of measures to safeguard the status of Areas of Outstanding Natural Beauty (AONBs) and provide for their proper protection and management. The amendments will make provision for the creation of Conservation Boards for individual, larger AONBs where this would benefit their cohesive management and where there is local support for such a move. They will also require the adoption of a Management Plan for each AONB.

The Government have already indicated its support for AONBs through increasing the budget available to them, via the Countryside Agency, almost threefold over three years (from £2.1 million in 1998–99 to £5.9 million this year). We will continue to ensure that Government funding is available to work alongside local authorities in managing AONBs in partnership.

Air Traffic Control

Mr. Dalyell: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) of 8 May 2000, *Official Report*, column 266W, on air traffic controllers, if he will make a statement on progress made with achieving a full complement of air traffic controllers at Heathrow. [124403]

Mr. Mullin: Good progress has been made. The full complement of air traffic controllers is now in place at Heathrow.

Singapore Airlines

Mrs. Gillan: To ask the Secretary of State for the Environment, Transport and the Regions if he will grant Singapore Airlines regulatory approval to operate transatlantic services from London Heathrow to the United States; for how many years this application has been outstanding; and if he will make a statement. [125896]

Mr. Mullin: UK/Singapore air services arrangements already provide routeing rights for airlines of Singapore to operate across the Atlantic from Heathrow to the United States. What they do not provide for, and what Singapore Airlines has been seeking specifically since 1989, are fifth freedom traffic rights for airlines of Singapore across the Atlantic to the US. During recent UK/Singapore air services negotiations, we have said that we would review the case for offering fifth freedom rights once the UK/US market had been liberalised.

Local Government Pensions

Mr. Robertson: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the rights of employees whose jobs have been compulsorily transferred from local government to other service providers as a result of the Local Government Pension Scheme Amendment Regulations. [125746]

Ms Beverley Hughes: Any compulsory transfer of staff, which occurs as part of the delivery of Best Value, involves local authorities having to consider the question of future pension rights as part of their contract specification and subsequent negotiations. The Local Government Pension Scheme (Amendment etc.) Regulations 1999 provide private sector employers, bidding for a contract to deliver local government services, with an option of access to the Local Government Pension Scheme for those staff who transfer under the contract and who remain engaged in the delivery of those services. Alternatively, private sector employers can choose to provide broadly comparable pension arrangements and, within the statutory framework of the Local Government Pension Scheme, can negotiate the fair transfer of the accrued pension rights of the staff involved in the contract who decide not to leave their pension rights in the local authority scheme.

Other transfers which do not come within the prescribed ambit of the Local Government Pension Scheme (Amendment etc.) Regulations 1999 can be dealt with in a similar way so as to ensure that in all cases transferring staff are treated equitably and fairly.

Departmental Running Costs

Mr. Miller: To ask the Secretary of State for the Environment, Transport and the Regions what proposals there are to amend his Departmental Expenditure Limit and running costs limit for 2000–01. [126028]

Mr. Prescott: Subject to Parliamentary approval of the necessary Supplementary Estimates for Class III, Votes 1 and 8, the Department of the Environment, Transport and the Regions' Departmental Expenditure Limits for 2000–01 will change as follows.

The DETR Main Programmes Departmental Expenditure Limit will be increased by £22,928,000 from £10,838,414,000 to £10,861,342,000. This increase reflects transfers from other Government Departments of £1,390,000, a transfer of £24,000 from the Invest to Save Budget and a claim on the DEL Reserve of £21,514,000. The changes are set out in greater detail as follows.

(i) The changes for Class III, Vote 1 (Housing, construction, regeneration, regional policy, planning, and countryside and wildlife, England) are as follows: £1,200,000 will be transferred from Class IV, Vote 1 (Home Office administration, police, probation, immigration, and other services, England and Wales) to the New Deal for Communities in respect of the Neighbourhood wardens unit; a transfer of £190,000 from Class I, Vote 1 (Department for Education and Employment: programmes and central services) for the Rough Sleepers Initiative; and a transfer of £24,000 to English Nature for an Invest to Save programme.

(ii) The change for Class III, Vote 8 (Driver and Vehicle Licensing Agency) is an increase of £21,514,000 for the implementation of the second phase of the Graduated Vehicle Excise Duty programme

(iii) As a consequence changes to Class III, Vote 8 the DETR gross running cost limit will be increased by £16,372,000 from £684,556,000 to £700,928,000. This is the result of an increase in running costs on Class III, Vote 8 for the Graduated Vehicle Excise Duty programme.

The increase in the DETR Main Programmes Departmental Expenditure Limit will be offset by transfers and by a charge on the DEL Reserve and will not therefore add to the planned total of public expenditure.

Hazardous Wastes

Mr. Burgon: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the United Nations Basel Protocol on Liability and Compensation for damage resulting from transboundary movements of hazardous wastes and their disposal, which opened for signature on 6 March. [126234]

Mr. Meacher: The Basel Liability and Compensation Protocol was concluded on 10 December 1999 at the 5th Conference of the Parties to the Basel Convention, after nearly 10 years of negotiation. It provides for a comprehensive regime for liability and for adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and their disposal.

We shall shortly be consulting widely on the potential implications of the United Kingdom signing and ratifying this Protocol. These views will be taken into account in reaching a decision as to whether the United Kingdom should proceed with signature.

DEFENCE

Munitions Stocks

Mr. Menzies Campbell: To ask the Secretary of State for Defence (1) what steps have been taken to restore stocks of precision guided and non-precision guided munitions back to pre-operation levels following operation Allied Force; and if he will make a statement; [124207]

(2) what contracts have been placed to replace *(a)* Paveway II, *(b)* Paveway III, *(c)* RBL 755, *(d)* 1,000 lb bomb, *(e)* ALARM and *(f)* TLAM expended during operations in Kosovo, listing in each case the (i) company involved, (ii) estimated date of delivery, (iii) value of the contract and (iv) cost per unit; and if he will make a statement. [124221]

Mr. Spellar *[holding answer 5 June 2000]:* Rather than simply replace all of the weapons used, we have evaluated the need to retain the capability provided by each weapon system and whether replenishment of that weapon represents the most cost effective means of restoring that capability. Where necessary, replacement weapons were ordered both during and immediately

after the conflict, with due consideration to previous stockholding and usage rates, to restore an appropriate level of War Reserve.

Since the Kosovo campaign, contracts have been placed for these munitions as follows:

Munition	Company	Approximate value (£ million)	Unit price (£)	Delivery date
Paveway II	Portsmouth Aviation	18	8,000	August 2000
RBL 755	Hunting Engineering Ltd.	7	7,000	August 2000
TLAM	Raytheon	23	1,100,000	—

No further orders are currently required for Paveway III, 1,000 lb bombs or ALARM missiles.

Given TLAM's unique capability, knowledge of its delivery schedule could allow a potential adversary to assess the UK's stock level and operational capability; this information is, therefore, withheld in accordance with Exemption 1 (Defence, Security, and International Relations) of the Code of Practice on Access to Government Information.

RAF Feltwell

Mr. Baker: To ask the Secretary of State for Defence for what reasons there are no RAF personnel at RAF Feltwell. [125174]

Mr. Spellar: There is no operational requirement for RAF personnel to be based at RAF Feltwell.

Unmanned Combat Vehicles

Mr. Hancock: To ask the Secretary of State for Defence what plans his Department has to develop unmanned combat vehicles; and if he will make a statement. [125424]

Dr. Moonie: The Ministry of Defence currently does not have any plans to develop an unmanned land combat vehicle. We are, however, conducting broad research into robotics technologies and remote operation for military vehicles.

Remote control is at present used only for explosive ordnance disposal vehicles but Terrier, the replacement engineer tractor, will be fitted for, but not with, an ability for remote operation; it is likely the Future Engineer Tank will also be so fitted. The possibility of remotely operating armoured vehicles for obstacle and mine clearance roles in Bosnia was examined but not pursued.

Kosovo (Internet)

Mr. Key: To ask the Secretary of State for Defence if he will list the infrastructure components he has procured to provide internet access to all military personnel in Kosovo. [125807]

Mr. Spellar: The infrastructure components currently being procured using public funds are routers, a switch, a server, printers and modems, together with the necessary software licences.

Mr. Key: To ask the Secretary of State for Defence when, and with which companies and providers, he contracted the procurement of infrastructure for access to the internet by all military personnel in Kosovo; and what the contractual in-service date is. [125806]

Mr. Spellar: Contracts for infrastructure equipment were placed with Honeywell Controls, DELL Electronics and Tangible Benefit on 7 June. The MOD's Defence Communication Services Agency will provide the communications infrastructure and, to enable the service to be set up rapidly, the Permanent Joint Headquarters will act as the internet service provider. The service is expected to be in place by the end of this month.

Navy E-mail

Mr. Key: To ask the Secretary of State for Defence if he will list *(a)* overseas garrisons and *(b)* Royal Navy ships where all military personnel have access to e-mail services. [125808]

Mr. Spellar: All personnel in the Cyprus and Gibraltar garrisons have access to e-mail services via local providers, as do most personnel in the Falkland Islands.

All Royal Navy ships of frigate size and above are capable of accessing the internet, enabling the ship's company to send and receive e-mail. Minor War Vessels can access the internet when alongside, and are also fitted with the necessary equipment when deployed on operations for a prolonged period.

Communication and Information Services

Mr. Ben Chapman: To ask the Secretary of State for Defence if he will make a statement on arrangements for the delivery of communication and information services to his Department. [126065]

Mr. Spellar: The Defence Communication Services Agency (DCSA) was established on 1 April 1998 and is responsible for the end-to-end delivery of communication and information services across Defence. The RAF Signals Engineering Establishment (RAFSEE) was formed in 1982 and became a Defence Agency in November 1994. The DCSA, RAFSEE and a number of non-Agency organisations responsible for aspects of the delivery of communication and information services and supporting activities were brought together to form a single Communication and Information Services and Support (CISS) organisation under the Defence Logistics Organisation on 1 April 2000. In order to strengthen the focus of the overall CISS organisation on service delivery and to reinforce the alignment of the DCSA's responsibility, authority and accountability it has been decided to remove Agency status from the RAFSEE organisation and to expand the DCSA to encompass the entire CISS organisation.

The removal of RAFSEE's Agency status and the expansion of the DCSA to encompass the entire CISS organisation are, of themselves, administrative procedures and will not result in any geographical relocation or redundancies for staff.

Special Investigations Branch

Mr. McNamara: To ask the Secretary of State for Defence how many officers and of what rank comprise the Special Investigations Branch; and what is the annual expenditure of the SIB broken down into relevant headings. [123887]

Mr. Spellar: The Special Investigations Branch (SIB) comprises 25 Officers and 158 soldiers, of the following ranks:

Rank	*Total*
Lieutenant Colonel	3
Major	12
Captain	10
Warrant Officer Class I	14
Warrant Officer Class II	27
Staff Sergeant	49
Sergeant	68
Total	183

The full cost of operating the SIB does not currently fall to a single, discrete budgetary area. For example, support costs may be satisfied at local level by the military unit with whom the SIB personnel are collocated; and, moreover, such costs are not separately apportioned. To determine the cost of operating the SIB worldwide could not, therefore, be achieved without disproportionate effort.

A provisional estimate of expenditure on the three major SIB units which operate in the United Kingdom, Northern Ireland and Germany, for the present financial year, is detailed in the table.

Expenditure	*£*
Military pay	7,122,261
Civilian pay[1]	1,020,969
Contracts[2]	32,500
IT[3]	29,989
Lands and buildings[4]	28,000
Travel and subsistence[5]	244,658
Fuel and utilities	60,638
VAT receipts	−33,000
Miscellaneous[6]	423,603
Total	8,929,618

[1] In the UK and NI the SIB's functions are supported by civil servants, and in Germany by Locally Employed personnel
[2] Cleaning; Technical cleaning
[3] Installation and upkeep of both hardware and software
[4] Rents, legal fees, and minor estate improvements
[5] Vehicle hire, detached duty and daily travel
[6] Telephone costs, office supplies and logistical support

Sierra Leone (Malaria)

Mr. Keetch: To ask the Secretary of State for Defence what precautionary treatment was given to troops deployed to Sierra Leone in respect of malaria before they left the United Kingdom; and if he will make a statement. [125191]

Mr. Hoon *[holding answer 9 June 2000]:* For Sierra Leone the most effective anti-malaria drug is considered to be mefloquine and current policy recommends that treatment begins three weeks before personnel are due in the area of risk. This is to allow time for those who cannot tolerate mefloquine to exhibit adverse reactions and be placed on an alternative regimen: the drug itself starts to take preventative effect within 12 hours. Aircrew are not given mefloquine because of the possible side effects which can degrade concentration and coordination. Aircrew, therefore, take chloroquine and proguanil tablets instead, although these do not offer the same degree of protection in Sierra Leone which is a chloroquine resistant area.

Issuing the Spearhead Battalion permanently with mefloquine, as a preventative measure, is not an option since the drug is only licensed for one year's continuous use; long term treatment with mefloquine is not medically advisable. The great majority of personnel deployed to Sierra Leone began taking anti-malaria tablets prior to embarkation although not for the full three weeks because of the short notice to deploy. However, a small number did not begin the preventative course of treatment and arrived in theatre without anti-malaria tablets. The reasons for this are currently being investigated. This omission was quickly remedied by procuring a French anti-malaria drug which was available locally, and this was subsequently replaced by supplies of the preferred British drug.

Mr. Keetch: To ask the Secretary of State for Defence what medical advice was given to troops deployed to Sierra Leone concerning malaria; and if he will make a statement. [125189]

Mr. Hoon *[holding answer 9 June 2000]:* All UK forces that deployed to Sierra Leone were advised, in accordance with the Surgeon General's policy, that the preferred anti-malarial drug for ground forces deployed ashore is mefloquine. While most effective, this drug carries a risk of side effects when first taken and, for that reason, personnel carrying out certain operational duties cannot be treated with it. Those forces unable to take mefloquine were advised that the recommended alternative is chloroquine and proguanil. Personnel deployed ashore were also provided with the opportunity to impregnate their uniforms and mosquito nets with mosquito repellent.

South Atlantic Medal

Mr. Bob Russell: To ask the Secretary of State for Defence what length of service was laid down in MOD Command Paper 544/82 for the award of the South Atlantic Medal; and how many medals were awarded to non-military personnel from *(a)* the United Kingdom, *(b)* the Falkland Islands, *(c)* St. Helena and *(d)* elsewhere. [125594]

Dr. Moonie: Information about the length of service required to qualify for the award of the South Atlantic Medal is contained in Command Paper 8601, which was presented to Parliament in July 1982. A copy of this document is in the Library of the House.

My Department does not hold a definitive list of those civilians who were awarded the South Atlantic Medal, although our records show that the following categories did receive it, with or without a rosette depending on where they served:

South Atlantic Medal with Rosette:

35 Falkland Islands Defence Force

49 UK civilians (includes eight NAAFI personnel)

South Atlantic Medal without Rosette:

15 UK civilians (includes five NAAFI personnel).

The numbers given include those NAAFI personnel who were members of the Expeditionary Forces Institute (EFI), who were enlisted into the Royal Navy or Royal Army Ordnance Corps on short service engagements. It has not been possible to break the figures down further to determine how many NAAFI civilian personnel who were not members of the EFI received the medal, as the relevant NAAFI records no longer exist.

A number of laundrymen working on RN ships also qualified for the medal. It has not been possible to establish whether records still exist detailing the numbers who received the medal, although it is known that of those currently working on RN ships three were recipients of the medal. A number of Royal Fleet Auxiliary personnel also received the medal, but it has not been possible to determine how many.

In addition to the numbers quoted above we are advised by the Registry of Seamen and Shipping that 2,321 Merchant Navy personnel were awarded the medal. It has not been possible to break the information down further to establish their nationality.

As information relating to the award of this medal to non-Service personnel is not held centrally and records are kept by a number of different agencies and organisations, we have been unable to determine how many other civilians might have been awarded this medal.

Sierra Leone (Parachute Regiment)

Mr. Keetch: To ask the Secretary of State for Defence (1) on what date the Parachute Regiment was first told to prepare to deploy to Sierra Leone; and if he will make a statement; [125450]

(2) on what date members of the Parachute Regiment who were deployed to Sierra Leone were first given anti-malaria treatment; and if he will make a statement; [125451]

(3) on what date the Parachute Regiment first moved to deploy to Sierra Leone; and if he will make a statement. [125452]

Mr. Hoon *[holding answer 12 June 2000]:* The notice to move for the Spearhead land element, which included the 1st Battalion The Parachute Regiment, was reduced from the usual level of readiness to six hours for the lead element and 24 hours for the main body at 1500 hours on 6 May. All elements started to move later that same day. Anti-malaria treatment commenced also on 6 May, shortly after the notice to move had been reduced.

Recruitment Targets

Mr. Paterson: To ask the Secretary of State for Defence what assessment he has made of the effect the introduction of *(a)* increased telephone time, *(b)* the increase in leave at the end of operational tours and *(c)* introduction of e-mail will have on reducing the time the Government will take to achieve its recruitment targets set out in the Strategic Defence Review. [125564]

Mr. Spellar *[holding answer 12 June 2000]:* The doubling of telephone call time to 20 minutes, the introduction of post operational tour leave, and the on-going introduction of e-mail facilities were measures aimed at alleviating pressure on families, and were primarily designed to assist retention. All the measures have proved highly popular since their introduction and it is hoped that they will also have a beneficial, although indirect, effect on recruiting.

Organophosphate Air Pollution (Aircraft)

Mr. Tyler: To ask the Secretary of State for Defence if his review of incidents involving possible organophosphate air pollution on board aircraft, and their implications for military personnel, has reached conclusions. [125343]

Mr. Spellar *[holding answer 12 June 2000]:* We have no evidence of organophosphate pollution on military aircraft affecting personnel, but we will consider carefully any conclusions from an on-going BAe Systems investigation into an incident involving a civil BAe 146 aircraft last year.

Chinook Disaster

Mr. Field: To ask the Secretary of State for Defence if he will undertake that all files held by public bodies relating to the Chinook disaster will be preserved. [125269]

Mr. Spellar *[holding answer 9 June 2000]:* When the original Board of Inquiry papers, written evidence and papers held by the branch with lead responsibility for matters concerning the crash are eventually archived, they will be assigned a review date of 25 years, with a recommendation for permanent retention. At the 25 year point they will be examined for their suitability for transfer to the Public Record Office in accordance with the provision of the Public Records Act 1958 and 1967.

Mr. Brake: To ask the Secretary of State for Defence if his Department requires manufacturers to provide complete flight reference cards prior to releasing an aircraft into operational service; if the Chinook Mk2 had a complete set of flight reference cards at the time of the fatal crash of ZD576 in June 1994; and if these included drills covering the possibility of FADEC malfunctions. [125300]

Mr. Spellar: All manufacturers of new Ministry of Defence aircraft are contractually required to provide full aircrew documentation prior to release to operational service. This documentation includes both Aircrew Manual and Flight Reference cards. The Chinook Mk2 had a complete set of Flight Reference Cards in June 1994. This contained all the normal and emergency operating drills in force at that time, including drills for a possible FADEC malfunction.

Joint Helicopter Command

Ms Osborne: To ask the Secretary of State for Defence if he will report on the outcome of the study to determine the best location for the new Joint Helicopter Command; and if he will make a statement. [125801]

Mr. Spellar: The Headquarters of the Joint Helicopter Command is based at Headquarters Land Command at Wilton in Wiltshire, and there are no current plans to move it. A team from the Joint Helicopter Command Headquarters is currently at the very early stages of conducting a strategic review to identify the most effective and efficient solution for the basing of Joint Helicopter Command units. The review consists of two phases—a scoping exercise (phase one) and full investment appraisal and review of the estate rationalisation candidates that arise out of the scoping exercise (phase two). Phase one is due to be completed next month, after which it should be possible to give further details of the sites under review. It is too early to say when the comprehensive investment appraisal that will comprise phase two will be completed.

RAF Buchan

Mr. Salmond: To ask the Secretary of State for Defence what plans he has to visit RAF Buchan. [125570]

Mr. Hoon: I have a full programme of visits to Service establishments but have no plans at present to visit RAF Buchan.

Hydrographic Office

Mr. Ben Chapman: To ask the Secretary of State for Defence what key targets have been set for the United Kingdom Hydrographic Office for the financial year 2000–01. [126064]

Dr. Moonie: The key targets set for the United Kingdom Hydrographic Office in 2000–01 are as follows:

Process and promulgate priority safety information within stated time scales from receipt of data.

To achieve 100 per cent. of the endorsed and funded Defence Programme to cost, quality and timeliness targets, in particular short notice operational requirements as defined in Tasking Authorisation Forms (TAFs).

Prepare changes to the Framework Document by October 2000, and agree the principal changes as part of the Quinquennial Review by June 2001.

Achieve efficiency measure of 13.5 per cent. growth in "Value Added" per member of staff (based on FY 1995–96) by 31 March 2001.

Review Pay Policy, and Reward and Performance Management, and implement a new system for the FY 2000–01 pay round.

A Technical Programme, addressing infrastructure and new product development, to be communicated and delivered to time and budget—as set each year.

Break even taking one year with another and achieve an average Return on Capital Employed (ROCE) during the plan period of 7.5 per cent.

Ministerial Meetings

Mr. Keith Simpson: To ask the Secretary of State for Defence when, during the past six months, he, his Ministers or the Chief of Defence Procurement have met the chairman or chief executive of *(a)* Aerospatiale, *(b)* BAE Systems, *(c)* Boeing, *(d)* Daimler Chrysler Aerospace, *(e)* General Dynamics, *(f)* Lockheed Martin, *(g)* Raytheon and *(h)* Rolls Royce. [117152]

Dr. Moonie *[holding answer 3 April 2000]:* During the period October 1999 to March 2000, the Secretary of State for Defence, the Ministers for Defence Procurement and the Armed Forces, the Chief of Defence Procurement and I have met the Chairman or Chief Executive of the companies mentioned as follows:

	Secretary of State for Defence	*Minister for Defence Procurement*	*Minister for the Armed Forces*	*Under-Secretary of State for Defence*	*Chief of Defence Procurement*
(a) Aerospatiale	29 March 2000	22 October 1999	None	22–24 February 2000	6 May 2000
(b) BAE Systems	30 November 1999	23 November 1999	29 March 2000	22–24 February 2000	None
(c) Boeing	None	None	None	None	None
(d) Daimler Chrysler Aerospace	None	None	None	None	13 December 1999
(e) General Dynamics	None	None	None	None	23 March 2000
(f) Lockheed Martin	17 February 2000	None	None	None	None
(g) Raytheon	7 December 1999	None	None	None	None
(h) Rolls Royce	4 March 2000	None	29 March 2000	None	21 December 1999

RNAS Prestwick

Ms Osborne: To ask the Secretary of State for Defence what will be the cost to his Department of rescinding the lease of the site of RNAS Prestwick (HMS Gannet); and if he will make a statement. [125802]

Dr. Moonie: I will write to my hon. Friend and a copy of my letter will be placed in the Library of the House.

Type 45 Destroyers

Mr. Keetch: To ask the Secretary of State for Defence what the planned in-service date is for the first Type 45 destroyer; and if he will make a statement. [124996]

Dr. Moonie: I refer the hon. Member to the answer my hon. Friend the Minister of State for the armed forces gave him on 2 November 1999, *Official Report*, column 87W.

Type 42 Destroyers

Mr. Keetch: To ask the Secretary of State for Defence what plans he has to ensure the effectiveness in the air defence role of Type 42 destroyers prior to all Type 45 destroyers entering into service; and if he will make a statement. [124995]

Dr. Moonie: The introduction into service of the Type 45 destroyer equipped with the Principal Anti-Air Missile System will provide the improved naval air defence capability which the Royal Navy will need. In the

meantime, we have a programme of enhancements to the Type 42 destroyer and its GWS30 Sea Dart weapon system under way. We will continue to consider what further enhancements may be required while Type 42 destroyers remain in service.

Weapons Systems (Funding)

Mr. Menzies Campbell: To ask the Secretary of State for Defence what additional funding has been made available in *(a)* this and *(b)* the previous financial year to restore deficiencies in weapons systems and spares of critical equipment, listing in each case the (i) weapons system or type of spare, (ii) deficiency identified and (iii) estimated date of deficiency rectification. [124220]

Dr. Moonie *[holding answer 5 June 2000]:* The Strategic Defence Review contained a number of specific measures targeted at improving the sustainability of our forces, on which we spent £11.4 million last year and £11.3 million this year on Priming Equipment Packs for Tornado GR1/4 and Harrier GR7 aircraft to enhance their deployability. Other funding has been directed at our medical services as previously announced. Work on weapon systems and spares is an on-going process and affects systems across Defence: a more detailed answer could be provided only at disproportionate cost.

Challenger II

Mr. Key: To ask the Secretary of State for Defence what progress his Department has made in purchasing track for Challenger II to a new design. [125315]

Dr. Moonie: The Department is shortly to enter a competition phase for the selection of a track which might be taken forward into a trials and assessment phase. Subject to successful trials it is possible that production of new track could begin in 2002 and that there would then be a phased transition over a number of years from old to new track.

Asbestosis

Mr. Sanders: To ask the Secretary of State for Defence what compensation is available to former service personnel for work-related asbestosis. [124988]

Mr. Spellar: Compensation arrangements for Service personnel and former Service personnel who suffer illness as a consequence of exposure to asbestos are the same as for those killed or injured or who develop a disease from any other cause attributable to their service. Service personnel were, however, prevented by Section 10 of the Crown Proceedings Act 1947 from suing for compensation until 15 May 1987 when The Crown Proceedings (Armed Forces) Act 1987 repealed Section 10. Since then Service personnel have, like any other employee, been entitled to sue the Ministry of Defence for compensation where they have suffered as a result of the Department's negligence. The repeal of Section 10 was not made retrospective. The War Pensions Agency pays compensation to former Service personnel for illness caused before the repeal of Section 10, in the form of a war pension and other allowances.

National Missile Defence System

Miss McIntosh: To ask the Secretary of State for Defence what assessment he has made of *(a)* the cost and *(b)* the length of time required to upgrade RAF Fylingdales in the event of a request from the United States for United Kingdom assistance in the deployment of the proposed National Missile Defence System. [125077]

Mr. Hoon: We have not received a request from the US regarding the use of any facilities in the UK as part of the proposed US National Missile Defence system. Nor would we expect one until after a US decision to proceed with deployment of the proposed system. We would consider such a request carefully, taking into account a wide range of factors, including a detailed assessment of the proposed nature and duration of any works requested. The question of financial costs associated with proceeding with deployment of the proposed US National Missile Defence system is first and foremost a matter for the US.

POWs (Japan)

Mr. Oaten: To ask the Secretary of State for Defence which Government Departments he is consulting on the issue of a gratuity payment to former prisoners of war held in Japan. [125459]

Dr. Moonie *[holding answer 12 June 2000]:* The Foreign and Commonwealth Office, the Department of Social Security and the Department of Health are being consulted.

Statistics

Mr. Simon Hughes: To ask the Secretary of State for Defence what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123835]

Dr. Moonie *[holding answer 25 May 2000]:* The Ministry of Defence collects a wide range of manning and establishment statistics on a regional basis, not all of which are centrally held. Many of these statistics can be analysed on a constituency basis using Geographic Information Systems. It is therefore not possible to give a meaningful list of statistics collected by parliamentary constituency as this would incur disproportionate cost.

FOREIGN AND COMMONWEALTH AFFAIRS

Briefing Documents

Mr. Stephen O'Brien: To ask the Secretary of State for Foreign and Commonwealth Affairs what is his Department's policy on producing briefing documents giving information about senior businessman, politicians and other public figures in overseas countries; and if he will place in the Library copies of all such documents. [124334]

Mr. Robin Cook *[holding answer 8 June 2000]:* The Foreign and Commonwealth Office and posts abroad collect a vast amount of information on all subjects, including information about personalities in other countries, in order to provide briefing and assessments for Ministers and officials. Such information is often acquired on a confidential basis and in some cases is subject to statutory restrictions on disclosure. It would not be appropriate, therefore, to make it available as the hon. Member suggests.

British Council

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what work has been done to expand the work and upgrade the facilities of the British Council in Lithuania; and if he will make a statement. [125666]

Mr. Hain: Since opening in refurbished premises in 1992, the British Council offices in Lithuania have been further renovated and developed, and electronic information sources have been installed. The Council intends to ensure its operations remain appropriate and its premises suitably equipped.

Mr. Cohen: To ask the Secretary of State for Foreign and Commonwealth Affairs what work is being undertaken by the British Council in Kosovo to show films to the local population; what types of film the Council plans to show; what funding has been made available from his Department to support this activity; and if he will make a statement. [125595]

Mr. Hain: The British Council plans to show recent British feature films in the newly opened cinema in Pristina. It will fund a visit by the cinema's manager to the UK to select films and discuss commercial access to UK films. The Council has also negotiated rights to enable Kosovo TV to broadcast a selection of British television programmes during the coming year. The FCO contributed £114,000 to help the Council set up its operation in Kosovo.

India

Mr. Sarwar: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the Government's policy on a permanent membership of the United Nations Security Council by India. [125550]

Mr. Hain: We are committed to early enlargement of the permanent and the non-permanent membership of the UN Security Council, including the creation of a new permanent seat for the Asian electorial group. It would be for the Asian group to decide who would occupy any permanent seat allocated to them; no doubt others could have claims too.

Nigeria

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received concerning attacks on the Christian population in Kaduna, Nigeria. [125734]

Mr. Hain: We monitor closely the religious tensions in Kaduna and elsewhere in Nigeria. Following a demonstration against the possible imposition of the Sharia penal code, violent riots broke out in Kaduna in February. Christians and Muslims burned each others' properties, businesses and places of worship. An estimated 500 people, both Christian and Muslim, were killed. The violence spread to southern Nigeria where around 500 people, mostly Muslims, died.

Violence flared up again in Kaduna in May, in which it is reported that about 200 people died. The reason for this outbreak of violence is not clear.

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions his Department has had with the President of Nigeria concerning the attacks on Christians in Nigeria. [125733]

Mr. Hain: We are monitoring closely the religious tensions in Nigeria, which have led to the deaths of hundreds of Christians and Muslims. I have expressed my deep concern to the Nigerian authorities. Our High Commission in Abuja is in regular contact with the local and Federal authorities, and with leaders of both communities. We welcome their efforts to diffuse tension and work towards reconciliation.

South Lebanon

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received concerning the whereabouts and welfare of the civilian population who have fled South Lebanon. [125892]

Mr. Hain: Most recent reports indicate that of the 6,000 or so Lebanese (civilians and former SLA) who fled to Israel from southern Lebanon during and after the Israeli withdrawal, about one quarter have already returned to Lebanon. Those that remain in Israel have been housed and given residency for one year initially. They are entitled to work and to benefit from Israeli healthcare.

Egypt

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received regarding the conviction of the Egyptian Christian, Shaiboob William Arsal, to 15 years hard labour. [125890]

Mr. Hain: Shaiboob William Arsal has been sentenced to 15 years hard labour for the murder of two people in 1998. We understand that he is likely to appeal to a higher criminal court.

Zimbabwe

Mr. Winnick: To ask the Secretary of State for Foreign and Commonwealth Affairs if Her Majesty's Government are supporting the request of UNHCR to interview the Cuban citizens, Dr. Noris Pena Martinez and Dr. Leonel Cordova Rodriguez, currently held in Zimbabwe; and if he will make a statement. [125803]

Mr. Hain: We understand that the two doctors are in the care of UNHCR who are hoping to relocate them to a third country. We urge the Government of Zimbabwe to abide by its obligations as a signatory to the 1951 Convention on the Status of Refugees.

WALES

Council House Sales

Mr. Barry Jones: To ask the Secretary of State for Wales what discussions he has had with the First Secretary concerning the increased release of receipts from council house sales; and if he will make a statement. [125560]

Mr. Paul Murphy *[holding answer 12 June 2000]:* I meet the First Secretary regularly and discuss a number of issues, including this one.

Both the First Secretary and I are aware that, currently, the only significant requirement for local authorities to set aside receipts for debt redemption relates to capital receipts from the sale of council houses. The Assembly has therefore asked that the issue of whether this position can be improved upon be considered as part of the general review of capital finance regulations being undertaken in conjunction with the Welsh Local Government Association.

CULTURE, MEDIA AND SPORT

Millennium Dome

Mr. Robertson: To ask the Secretary of State for Culture, Media and Sport what plans he has to sell the Millennium Dome; and if he will make a statement. [124940]

Janet Anderson: I refer the hon. Member to the answer my right hon. Friend the Minister for Local Government and the Regions gave my hon. Friend the Member for Battersea (Mr. Linton) on 17 January 2000, *Official Report,* column 255W.

Millennium Projects

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport (1) how much partnership funding has been secured, and how much remains to be secured, for each of the major capital projects funded by the Millennium Commission; [125907]

(2) what the original planned completion date was for each of the Millennium Commission's major capital projects; and what the present expected completion date is in each case; [125905]

(3) how much of the total Lottery grant awarded to the Millennium Commission's major capital projects has been paid in each case. [125906]

Mr. Chris Smith: This is a matter for the Millennium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Royal Armouries Museum, Leeds

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the financial position of the Royal Armouries Museum in Leeds. [125904]

Mr. Alan Howarth: Following re-structuring of the Royal Armouries' relationship with their private sector partner in July last year, I announced on 19 October that my right hon. Friend the Secretary of State had provided additional grant-in-aid of £1 million per annum to cover the cost of the responsibilities transferred. Since then, the Royal Armouries has managed its expenditure successfully within the additional grant provided. We will continue to work closely with the Royal Armouries on the necessary improvements in management.

NMEC

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport what is the average amount of money spent by visitors to the Dome on *(a)* food and drink and *(b)* merchandise; and how much in each case is retained by NMEC. [118510]

Janet Anderson *[holding answer 10 April 2000]:* The average amount of money spent by visitors to the Dome on *(a)* food and drink and *(b)* merchandise is just over £3 in both cases. NMEC retains between 20 and 50 per cent., depending on the individual contractual arrangements with suppliers. Where NMEC is the supplier, the percentage depends on its pricing strategy, taking into account value for money and prices in the open market.

TREASURY

VAT (Listed Properties)

Mr. Peter Ainsworth: To ask the Chancellor of the Exchequer what estimates he has made of the annual cost to the Exchequer of applying a rate of VAT to renovation work on listed properties of *(a)* 12 per cent., *(b)* 10 per cent., *(c)* 7.5 per cent. and *(d)* 5 per cent. [125909]

Dawn Primarolo: Customs and Excise do not have estimates of the costs of reducing the VAT rate on renovation work on listed buildings because reliable estimates of amounts of VAT which have been paid in the past on such work are not available.

Mr. Peter Ainsworth: To ask the Chancellor of the Exchequer what the annual cost is to the Exchequer of zero-rated VAT on alterations to listed buildings. [125908]

Dawn Primarolo: Customs and Excise do not have an estimate of the cost of zero-rated VAT on alterations to listed buildings. This is because reliable estimates of the amount of expenditure on such work are not available.

Credit Unions

Mr. Jim Cunningham: To ask the Chancellor of the Exchequer (1) how many credit unions operate in the UK; and what links his Department has with them; [125643]

(2) what plans he has to *(a)* extend the areas from which credit unions can borrow and *(b)* amend the legislation in respect of credit unions. [125644]

Miss Melanie Johnson: There are currently 860 credit unions in operation in the UK of which 675 are in Great Britain. The Department of Enterprise, Trade and Investment in Northern Ireland is responsible for credit unions in Northern Ireland. The Government announced on 16 November 1999 a package of measures designed to help credit unions to grow, some of which have been included in the Financial Services and Markets Bill. There will be further consultation on extending the areas from which credit unions can borrow.

Expenditure Limits

Mrs. Lawrence: To ask the Chancellor of the Exchequer what changes are proposed to the Inland Revenue departmental expenditure limit and running costs limit for 2000–01. [126071]

Dawn Primarolo: Subject to Parliamentary approval of the Supplementary Estimate for Class XVI, Vote 5 the Inland Revenue Departmental Expenditure Limit for 2000–01 will be increased by £147,608,000 from £2,097,763,000 to £2,245,371,000. The Inland Revenue running cost limit will also be increased by £154,608,000 from £2,222,471,000 to £2,377,079,000.

The increase is mainly to cover increased workloads and measures introduced in the Budget and also in respect of some interdepartmental transfers.

The increase will be offset by transfers or charged to the DEL reserve and will not add therefore to the planned total of public expenditure.

Mrs. Lawrence: To ask the Chancellor of the Exchequer what changes are proposed to HM Treasury's departmental expenditure limit and running costs limit for 2000–01. [126072]

Dawn Primarolo: Subject to Parliamentary approval of the necessary Supplementary Estimate for Class XVI Vote 1 (HM Treasury), the Departmental Expenditure Limit for 2000–01 will be increased by £26,376,000 from £220,417,000 to £246,793,000.

The increase is the net effect of an increase in other current expenditure of £20,950,000 and capital of £7,450,000, to meet new commitments in respect of the costs associated with the new Partnerships UK, and a decrease in running costs of £1,400,000 to meet the continuing costs in other current expenditure of the Treasury Taskforce, giving a net total increase of £27,000,000 which will be drawn from the Capital Modernisation Fund. The running costs limit for HM Treasury will accordingly be decreased by £1,400,000 from £64,923,000 to £63,523,000.

A reduction included in the Revised Estimate for Class XVI Vote 3, (HM Treasury: Office of Government Commerce) will decrease HM Treasury's DEL by £224,000, and a further reduction due to transferring responsibility for Class XVI Vote 15 (1999–2000), (Repayments to the Contingencies Fund) to Class XVI Vote 7, (Inland Revenue: Payments in Lieu of Tax Relief) will decrease HM Treasury's DEL by £400,000; giving a net increase to HM Treasury's DEL of £26,376,000.

The increases will be offset by transfers and will not therefore add to the planned total of public expenditure.

Mrs. Lawrence: To ask the Chancellor of the Exchequer what changes are proposed to HM Customs and Excise departmental expenditure limit and running costs limit for 2000–01. [126073]

Dawn Primarolo: Subject to Parliamentary approval of the necessary Revised Estimate for Class XVI, Vote 4 (HM Customs and Excise: administration) the Customs and Excise Departmental Expenditure Limit for 2000–01 will be decreased by £2,100,000 from £888,958,000 to £886,858,000. The running costs limit will be decreased by the same amount from £863,057,000 to £860,957,000. The decrease covers a transfer of Invest to Save funds to the Inland Revenue to support the joint Closer Working Programme. There is no overall change to the planned total of public expenditure.

Forms

Mrs. Lait: To ask the Chancellor of the Exchequer what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123948]

Miss Melanie Johnson: The number of forms that a charity or voluntary organisation is required to complete will depend on the size and nature of the organisation and the purposes for which they need to complete forms.

Public Sector Workers (Home Loans)

Mr. Heathcoat-Amory: To ask the Chancellor of the Exchequer, pursuant to the Housing Green Paper, how, for *(a)* taxation and *(b)* national insurance contribution purposes, his Department's revenue bodies would treat preferential loans made by the Government to public sector workers wishing to buy housing in London and the South East of England; and if he will make a statement. [119425]

Dawn Primarolo *[holding answer 17 April 2000]:* Under current rules, if a Government Department were to make preferential loans for key workers, whether in the public, private or voluntary sectors, there would be no tax or national insurance charges arising provided that the employees were not directly employed by a Government Department and the loans were neither guaranteed nor facilitated by their employers.

Stakeholder Pensions

Mrs. Lait: To ask the Chancellor of the Exchequer what advice he has received on *(a)* the costs of full concurrency in stakeholder pensions in tax revenue forgone and *(b)* changes in administrative costs borne by the Inland Revenue. [115907]

Mr. Kirkwood: To ask the Chancellor of the Exchequer what estimate he has made of the revenue implications of allowing for *(a)* partial concurrency and *(b)* full concurrency of the proposed new stakeholder pension regime with other existing occupational and personal pension products or schemes; and if he will make a statement. [123721]

Miss Melanie Johnson: Ministers are currently examining this issue.

Windfall Tax

Mr. Paul Marsden: To ask the Chancellor of the Exchequer when he expects the Windfall Tax to have been fully spent on employment programmes; and if he will make a statement. [125397]

Mr. Andrew Smith: Information on the estimated allocation of the Windfall Tax receipts between different programmes, including employment programmes, is set out in Table 4.1 of the Economic and Fiscal Strategy Report published at the time of the 2000 Budget. Future funding plans for employment programmes are being considered as part of the current Spending Review.

Working Families Tax Credit

Mr. Donohoe: To ask the Chancellor of the Exchequer under what circumstances a Working Families Tax Credit award can be amended, once finalised, due to a change in the claimant's circumstances. [125386]

Dawn Primarolo: The circumstances by which a Working Families Tax Credit award can be amended, once finalised, are:

If the applicant in a one-parent family dies, or both the applicant and their partner in a two-parent family dies.

If the family breaks up during an award period and Working Families Tax Credit, Disabled Person's Tax Credit, Income Support or income based Jobseeker's Allowance are awarded to someone else for a child who was included in the original award.

If the only child in the family in a WFTC award is aged 16 or over and leaves full-time non-advanced education.

Ms Buck: To ask the Chancellor of the Exchequer what was the average Working Families Tax Credit payment in each region of the UK for those households making claims in the six months October 1999 to April 2000 *(a)* in gross terms and *(b)* net of housing benefit and council tax benefit. [125414]

Dawn Primarolo: The average weekly value of Working Families Tax Credit (WFTC) awards made in the six months from October 1999 to the end of March 2000 are estimated to be as follows:

£

Region	*Average weekly value of awards*
North East	70.97
North West	73.17
Yorkshire and Humberside	72.59
East Midlands	71.21
West Midlands	73.72
East of England	70.44
London	75.08
South East	70.70
South West	69.81
Wales	71.37
Scotland	70.55
Northern Ireland	76.34
United Kingdom	72.09

Note:
The figures for the regions of England, for Wales and for Scotland are estimates based on a 5 per cent. sample of awards, and are therefore subject to sampling error.

No reliable estimate of the overall effect of WFTC on Housing Benefit and Council Tax Benefit for families receiving WFTC can yet be made, for the reasons given in my reply to my right hon. Friend the Member for Birkenhead (Mr. Field) on 12 June 2000, *Official Report*, column 459W.

PRIME MINISTER

Bill of Rights

Mr. Paul Marsden: To ask the Prime Minister if he will assess the benefits of introducing a written constitution and bill of rights. [124914]

The Prime Minister: We have no plans to do so.

Women's Institute Conference

Mr. Peter Bottomley: To ask the Prime Minister if he will place in the Library a copy of the invitation to him as Prime Minister to address the Women's Institute Conference at Wembley. [125725]

The Prime Minister: The invitation to address the Women's Institute was extended verbally.

Mr. Peter Bottomley: To ask the Prime Minister if his prepared speech for the Women's Institute Conference included an explicit reference to Clause 28. [125726]

The Prime Minister: No.

Mr. Peter Bottomley: To ask the Prime Minister if he will place in the Library a verbatim record of the Downing street media briefings on Tuesday 6 June concerning the Women's Institute speech the following day. [125727]

The Prime Minister: Verbatim records of Downing street media briefings are not routinely kept; however a record of all media briefings can be found on the Downing street website at www.number-10.gov.uk.

Special Advisers

Mr. Peter Bottomley: To ask the Prime Minister what decisions he has reached on Lord Neill's recommendations on Government special advisers; and if he will make a statement. [125729]

The Prime Minister: We intend to present our full response to Parliament before the summer recess.

Vasili Mitrokhin

Mr. Ennis: To ask the Prime Minister when he expects to publish the Intelligence and Security Committee's report into the handling of the information provided by Vasili Mitrokhin; and if he will make a statement. [125947]

The Prime Minister: I have today laid before both Houses of Parliament a copy of the Intelligence and Security Committee's Report into the Security and Intelligence Agencies' handling of the information provided by Mr. Mitrokhin. In consultation with the Committee, a small number of excisions from the original text have been made on grounds of national security. I have also today laid before both Houses of Parliament the Government's Response to the Committee's Report.

The Government are very grateful to the Committee for the Report of its Inquiry. Mr. Mitrokhin's information is uniquely valuable. Its authenticity has been proved beyond doubt. The Government have drawn a number of conclusions from the information itself, from the publication project and from the findings of the Intelligence and Security Committee's Inquiry. The most significant are:

i. The KGB posed a major threat to British interests but the United Kingdom's Security and Intelligence Agencies were notably successful in containing this threat. After the expulsion of more than 100 Soviet intelligence officers in 1971, the KGB found the United Kingdom an extremely difficult target and operational environment.

ii. Mr. Mitrokhin himself is a brave man who was determined in his efforts to expose the KGB. The Government pay tribute to him.

iii. Credit is due to the Secret Intelligence Service for its role in getting Mr. Mitrokhin and his material safely to the United Kingdom. This was a tremendous intelligence coup. Credit is also due to the Security and Intelligence Agencies for their work in exploiting the material. This has been beneficial not only for the UK but also for many other countries.

iv. The publication project, leading to "The Mitrokhin Archive", allowed Mr. Mitrokhin's material to be made available to a wider readership. The Government believe that it was right to put this historic record into the public domain.

v. Lessons have been learned from the handling of Mrs. Norwood's case.

Finally, I should like to take this opportunity to pay tribute to our intelligence and security agencies for their dedication and professionalism in protectir our vital national interests.

HEALTH

Mead Webber Plant

Mr. Paterson: To ask the Secretary of State for Health when Professor Sir John Krebs was first informed about problems at Mead Webber; by whom; and what action he took. [122067]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Ms Suzi Leather, the agency's deputy chair, was fully informed of the situation at Mead Webber by the chief executive of the Meat Hygiene Service (MHS) on Saturday 22 April. Ms Suzi Leather and Professor Sir John Krebs, Chairman of the Food Standards Agency, discussed the situation at this plant with the chief executives of the Meat Hygiene Service and the Food Standards Agency over the following week.

The MHS is an executive agency of the Food Standards Agency and the Food Standards Agency holds the Chief Executive of the MHS responsible for the operation and management of the MHS and its staff. Given the concerns expressed about the Mead Webber closure, Professor Sir John Krebs has taken and maintains a close interest in the situation at the plant, and was as a consequence fully informed of the outcome of a meeting which took place on Sunday 30 April between the Chief Executive of the MHS and Dr. Richard North, Food Safety Adviser representing Mead Webber Ltd. At this meeting, it was agreed that, given Mead Webber Ltd.'s concerns:

An independent investigation into the actions of the Meat Hygiene Service at the Mead Webber plant would take place;

The outcome of this independent investigation would be placed in the public domain; and

No Hygiene Assessment System score would be published for the plant for the first month after re-opening, to enable plant management and the Meat Hygiene Service to work constructively together to address any remaining concerns.

Mr. Paterson: To ask the Secretary of State for Health what conclusions had been reached by Official Veterinary Surgeons in the five years prior to 10 April on the acceptability of trimming by meat inspectors at the Mead Webber plant. [122060]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that there is no formal record of the conclusions reached by official veterinary surgeons (OVSs) in the five years prior to 10 April 2000 on the acceptability of trimming by meat inspectors at the plant operated by Mead Webber Ltd.

The Meat Hygiene Service's policy and instruction to inspection staff on carcase trimming is detailed in the MHS Operations Manual, Chapter 6, Page 4. It states:

Carcases and offal presented for inspection with evidence of visible contamination must be appropriately trimmed to your satisfaction before application of the health mark. Trimming of contamination is normally a task for premises staff working under your direction. However, you may trim minor contamination provided it does not interfere with the inspection routine. Where this cannot be done on the dressing line the affected carcase or offal must be detained for more detailed attention.

Mr. Paterson: To ask the Secretary of State for Health if Mr. Yogaratnam of the Meat Hygiene Service had sole responsibility for the Mead Webber plant; to whom in the MHS he reported; what responsibilities he had in respect of other plants at the time he had responsibility for Mead Webber; and how many other plants he had responsibility for. [122054]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that Mr. Yogaratnam was the official veterinary surgeon (OVS) and principal official veterinary surgeon (POVS) for the Mead Webber plant, and as such had sole responsibility for ensuring its full compliance with public health and animal welfare regulations. While contract OVSs were used to provide locum cover during the times that Mr. Yogaratnam carried out his POVS duties, they reported to Mr. Yogaratnam as the responsible OVS and POVS for the Mead Webber abattoir.

Mr. Yogaratnam reported to his line manager, Mr. Ivor Pumfrey, Meat Hygiene Service Regional Director (Wales). Mr. Yogaratnam's technical line manager was Mr. Peter Soul, MHS Director of Operations.

Mr. Yogaratnam was also OVS and POVS at three licensed cutting premises. Mr. Yogaratnam was POVS for 16 other plants in the area. As a POVS he was responsible for contract performance management of Contract OVSs working in 10 other plants in the area.

Mr. Paterson: To ask the Secretary of State for Health for what reason the faxed communication of 24 April from Mr. Webber of Mead Webber to the chief executive of the Meat Hygiene Service asking for an explanation of the changes in the MHS's trimming policy was not *(a)* acknowledged and *(b)* answered. [122068]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that as Monday 24 April 2000 was a Bank Holiday, the Meat Hygiene Service offices were closed. Following this, the chief executive of the Meat Hygiene Service was due to be on annual leave until 2 May. However, having been made aware of the situation at the plant operated by Mead Webber Ltd., he returned early and on 28 April 2000 answered Mr. Webber's undated fax which had been sent on 24 April 2000.

In his response, the chief executive of the Meat Hygiene Service acknowledged receipt of the fax sent by Mr. Webber and informed him that he had commissioned an investigation into Mr. Webber's concerns and would write again with the conclusions of that investigation.

Mr. Paterson: To ask the Secretary of State for Health what brief was given to Mr. John Cartwright by the Meat Hygiene Service prior to his attendance at the Mead Webber plant on 26 April. [122064]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that an independent investigation is to be carried out as soon as possible into the actions of the Meat Hygiene Service at Mead Webber's plant at Eardisley. This will include scrutiny of the actions of Mr. Cartwright.

It would be inappropriate to comment further until this investigation has been completed.

Mr. Paterson: To ask the Secretary of State for Health for what reason the prohibition by Mr. Turner of the Meat Hygiene Service on carcase trimming by the meat inspectors at the Mead Webber plant was reversed on 20 April; and by whom and for what reason the decision was subsequently changed again. [122057]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that the Meat Hygiene Service (MHS) have met with a representative of Mead Webber Ltd. and agreed to an independent inquiry into MHS's actions at Mead Webber and the publication of its findings. The events of 20 April 2000 are to be fully investigated as part of that independent investigation. It would be inappropriate to comment further until this investigation has been completed.

Mr. Paterson: To ask the Secretary of State for Health for what reason a letter was sent by an official veterinary surgeon to Mead Webber on 19 April concerning remedial works prior to the meeting planned for 26 April; and what account the letter took of remedial works and redecoration already agreed. [122043]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that an investigation is to be carried out as soon as possible into the actions of the Meat Hygiene Service at Mead Webber's plant at Eardisley. This will involve scrutiny of correspondence.

It would be inappropriate to comment further until this investigation is completed.

Departmental Statistics

Mr. Simon Hughes: To ask the Secretary of State for Health what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123839]

Ms Stuart *[holding answer 25 May 2000]:* Statistics collected in the Department are largely by health authority, local authority or National Health Service trust reflecting local lines of responsibility and accountability. The Department publishes a wide range of detail at these levels. Comprehensive information at constituency level could be collected and published only at disproportionate cost.

The Library provides a tailored service for hon. Members; statistics which can often be provided at parliamentary constituency level include economic statistics (employment, unemployment and inactivity), claimant count, employees jobs, average earnings and census data.

Following the publication of the Social Exclusion Unit's report on the National Strategy for Neighbourhood Renewal we are working closely with the Office for National Statistics on improving information across Government at a local level and a consultation report on better information was produced in April 2000. This, along with information which will emerge from the 2001 census will allow a wider range of health data to be available at a local level.

Penalty Clauses

Mr. Gordon Prentice: To ask the Secretary of State for Health, pursuant to his answer of 23 May 2000, *Official Report*, columns 420–22W, on penalty clauses, what was the cost to the private sector providers of their failure to perform to time or to standard. [124132]

Ms Stuart: The information requested is in the table.

NHS body	*Nature of contract*	*Penalty (£)*
Trent Region		
East Midlands Ambulance Service NHS Trust	Radio Control System	1,040
Nottingham Health Authority	Headquarters Building	1,500
Rotherham General Hospitals NHS Trust	Catering	3,000
Queen's Medical Centre, Nottingham University Hospital NHS Trust	Laundry	Contract Terminated
University Hospitals of Leicester NHS Trust	Laundry	1,500
South-West Region		
Plymouth Hospitals NHS Trust	Patient Administration IT System	Free extension to service for one quarter (value approx. 300,000)
Plymouth Hospitals NHS Trust	Cleaning	4,817
Swindon and Marlborough NHS Trust	Laundry	22,665
Swindon and Marlborough NHS Trust	Radiology services	8,048
West Dorset General Hospitals NHS Trust	Estate Maintenance	5,000
Exeter Community Hospitals NHS Trust	Cleaning	8,800
South Devon Health Care NHS Trust	Laundry	Contract Terminated
East Somerset NHS Trust	Security	Contract Terminated and 520 penalty
East Somerset NHS Trust	Orthotic Services	Contract Terminated
Poole Hospitals NHS Trust	Cleaning	27,500

NHS body	Nature of contract	Penalty (£)
Northern and Yorkshire Region		
Scarborough and North East Yorkshire Healthcare NHS Trust	Payroll Services	2,213
Wakefield and Pontefract Community Health NHS Trust	Information Services	19,249
South Durham Health Care NHS Trust	Combined Heat and Power	25,000
Leeds Community and Mental Health Services NHS Trust	Community Units for the Elderly	701
Leeds Community and Mental Health Services NHS Trust	Community and Mental Health Information System	21,015
South-East Region		
Oxfordshire Mental Health NHS Trust	Mental Health reprovision	Penalty to be finalised
East Kent Hospitals NHS Trust	Patient Administration IT System	79,000 over 3 years
East Kent Hospitals NHS Trust	IT Finance System	50,000 over 2 years
Queen Victoria Hospital NHS Trust	Energy Management	20,500
Sussex Weald and Downs NHS Trust	IM&T Service and Support	37,684
Hampshire Ambulance Service NHS Trust	Joint Contracts Tribunal agreement for minor works	9,750
South Buckinghamshire NHS Trust	Catering	14,937
Portsmouth Healthcare NHS Trust	Estates Maintenance	1,611
Portsmouth Healthcare NHS Trust	Cleaning	9,526
Oxfordshire Ambulance NHS Trust	Ambulance vehicle construction	6,000
Oxfordshire Ambulance NHS Trust	Specialist computer software	4,000
Kent Ambulance NHS Trust	IT	30,000
Eastern Region		
Norfolk Mental Health Care NHS Trust	Supplies	4,500
North Essex Mental Health NHS Trust	Catering	Contract Terminated
West Suffolk Hospitals NHS Trust	Clinical waste incineration; Energy maintenance	4,616
Papworth Hospital NHS Trust	Cleaning	5,582
Peterborough Hospitals NHS Trust	Cleaning	51,000
Hinchingbrooke Health Care NHS Trust	Cleaning	6,000
East and North Hertfordshire Health Authority	Nursing Homes; Therapeutic care	Contract Terminated
Basildon and Thurrock NHS Trust	Laundry	298,261
London Region		
Bromley Hospital NHS Trust	Domestic services	Contract Terminated
Camden and Islington Community Health NHS Trust	Cleaning; laundry; sterile supplies; patient transport; dairy supplies; taxi services	Contracts Terminated
Ealing, Hammersmith and Fulham Mental Health NHS Trust	Security	Contract Terminated
Forest Healthcare NHS Trust	Domestic services	30,000
Guy's and St. Thomas's NHS Trust	Security	Contract Terminated
Hammersmith Hospitals NHS Trust	Computer maintenance	Contract Terminated
Havering Hospitals NHS Trust	Energy management system	461,000
Kingston Hospital NHS Trust	Security	Contract Terminated
Newham Healthcare NHS Trust	Patient taxi service	Contract Terminated
North Middlesex Hospital NHS Trust	Computer maintenance; CCTV services	4,000
Riverside Community Health NHS Trust	Equipment maintenance	Contract Terminated
Royal Free Hampstead NHS Trust	Boiler room maintenance; Patient transport; fire precautions	25,000
St. George's Healthcare NHS Trust	Agency nursing	400,000
North-West Region		
Bay Community NHS Trust	FM Services	3,000
Alder Hey NHS Trust	Pharmacy	Payment withheld pending resolution
West Midlands Region		
No known private sector contracts where penalty clauses have been triggered		

Public Consultation Procedures

Mr. Etherington: To ask the Secretary of State for Health when he last issued guidance to health authorities in England and Wales with regard to public consultation procedures. [124619]

Mr. Denham: Guidance on the process and legal requirement for consultation on substantial variations in service was issued in 1990. The legal requirement has not changed but we plan to issue more comprehensive guidance on public consultation procedures later in the year. We are presently consulting on a draft. Colleagues

in the Welsh Assembly are aware of this work. It is for them to decide whether or not they wish to produce similar guidance for their health authorities.

Waiting Lists

Mr. Robertson: To ask the Secretary of State for Health what guidance he gives to hospitals regarding the definition of waiting lists; and if he will make a statement. [124943]

Mr. Denham: Guidance on waiting list definitions is given in the National Health Service Data Manual and the NHS Data Dictionary which are distributed to all NHS trusts and health authorities.

Relenza

Mr. Bob Russell: To ask the Secretary of State for Health, pursuant to his answer of 27 January 2000, *Official Report*, column 334W, to the hon. Member for Richmond Park (Dr. Tonge), when he will publish the results of the appraisal by the National Institute for Clinical Excellence of the drug Relenza; and if he will make a statement. [125110]

Mr. Denham: The National Institute for Clinical Excellence has completed a rapid appraisal on Relenza, which was disseminated to the National Health Service in October 1999. The outcome of NICE's appraisal is therefore already on the public record. A full appraisal is currently being carried out and the revised guidance is expected to be published in October 2000.

Mental Health

Mr. Peter Bottomley: To ask the Secretary of State for Health if he will estimate *(a)* the present and *(b)* the projected number of sufferers from mental illness in the UK. [125373]

Mr. Hutton: It is estimated that about one adult in six in the United Kingdom aged between 16 and 64 suffers from some form of mental illness.

This estimate is based on a survey conducted on adults in Great Britain in 1993. Applying this rate of mental illness to the projected UK population aged 16–64 at mid year 2000 suggests that about six million adults between the ages of 16 to 64 in the UK suffer from some form of mental illness, mainly anxiety and depressive episodes.

It is also estimated that about one child in 10 between the ages of five and 15 suffers from a mental disorder.

The source for the prevalence of mental disorder in children is a survey on the mental health of children and adolescents in Great Britain in 1999. By applying the survey rate to the mid year UK population aged five to 15, we estimate that about 800,000 children in this age range suffer from some form of mental disorder.

There are no equivalent estimates at a national level of the prevalence of mental illness among older people. It is not, therefore, possible to give a reliable figure for the total number who suffer from mental illness in the UK. However research suggests that around 600,000 people aged over 65 in the UK have dementia. Figures for older people with other psychiatric disorders are less precise.

The Department does not produce projections of the numbers of mental illness sufferers in future years. However a survey on the prevalence of mental illness in adults aged 16–74 in Great Britain is currently being carried out, and a report of the findings is due in the summer of 2001.

Mr. Burstow: To ask the Secretary of State for Health what steps is he taking to promote the use of direct payments for people with mental health problems. [125713]

Mr. Hutton: We issued revised guidance in February which makes clear that local authorities can make direct payments for any community care service except permanent residential care, and that they should consider this option for service users from all client groups including those with mental health problems. Officials have been meeting local authority officers to explain how local authorities should plan their direct payment schemes in order to reflect the guidance. The Department is funding the Centre for Mental Health Services Development for a project which will aim to promote independent living by implementing Direct Payments for people experiencing mental distress.

Mileage Rates (Nurses)

Dr. Brand: To ask the Secretary of State for Health when he will publish the new mileage payment rates for nurses working in the community. [125282]

Mr. Denham: Mileage and travelling entitlements for National Health Service staff on national contracts are determined by an agreement of the General Whitley Council. A working group of the Council which includes representatives from trades unions and employers is reviewing existing provisions with the aim of recommending new arrangements which are fair to staff, meets service needs and reflects our wider environmental policies. We are aiming to complete these negotiations shortly.

Mortality Statistics

Mr. Cotter: To ask the Secretary of State for Health how many patients *(a)* of Weston General Hospital, *(b)* of Avon Health Authority and *(c)* nationally have died of an illness for which they were awaiting treatment in each of the last three years for which figures are available. [125366]

Mr. Denham: The information requested is not collected centrally.

Etanercept

Mr. Kidney: To ask the Secretary of State for Health what the current prescribing status is of Etanercept as a treatment for rheumatoid arthritis and Crohn's disease. [125137]

Ms Stuart: Etanercept's marketing authorisation is for the treatment of rheumatoid arthritis where other drug treatments have proved inadequate. Etanercept may be prescribed on the National Health Service.

Royal Shrewsbury Hospitals NHS Trust

Helen Jones: To ask the Secretary of State for Health if he will review the appointment of Mrs. Jenny Upshall as a

non-executive director of Royal Shrewsbury Hospitals NHS Trust, taking account of the operation of Integrate Services; and if he will make a statement. [124876]

Mr. Hutton *[holding answer 12 June 2000]:* My right hon. Friend will keep Mrs. Upshall's appointment under review.

Primary Care Trusts

Mr. Brady: To ask the Secretary of State for Health what percentage of *(a)* shortlisted applicants for and *(b)* those appointed as (i) chairman and (ii) non-executive director of primary care trusts have declared political activity for (A) the Labour Party, (B) the Conservative Party and (C) the Liberal Democrat Party. [125899]

Ms Stuart: The information requested is given in the table.

Political activity of candidates for primary care trust appointments in 2000

Percentage

Party	*Shortlisted candidates*	*Appointed candidates*
Non-executives		
Labour	28.9	17.3
Conservative	4.6	13.5
Liberal Democrat	3.1	3.8
Ind./no political activity	63.4	65.4
Chairs		
Labour	30.6	23.5
Conservative	13.9	11.8
Liberal Democrat	5.6	11.8
Ind./no political party	59.9	52.9

Mr. Brady: To ask the Secretary of State for Health how many *(a)* Labour, *(b)* Conservative and *(c)* Liberal Democrat councillors have been (i) shortlisted and (ii) appointed (1) to the chairmanship of and (2) as non-executive directors of primary care trusts. [125900]

Ms Stuart: The information requested is given in the table.

Political activity of councillors appointed to primary care trust appointments in 2000

Party	*Shortlisted councillors*	*Appointed councillors*
Non-executives		
Labour	6	2
Conservative	7	5
Liberal Democrat	2	2
Chairs		
Labour	3	2
Conservative	2	2
Liberal Democrat	1	1

NHS Patients

Mr. Swayne: To ask the Secretary of State for Health for how many patients NHS trusts have funded treatment in the private sector in each month of the last three years; and what was the total amount spent in each case. [124131]

Ms Stuart: The total amount of National Health Service funds spent on the provision of hospital and community services for NHS patients treated outside the NHS (in the independent sector comprising of for profit hospitals, not for profit hospitals, voluntary hospitals/ hospices and independent clinics) for the last three years are as follows:

Percentages are of NHS expenditure on hospital and community services

	Billion	*Percentage*
1998–99	1.25	4.8
1997–98	1.08	4.6
1996–97	0.87	3.8

Information on patient activity and annual expenditure in the independent sector, comprising of for profit hospitals, not for profit hospitals, voluntary hospitals/hospices and independent clinics for the last three years available has been placed in the Library.

EDUCATION AND EMPLOYMENT

Higher Education Funding

Mr. Boswell: To ask the Secretary of State for Education and Employment if he will itemise and quantify current public sector funding to higher education institutions which *(a)* is and *(b)* is not subject to statutory limitations on control of funding by reference to criteria for the selection and appointment of academic staff and the admission of students. [125401]

Mr. Wicks *[holding answer 12 June 2000]:* The Secretary of State funds the higher education sector for England via the Higher Education Funding Council for England and the Teacher Training Agency. Section 68(3) of the Further and Higher Education Act 1992 precludes the Secretary of State from putting conditions on the grant to the Funding Council relating to the selection and appointment of academic staff and the admissions of students. He has not done so.

Television Advertisements

Mr. Baker: To ask the Secretary of State for Education and Employment how many television advertisements have been commissioned by his Department since 1 May 1997; and, of those, how many were provided with closed caption subtitling. [125609]

Mr. Wills *[holding answer 12 June 2000]:* The Department for Education and Employment has run five television advertising campaigns since 1 May 1997. In line with the Department's mainstreaming policies, all of these used closed titles, to ensure that viewers with hearing difficulties have access to the advertisements.

Asylum Seekers

Mr. Gale: To ask the Secretary of State for Education and Employment (1) what provision he has made for the financial year 2000–01 to meet the costs incurred by Kent County Council Education Authority through the provision of interpreters to assist unaccompanied minors and the children of asylum seekers and economic migrants; [125275]

(2) what has been the cost to the schools budget, for the latest year for which figures are available, of the provision of interpreters for unaccompanied minors and the children of asylum seekers and economic migrants; how much of this money has been refunded by central Government to local education authorities; and if he will make a statement. [125277]

Jacqui Smith *[holding answer 12 June 2000]:* The Ethnic Minority and Traveller Achievement Grant is a key element of our strategy for raising standards for minority ethnic pupils, including unaccompanied minors and children of asylum seekers, who are at risk of underachieving, and for meeting the particular needs of pupils for whom English is an Additional Language. The total allocation of the Ethnic Minority and Traveller Achievement Grant for Kent in 2000–01 is £2,459,221. The costs of providing interpretation can be met from within this Grant.

The information on the cost to the whole school budget of the provision of interpretation for unaccompanied minors and children of asylum seekers is not kept centrally by the Department, and could be obtained only at disproportionate cost.

Departmental Initiatives

Mr. Don Foster: To ask the Secretary of State for Education and Employment, pursuant to his answer of 19 May 2000, *Official Report*, column 292W, on departmental initiatives, if he will list the amount originally budgeted for in *(a)* 1997–98, *(b)* 1998–99 and *(c)* 1999–2000, stating for each year the funds budgeted for which were not spent and if they were carried forward. [124411]

Mr. Wicks *[holding answer 5 June 2000]:* The following table shows, for each of the initiatives listed in the previous reply, the budget for 1997–98, 1998–99 and 1999–2000, along with the outturn figures for 1997–98 and 1998–99. Estimated outturn figures for 1999–2000 are as given in the response to the previous question. Final outturn figures will not be available until the publication of the Appropriation Accounts in October.

Arrangements for carry forward of unspent funds have changed over the period. There was no facility to carry forward within the Department unused recurrent funds from 1997–98 to subsequent years. As announced in the Comprehensive Spending Review White Paper in July 1998, end year flexibility for Departments was introduced in 1998–99.

The New Deal for Schools, funded from the windfall tax, was announced in the Budget in July 1997, and now totals some £1.376 billion over the Parliament, including the extra £250 million announced in the March Budget and the further £43 million announced in the pre-Budget report in November 1999. A total of £452 million from 1999–2000 to 2001–02 was announced in July 1998 for the Sure Start programme. The budgets for both these programmes are ringfenced and any underspends are automatically carried forward.

The footnotes in the table indicate whether the 1998–99 underspends on other programmes were carried forward rather than being allocated to other priority areas.

£ million

	FY 1997–98 Budget	*FY 1997–98 Outturn*	*FY 1998–99 Budget*	*FY 1998–99 Outturn*	*FY 1999–2000 Budget*	*FY 1999–2000 Estimated Outturn*
Education Action Zones (Rounds 1 and 2)	0	0	10.8	10.2	30	29.2
Employment Zones[1]	4.0	1.0	29.0	5.0	16.0	16.0
Neighbourhood Support Fund	0	0	0	0	20.0	20.0
Sure Start[2]	0	0	0	0	80.8	19.0
Excellence in Cities	0	0	0	0	32.0	32.0
Early Excellence Centres[3]	0	0.12	9.0	1.9	10.0	4.1
Early Years Nursery Education Grant funding for education places for 3 year olds	0	0	0	0	38.0	38.0
New Start[4]	1.75	0.97	4.75	3.85	5.9	5.6
Millennium Volunteers[5]	0	0	0	0	5.0	4.0
Community Champions[6]	0	0	0	0	0.5	0.46
Adult and Community Learning Fund[7]	0	0	5.0	2.5	6.56	6.1
New Deal for Schools[8]	83.0	78.0	250.0	223.0	250.0	282.35

[1] Employment Zones: funding in 1997–98 and 1998–99 was for prototype EZs. The underspends result from the fact that these took longer to set up and develop than anticipated—the first prototype did not start until February 1998. There has been no carry forward of unspent funds within the initiative.

[2] Sure Start is a cross-departmental programme, which is overseen by a steering group involving Ministers from the Departments of Education and Employment, Health, Social Security, Environment, Transport and the Regions, Culture, Media and Sport and the Home Office, the Lord Chancellor's Department and the Treasury. Spending in the first year was lower than originally planned. The budget for Sure Start is ringfenced and any underspends are automatically carried forward.

[3] Early Excellence Centres: the programme was established in year in 1997–98, and no money was budgeted, but £0.12 million was spent from savings from the wind up of the Nursery Voucher Scheme and a small contribution from New Deal for Schools. Build up of the programme was phased, resulting in slower draw on allocation than expected. The Manifesto commitment was 25—there are 29 EECs and they are receiving full funding contribution. There has been no carry forward of unspent funds within the initiative.

[4] New Start: underspends were due to projects taking longer than anticipated to progress. In 1998–99 £0.90 million was carried over to 1999–2000, and is included in the budget figure for that year.

[5] Millennium Volunteers: although no budget/underspend is shown, £0.4 million was spent and met from the Windfall Tax.

[6] Community Champions: underspend due to the development and launch of the initiative in year which meant it was not fully under way until January 1999.

[1] Adult and Community Learning Fund: the budget/outturn figures given for 1998–99 do not include the £3.27 million spent on the Laptop Programme for Adult and Community Learning Tutors, which was not part of the original budget. Programme underspend is due to the fact that the initial application process took longer than expected and projects therefore started later in the year. Money for the Adult and Community Learning Fund has been re-profiled over the lifetime of the initiative so that the £20 million originally announced for the fund remains available.

[2] New Deal for Schools: underspends denote slippage in claiming funds by LEAs. All NDS funds have been allocated to schools. The budget for NDS is ringfenced and any underspends are automatically carried forward.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Education and Employment if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125156]

Mr. Blunkett: The Department for Education and Employment restricts smoking to designated areas. This effectively provides a non-smoking working environment for staff. All DfEE Headquarter buildings restrict smoking in this way.

Key Stage 2 (Marking)

Mr. Wyatt: To ask the Secretary of State for Education and Employment what inter-marker reliability data are available for end of Key Stage 2 English tests. [124896]

Jacqui Smith: External Marking Agencies collect data about relative marking performance of markers engaged in marking each subject at each key stage.

Two types of data are collected.

Judgmental data about the general marking performance of markers together with information about how well they have managed the marking process and adhered to administrative procedures and deadlines.

The variation in marking standards between the team leaders and the markers who report to them is measured. This is known as the absolute mark difference (AMD) criterion. This measurement is taken at more than one stage during the marking process—twice for all markers and three times for some markers. The values for each marker are compared with pre-determined bands of marking acceptability and a judgment is made about any corrective action which may be required or, in some cases, the requirement to stop a marker from carrying out any further marking. (In cases where markers are stopped, all scripts from the marker's allocation are re-marked by an approved marker.)

The Qualifications and Curriculum Authority, who are responsible for the development and administration of the National Curriculum on behalf of the Secretary of State, collect the AMD data from all external marking agencies to enable the monitoring of marking variation year-on-year and to establish whether or not the pre-determined bands of marking acceptability require adjustment in future years.

Mr. Wyatt: To ask the Secretary of State for Education and Employment how many schools returned end of Key Stage 2 English test papers for a review of marking last year. [124893]

Jacqui Smith: Last year 2,210 schools returned end of Key Stage 2 English test papers for a review of marking. In 1999, 16,364 schools with 629,000 pupils nationally took part in the end of Key Stage 2 tests.

Mr. Wyatt: To ask the Secretary of State for Education and Employment how many Key Stage 2 English markers were removed last year on grounds of unsatisfactory performance. [124892]

Jacqui Smith: There were 45 Key Stage 2 English markers removed last year on grounds of unsatisfactory performance. This represents 2.2 per cent. of the total markers involved in marking the end of Key Stage 2 English tests nationally.

Mr. Wyatt: To ask the Secretary of State for Education and Employment what assessment he has made of the correlation between the year-on-year increase in the number of end of Key Stage 2 English test papers returned for a review of marking and exam marking standards. [124895]

Jacqui Smith: The Qualifications and Curriculum Authority, responsible for the development and administration of the National Curriculum on behalf of the Secretary of State, has not established any direct relationship between the number of review requests received and the information which it has available concerning marking standards. As the percentage of review requests is very small, less than 1 per cent., it would not be statistically valid to attempt to draw any conclusions from the data which are available.

Departmental Expenditure

Mr. Hilary Benn: To ask the Secretary of State for Education and Employment what proposals he has to amend the Departmental Expenditure Limit for 2000–01. [126068]

Mr. Wills: Subject to Parliamentary approval of the necessary Revised Estimate for Class I, Vote 1 (Department for Education and Employment: programmes and central services), the overall DfEE Departmental Expenditure Limit (DEL) for 2000–01 (excluding Welfare to Work) will be decreased by £190,000 from £18,355,709,000 to £18,355,519,000.

This change in Vote 1 is the result of a transfer to Class III, Vote 1 (Department of the Environment, Transport and the Regions: Housing, construction, regeneration regional policy, planning and countryside and wildlife, England) of £190,000 for the rough sleepers initiative.

Sixth Forms

Mr. Chaytor: To ask the Secretary of State for Education and Employment if he will list the average A level points score per pupil for 11 to 18 years schools, with sixth forms containing *(a)* 50 or fewer, *(b)* 51 to 100, *(c)* 101 to 150, *(d)* 151 to 200, *(e)* 201 to 250 and *(f)* more than 250 pupils. [124695]

Mr. Wicks: The average GCE A/AS point score per pupil for schools with an age range of 11 to 18, with sixth forms containing:

(a) 50 or fewer pupils: 7.4

(b) 51 to 100 pupils: 9.4

(c) 101 to 150 pupils: 11.9

(d) 151 to 200 pupils: 14.6

(e) 201 to 250 pupils: 15.7

(f) more than 250 pupils: 15.8.

Education Council (Luxembourg)

Mr. Casale: To ask the Secretary of State for Education and Employment what the outcome was of the Education Council held in Luxembourg on 8 June; and if he will make a statement. [125786]

Ms Jowell: The Council of EC Education Ministers, at which the UK was represented by Nicol Stephen MSP, Deputy Minister for Enterprise and Lifelong Learning in the Scottish Executive, adopted a Decision to establish the European Year of Languages 2001.

Ministers held an open debate on the future challenges and objectives of education systems in the learning society. The Council agreed that education and training policies would play a key part in ensuring the successful follow-up to the conclusions agreed at the Lisbon European Council, and on the need for Education Ministers to feed into the Luxembourg Employment Process. Ministers recognised that benchmarks and the exchange of good practice could be useful tools in supporting appropriate action at member state level. Ministers put forward proposals for policy areas which should be covered by the report of Education Ministers to the Stockholm European Council in spring 2001. Discussion covered the Commission's work on the e-learning initiative, which was welcomed by member states.

The Commission presented a report on quality indictors in school education. It also gave progress reports on the Recommendation on Quality Evaluation in School Education, and the Recommendation on Mobility within the Community for students, persons undergoing training, young volunteers, teachers and trainers.

A copy of the Council minutes will be placed in the Library.

Social Affairs Council

Mr. Hood: To ask the Secretary of State for Education and Employment what the outcome was of the Social Affairs Council held in Luxembourg on 6 June; and if he will make a statement. [125171]

Ms Jowell: The Parliamentary Under-Secretary of State for Social Security, my hon. Friend the Member for Wallasey (Angela Eagle), and I represented the UK at the Social Affairs Council meeting on 6 June.

Political agreement was reached by the Council on a Directive implementing the principle of equal treatment of persons irrespective of their racial or ethnic origin. This is the first legislative proposal brought under Article 13 of the Treaty. The Directive covers a range of issues including employment, access to social protection and social security; access to education; and access to goods and services. All member states with scrutiny reserves, including the UK, lifted them. The Presidency gave a progress report on negotiations on the other proposals brought forward under Article 13—a draft Directive establishing a general framework for equal treatment in employment and occupation and a Community Action Programme.

The Council debated its role in following up the Special European Council held in Lisbon in March and its input to the Spring European Council to be held in 2001. The Council agreed conclusions which would be transmitted to the Presidency of the EU before the European Council, in Feira. The Council noted the Employment Committee's work programme for 2000.

The Council unanimously adopted a decision setting up a Social Protection Committee. The Council endorsed a report of the High-Level Working Group on Social Protection and agreed to submit it to the European Council at Feira. The report sets out two priorities—a pensions study and the identification of common objectives and indicators of social protection.

The Council discussed three outstanding issues arising from the Commission's proposals for simplification of Regulation 1408/71. The Regulation concerns the co-ordination of member states' social security systems—including healthcare—and is aimed at assisting free movement of workers within the Community. None of the issues was resolved. Technical negotiations will continue at official level.

The Council adopted a mixed Resolution (of the Council and of the Ministers for Employment and Social policy meeting within the Council) on the balanced participation of men and women in working and family life.

The Council reached broad agreement on the draft Directive on temporary work at height (the "Scaffolding Directive").

The Commission made a presentation on its study of the implications of the European Court of Justice rulings (Decker and Kohll) concerning reimbursement for medical treatment: these will be made available to member states following further relevant rulings from the Court.

Supply Teachers

Mr. Willis: To ask the Secretary of State for Education and Employment what measures are in place to replace supply teachers from Australia and New Zealand. [125130]

Ms Estelle Morris: The Government welcome the contribution which teachers from Australia and New Zealand have made, particularly since the 1980s, and continue to make in English schools. However, they do not seek to replace teachers from particular countries who leave. Rather, we have introduced a range of measures to attract people into teaching, and to encourage those with Qualified Teacher Status who have spent time away from the profession to return. Since we announced £6,000 training salaries and £4,000 new-style "golden hellos" on 30 March, 1,119 more people have applied for postgraduate teacher training than in the same period last year. We are also introducing additional funding to help schools take people onto the Graduate Teacher

Programme. Alongside the improvements we are making to teachers' pay, school leadership and the support and continuing professional development available to teachers, these initiatives will make it much easier for schools to attract the number and quality of teachers they need and so reduce the need for supply teachers generally in the longer term.

LEA Funding

Ms Buck: To ask the Secretary of State for Education and Employment what the expenditure per pupil was in *(a)* primary and *(b)* secondary education in the London boroughs of (i) Kensington and Chelsea and (ii) Westminster in 1996–97 and 1999–2000; and what is his estimate for 2000–01. [125416]

Ms Estelle Morris: The following table sets out the funding per primary and secondary pupil through Standard Spending Assessment and special and specific grants for each of the years requested.

	Primary	*Secondary*
Kensington and Chelsea		
1996–97	2,664	3,647
1999–2000	3,559	4,404
2000–01	3,907	4,766
Westminster		
1996–97	2,703	3,497
1999–2000	3,489	4,127
2000–01	3,801	4,422

New Deal

Mr. Hancock: To ask the Secretary of State for Education and Employment how many people *(a)* in the greater Portsmouth area and *(b)* nationally are using the New Deal for partners; and if he will make a statement. [124552]

Ms Jowell: By the end of April 2000, 2,622 partners of unemployed people nationally had attended an initial interview to discuss their participation in New Deal for Partners of Unemployed People.

We do not collect information on the greater Portsmouth area specified.

We are pleased to be able to provide targeted help to assist members of workless households back to work through the New Deal for Partners of Unemployed People.

TRADE AND INDUSTRY

BNFL

Mr. Gibb: To ask the Secretary of State for Trade and Industry if he will list the reports prepared by external advisers in relation to BNFL since 1 January. [125585]

Mrs. Liddell: Since 1 January my Department has received advice and reports from its advisers in relation to BNFL. This material, which is commercially confidential, covers a range of issues including accounting and contractual topics relating to BNFL's business operations.

Gas and Electricity Consumer Council

Mr. Gibb: To ask the Secretary of State for Trade and Industry what his policy is on regional offices for the proposed Gas and Electricity Consumer Council; and if he will make a statement. [125584]

Mrs. Liddell: Proposals for the structure of the new Gas and Electricity Consumers' Council (GECC) were the subject of an extensive consultation exercise undertaken by Ann Robinson, the Chairman designate of the new organisation. I shall make a further statement once decisions are taken on the outcome of that exercise.

ECGD

Mr. Gibb: To ask the Secretary of State for Trade and Industry when he will publish the results of his review of the Export Credit Guarantees Department. [125586]

Mr. Caborn: The review of ECGD's Mission and Status, which was announced last July, is nearing completion. The public consultation exercise and a number of independent studies into certain aspects of ECGD's operations have provided valuable evidence. These inputs will enable Ministers to determine the right way forward for ECGD, and I expect an announcement of the outcome of the Review to be made in the House shortly.

Mr. Worthington: To ask the Secretary of State for Trade and Industry which Department is responsible for commenting on the human rights aspects of applications for ECGD support in the case of *(a)* those countries qualifying for overseas development assistance and *(b)* those countries which do not qualify for such assistance. [125202]

Mr. Caborn: Responsibility for assessing all the risks and issues connected with applications for ECGD support lies with ECGD. For countries which are only eligible for highly concessional International Development Association (IDA) loans from the World Bank, we would seek the views of the Foreign and Commonwealth Office and the Department for International Development as part of ECGD's procedure for assessing whether Productive Expenditure criteria have been met. Applications for ECGD support in countries which are not eligible for IDA only loans would be referred to the Foreign and Commonwealth Office for advice on human rights where ECGD has concerns about the issue.

Mr. Worthington: To ask the Secretary of State for Trade and Industry which Department had responsibility for scrutinising the human rights aspects of the request for ECGD assistance for the Ilisu dam project; and what comments were made. [125203]

Mr. Caborn: Responsibility for assessing the risks and issues connected with the application for ECGD support lies with ECGD. However, the Foreign and Commonwealth Office (FCO) provided advice to ECGD which was reflected in the statement made regarding the project on 21 December by my right hon. Friend the Secretary of State for Trade and Industry. ECGD is in regular contact with FCO regarding this project.

Limited Liability Partnerships

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what restrictions he proposes to place on limited companies re-incorporating as limited liability partnerships. [125427]

Dr. Howells: Part II of the Companies Act 1985 provides a mechanism by which a company may alter its status by way of re-registration. There is no similar provision in the Limited Liability Partnerships Bill.

If, therefore, the members of a limited company decide that they wish to cease to trade through their current vehicle—the limited company—and to commence trading through a limited liability partnership, they will have to go through a three stage process. First, they will have to set up the limited liability partnership complying with the conditions set out in the LLP Bill and regulations. Second, they will have to transfer the assets and liabilities of the company to the LLP. This may give rise to transaction and taxation charges; the LLP Bill and regulations do not provide any tax exemptions for such a transfer, nor do they facilitate the transfer in any other way, e.g. by providing for an automatic transfer of assets. Finally, the members of the company would either have to keep the company in being in parallel to the LLP, and so continue to comply with the regulatory requirements set out in the Companies Act 1985, or they would need to seek to wind up the company by a members' voluntary winding up.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what estimates he has made of the number of public and private limited companies likely to re-incorporate as limited liability partnerships as a result of the provisions of the Limited Liability Partnerships Bill [*Lords*]; and what consultations he has had with the Treasury about the tax revenue consequences of such changes. [125429]

Dr. Howells: No estimates have been made. I would refer my hon. Friend to replies to two of his earlier written questions. The first is my reply on 9 June 2000, *Official Report*, column 385W to his question asking what estimate had been made of the number of plcs likely to register as limited liability partnerships which gave the reasons why we would be surprised if plcs converted to LLPs. The second is the reply made by my hon. Friend the Paymaster General on 5 June 2000, *Official Report*, column 77W, to the question asking the Chancellor of the Exchequer what consultations he has had with the DTI on this subject. My hon. Friend the Paymaster General confirmed that officials at the DTI have been in close contact with Inland Revenue officials, and went on to note that because of the possibility that some LLPs might be set up solely because of their taxation of LLPs. Depending on what this work finds, consideration will be given to bringing forward further tax legislation in due course.

Letters and Packets

Mr. Mitchell: To ask the Secretary of State for Trade and Industry under what statutory provisions the European Commission determines the limits to monopoly public services for letters or packets to a given upper value or weight. [125700]

Dr. Howells: The statutory provisions under which the European Commission may propose changes to the reserved area for letter post are found in Directive 97/67/EC of the European Parliament and the Council dated 15 December 1997, which was made under Articles 57(2), 66 and 100a of the Treaty establishing the European Community (now Articles 47(2), 55 and 95 in the consolidated version of the EU Treaty and the EC Treaty made by the Treaty of Amsterdam). Such proposals are submitted for consideration to the European Parliament and to the Council of Ministers.

Civil Plutonium and Uranium

Dr. George Turner: To ask the Secretary of State for Trade and Industry if he will publish figures for the United Kingdom's stocks of civil plutonium and uranium as at 31 December 1999. [126232]

Mrs. Liddell: I have today placed in the Libraries of the House figures for the United Kingdom showing national holdings of civil plutonium and uranium as at 31 December 1999. In accordance with our commitment under the "Guidance for the Management of Plutonium", I have today sent a copy of the figures to the Director-General of the International Atomic Energy Agency, who will be circulating it to member states in due course.

Research Councils

Mr. Burden: To ask the Secretary of State for Trade and Industry when the quinquennial review of the Council for the Central Laboratory of the Research Councils will take place; and what the terms of reference for the review will be. [126231]

Mr. Byers: My noble Friend the Minister for Science is today launching the Quinquennial Review of the Central Laboratory of the Research Councils.

Reviews of non-Departmental Public Bodies (NDPBs) are an important part of our modernisation programme. The Government are committed to achieving better public services that are of higher quality and are more responsive to the needs of the people who use them. Regular NDPB reviews are an important element in ensuring that we have in place the right structures to deliver the Government's agenda effectively and to provide a strong focus on improving future performance.

The terms of reference for the Review of the Central Laboratory of the Research Councils are:

CCLRC was established in February 1995 and so it is due for review in the course of 2000.

The review of CCLRC will have two stages.

The first stage will examine the role, organisation and composition and funding mechanisms for CCLRC, by reference to its Charter and mission, its past performance, recent CCLRC instigated studies on future vision and funding, current best practice for NDPBs and its contribution to the work of other Research Councils. All relevant options for the future of the Council will be considered, including abolition, continued NDPB status, rationalisation, privatisation or strategic contracting out.

The conduct of the second stage will be dependent on and informed by the outcome of the first. If the first stage confirms the continued operation of CCLRC in its present or another form, this stage will examine the opportunities for improving performance by reference to such issues as management structures, aims and objectives, performance targets and service standards, use of new technology, levels of delegated authority and effective accountability. In that event, the review will take account of evidence of work already undertaken to review and

improve performance. Opportunities for expanding the present range of users of facilities and services and optimising the contribution of facilities and services to exploitable research will also be considered.

The review will be conducted in accordance with the latest Cabinet Office guidance (published on 31 January 2000) and will include consultation, either in person or in writing, with members of Council, staff of the Executive and CCLRC's customers and key stakeholders.

The Review Team will report at intervals to a Review Board. It will be the task of the Review Board to respond flexibly to the Reviewer's proposals during the progress of the Review, each member contributing guidance and knowledge, including where appropriate the good offices of his or her parent department or organisation. The Review Board will ensure that Ministers, the Treasury, the Cabinet Office, and the staff and customers of the CCLRC are kept informed of the progress of the Review and will facilitate the gathering of information for the Reviewer and his or her communication with staff and customers.

The Review will be supported by officials in the Office of Science and Technology, with specialist advice as appropriate. The Review Board will be chaired by Sir Peter Williams and include key stakeholder representatives. The aim will be to complete each stage of the review within a period of about approximately three months, as recommended in the Cabinet Office guidance.

As indicated in the terms of reference, the Review Team is seeking the views of interested parties. A questionnaire is available from the CCLRC website http://www.clrc.ac.uk/qreview or from:

CCLRC Quinquennial Review Team
Office of Science and Technology
Room G/5
Albany House
94–98 Petty France
London SW1H 9ST
Tel: 020 7271 2050
Email: cclrc.qrteam@dti.gsi.gov.uk

Initial comments should be sent to the above address by 4 July 2000.

Nuclear Reprocessing

Mr. Chaytor: To ask the Secretary of State for Trade and Industry what discussions he has had with BNFL in respect of the statement by British Energy that it wishes to end the reprocessing of its spent fuel. [125566]

Mrs. Liddell: My right hon. Friend the Secretary of State for Trade and Industry has not discussed this matter with BNFL. Through my normal contacts with BNFL and British Energy, I am aware of the respective positions of both companies concerning the contracts they have entered into. The contracts are a commercial matter for the two companies.

Expenditure Limits

Mr. Goggins: To ask the Secretary of State for Trade and Industry what changes will be made to his Departmental Expenditure Limit and running costs limit for his Department and the Office of Telecommunications. [126230]

Mr. Byers: Subject to Parliamentary approval of the necessary Supplementary Estimate, the voted element of the Departmental Expenditure Limit for the Department of Trade and Industry will be increased by £58,372,000 from £3,445,344,000 to £3,503,716,000 and the gross running costs limit will be increased by £1,000,000 from £400,002,000 to £401,002,000. The net provision of Class IX Vote 1 will be increased by £58,372,000, which results from:

(i) additional provision of £45,000,000 for operating aid to coal producers;

(ii) additional provision of £15,000,000 from the Capital Modernisation Fund for the promotion of innovation clusters and business incubators in the regions;

(iii) the transfer of £866,000 to the Scottish Executive, £496,000 to the National Assembly for Wales, and £266,000 to the relevant Northern Ireland Department representing their share of the Phoenix fund to promote enterprise among disadvantaged groups and in deprived areas;

(iv) the reclassification as running costs of £1,000,000 of programme expenditure provision for the Small Business Service.

The £45,000,000 for operating aid to coal producers will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

In addition, subject to Parliamentary approval of the necessary Supplementary Estimate, the Departmental Expenditure Limit for the Office of Telecommunications will be increased by £2,399,000 from £1,000 to £2,400,000 and the gross running costs limit will be increased by £1,484,000 from £11,347,000 to £12,831,000. These changes result from:

(i) an increase of £1,484,000 in the running costs provision to ensure a competitive market in internet access which underpins e-commerce;

(ii) an increase of £946,000 in the current expenditure provision for co-operation with economic regulators overseas;

(iii) an increase of £250,000 in the capital expenditure provision to implement an electronic records management system.

These increases will be offset by a compensating increase in appropriations in aid. However, adoption of the EC Telecoms Licensing Directive will result in a reduction of £2,399,000 in the overall appropriations in aid provision.

The consequential increase of £2,399,000 in the net provision will be charged to the Reserve and will not therefore add to the planned total of public expenditure.

Gas-fired Power Stations

Helen Jones: To ask the Secretary of State for Trade and Industry when he will announce his decisions on Veridian Power Resources Ltd.'s proposals to build gas-fired power stations at the Rockware Glass factories at Knottingly and Doncaster. [126233]

Mrs. Liddell: I have today decided to give directions under section 14(3) of the Energy Act 1976 to prevent Viridian Power Resources Ltd.'s building 13 MW generating stations to be fuelled by natural gas at the Rockware Glass factories at Knottingly and Doncaster.

Copies of the Press Notice and decision letter are being placed in the Libraries of the House.

Assisted Areas

Mr. Khabra: To ask the Secretary of State for Trade and Industry if he will make a statement on the reasons for certain areas being *(a)* removed from and *(b)* added to the assisted areas map. [124004]

Mr. Caborn: The reasons for the amendments to the Government's assisted area proposals are set out in "Amendments to the Government's Proposals for new Assisted Areas". A copy has been placed in the Library of the House.

"Made in Britain"

Mr. Loughton: To ask the Secretary of State for Trade and Industry what advice he gives to British companies wishing to include a "Made in Britain" emblem on their products. [125676]

Dr. Howells *[holding answer 12 June 2000]:* British companies are free to apply a made in Britain emblem if their products meet the definition of origin in section 36(1) of the Trade Descriptions Act 1968. This states that for the purposes of the Act goods shall be deemed to have been manufactured or produced in the country in which they last underwent a treatment or process resulting in a substantial change. My Department has issued a guidance note on this aspect of the Act, copies of which have been placed in the Libraries of both Houses.

Post Office Users' Council

Mr. Jenkin: To ask the Secretary of State for Trade and Industry what the cost was of the system of Post Office advisory committees and the Post Office Users' Council in the latest full year for which figures are available; and what the cost will be of the new arrangements he is proposing. [125456]

Mr. Alan Johnson *[holding answer 12 June 2000]:* The cost of the Post Office Users' National Council (POUNC); the Post Office Users' Councils for Scotland, Wales and Northern Ireland and the Post Office Advisory Committees was approximately £800,000 in 1999–2000.

Peter Carr (the Chairman of POUNC and the Chairman designate of the CCPS) issued a consultation document on the structure of the new Council on 17 April. I am now awaiting a report on the outcome of the consultation together with proposals about the structure and costs of the CCPS.

Departmental Responsibilities

Mr. Simon Hughes: To ask the Secretary of State for Trade and Industry what statistics relating to the responsibilities of his Department are collated by parliamentary constituency, indicating the dates covered in each case. [123840]

Dr. Howells *[holding answer 25 May 2000]:* My Department has wide-ranging responsibilities. The majority of statistics used in this Department are collated by the Office for National Statistics (ONS). The ONS collects a wide range of statistics that can be provided at parliamentary constituency level including economic statistics on employment, unemployment and inactivity, claimant count, employee jobs, average earnings and Census of Population data. Details of all these data could be provided only at disproportionate cost.

Pylons

Miss McIntosh: To ask the Secretary of State for Trade and Industry what assessment he has made of the recent inquiry commissioned by the National Farmers Union into the alleged link between skin cancer and pylon lines; and if he will make a statement. [123906]

Mrs. Liddell: I refer the hon. Member to the reply given by my hon. Friend the Minister for Public Health on 8 June 2000, *Official Report,* columns 328–29W.

Miners (Compensation)

Judy Mallaber: To ask the Secretary of State for Trade and Industry how many cases have been lodged by former miners living in Amber Valley for compensation for emphysema and other respiratory diseases. [123940]

Mrs. Liddell: The Department's claims handling agents have registered 1,565 claims for respiratory diseases from former miners living in the Amber Valley region, centring on the towns of Alfreton, Heanor and Ripley. Of these the Department has settled 69 claims and made interim payments to a further 394, totalling nearly £900,000.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Trade and Industry if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125147]

Dr. Howells: My Department operates a smoking policy designed to minimise staff exposure to environmental tobacco smoke in order to ensure their health, safety and welfare, and prevent significant discomfort. Advice and guidance is available to staff who wish to give up, cut down, or control their smoking. In buildings occupied and controlled by my Department, smoking is only permitted in a small number of designated rooms or areas.

SOCIAL SECURITY

Expenditure Limits

Mr. Goggins: To ask the Secretary of State for Social Security what proposals he has to amend his Department's expenditure limit and running costs limit for 2000–01. [126157]

Mr. Rooker: Subject to Parliamentary approval of the necessary Revised Estimate for Class XII Vote 3 (Department of Social Security: administration) the Department of Social Security's Departmental Expenditure Limit will be reduced by £16,869,000 from £3,207,614,000

to £3,190,745,000. The reduction is the net effect of the continuing consequences of the transfer of the Department of Social Security Contributions Agency and Working Family Tax Credit Unit to Inland Revenue. There will be a corresponding increase on Class XVI, Vote 5, Inland Revenue: administration.

As a result of this change the running cost limit of this department will be reduced by £16,869,000 from £2,958,599,000 to £2,941,730,000.

Single Room Rent

Mr. Burstow: To ask the Secretary of State for Social Security, pursuant to his answer of 5 June 2000, *Official Report*, column 101W, regarding single room rent, if he will make available the methodology used in calculating the cost of abolishing the single room rent restrictions. [125898]

Angela Eagle: The methodology used to estimate the cost of abolishing the single room rent is based on a number of data sources, for example, rent officer statistics, departmental forecast of the Housing Benefit caseload and administrative data following the introduction of the single room rent restriction. These data sources have been used to, for example, estimate the proportion of cases restricted by the single room rent and the shortfall in the amount of rent used to assess Housing Benefit.

Mr. Burstow: To ask the Secretary of State for Social Security, pursuant to his answer of 5 June 2000, *Official Report*, column 101W, regarding single room rent, if he will publish the full range of the estimate of the cost of abolishing the single room rent restrictions, including the lowest point of the range. [125887]

Angela Eagle: The range is between £10 million and £160 million but these figures are heavily dependent on how single young people, landlords and the rental market would react to the abolition of the single room rent.

Mrs. Maud Beaver

Mr. Steen: To ask the Secretary of State for Social Security if he will review the decision of the Benefits Agency on a winter fuel payment in respect of Mrs. Maud Beaver of Buckfastleigh. [124916]

Angela Eagle: The administration of Winter Fuel payments is a matter for the Chief Executive of the Benefits Agency. She will write to the hon. Member.

Letter from Alexis Cleveland to Mr. Anthony Steen, dated 12 June 2000:

The Secretary Of State has asked me to respond to your recent Parliamentary Question concerning your constituent Mrs. Maud Beaver and a question arising as to her entitlement to a Winter Fuel payment (WFP) and a review of that decision.

As you will appreciate, individual customers' cases are confidential. I will therefore, write to you privately on this matter.

Lone Parents

Mr. Willetts: To ask the Secretary of State for Social Security how many initial invitation letters have been sent to lone parents in the target group for the New Deal for Lone Parents since the national programme began in October 1998. [125635]

Angela Eagle: The total number of initial invitation letters issued since the full national programme began in October 1998 was 482,874.

Mr. Willetts: To ask the Secretary of State for Social Security how many lone parents, broken down into the target and non-target groups for the New Deal for Lone Parents have claimed Income Support for *(a)* less than a year, *(b)* between one and two years, *(c)* between two and three years, *(d)* between three and four years, *(e)* between four and five years and *(f)* over five years. [125629]

Angela Eagle: The target group for the New Deal for Lone Parents (NDLP) is all lone parents on Income Support. Invitation letters are sent to lone parents on Income Support with a youngest child aged at least five years and three months. From 22 May lone parents whose youngest child is aged three or four have also started to receive invitation letters.

This information is in the table.

Lone parents receiving Income Support as at February 2000

Thousand

Duration of current claim	*All lone parents*	*Of those receiving invitation letters*
All cases	918.6	448.3
Less than 1 year	216.5	83.3
1 to 2 years	149.1	53.2
2 to 3 years	105.6	40.0
3 to 4 years	74.2	30.3
4 to 5 years	60.5	27.8
5 years and over	312.7	213.8

Notes:

1. Numbers are based on a five per cent. sample and are therefore subject to sampling error.
2. Numbers are rounded to the nearest hundred and expressed to the nearest thousand therefore totals may not sum.
3. Lone parents are defined as single people with dependants not in receipt of a pensioner or disability premium.
4. Numbers do not include lone parents who choose to sign unemployed and are in receipt of Income-based Jobseeker's Allowance.
5. In some cases, when claims are first entered on the Income Support Computer System (ISCS), the date of claim was incorrectly input as the date of conversion of the ISCS system. This means that for some cases (which we are unable to identify) the length of claim is inaccurate for claims made before the end of 1992 when the conversion period ended.
6. Lone parents on Income Support with a youngest child aged at least five years 3 months receive NDLP invitation letters. From May 22 lone parents whose youngest child is aged three or four have also started to receive invitation letters.

Source:

Income Support Quarterly Statistical Inquiry—February 2000

Mr. Willetts: To ask the Secretary of State for Social Security of the lone parents who successfully find work after participating in the New Deal for Lone Parents, how many had previously been claiming Income Support for *(a)* up to six months, *(b)* six months to one year, *(c)* one year to two years, *(d)* between two and three years, *(e)* between three and four years, *(f)* between four and five years and *(g)* over five years. [125630]

Angela Eagle: The information is not currently available. However, developmental work is currently being undertaken which will facilitate the link between a New Deal for Lone Parents participants' records and their Income Support details.

In the period ending March 2000, 50,911 lone parents have gained employment from the New Deal for Lone Parents since the programme began.

Mr. Willetts: To ask the Secretary of State for Social Security what is the average length of time on Income Support of a lone parent; and what had been the average length of time on Income Support of a lone parent who found work after participating in the New Deal. [125633]

Angela Eagle: The information is not available. A total of 50,911 lone parents have found jobs through the New Deal to March 2000.

Mr. Willetts: To ask the Secretary of State for Social Security how many lone parents joined the target group for the New Deal for Lone Parents in the last month for which figures are available; and how many initial invitation letters have been sent to these people. [125636]

Angela Eagle: The target group for the New Deal for Lone Parents is all lone parents on Income Support. The information is not available in the format requested. However, 84,200 joined this category during the quarter ending February 2000.

Initial invitation letters are sent to all lone parents on Income Support with a youngest child aged over 5 years 3 months eight weeks after claiming Income Support except those in receipt of Invalid Care Allowance, Incapacity Benefit, or Severe Disability Allowance. In the quarter to February 2000, 40,100 lone parents qualified for letters. From 22 May lone parents on Income Support with a youngest child aged 3 or 4 have also started to receive invitation letters.

Notes:

1. Numbers obtained by looking for claimants who were not in the relevant category in November 1999 but who subsequently appear in it in February 2000. This method will underestimate the true number of people who "flow" into the group as people who join and leave benefit between quarters, or those who leave Income Support before the second quarter will not be counted.

2. Numbers are based on a 5 per cent. sample and are therefore subject to sampling errors.

3. Numbers are rounded to the nearest hundred and expressed in thousands.

4. Lone parents are defined as single people with dependants not in receipt of a pensioner or disability premium.

5. Numbers do not include lone parents who choose to sign unemployed and are in receipt of income-based Jobseeker's Allowance.

Source:

Income Support Quarterly Statistical Enquiry

Mr. Willetts: To ask the Secretary of State for Social Security how many lone parents have been in the target group for the New Deal for Lone Parents in total since the national programme began in October 1998. [125634]

Angela Eagle: The target group for the New Deal for Lone Parents is all parents on Income Support. Over the Income Support Quarterly Statistical Enquiries for November 1998 to February 2000, there have been a total of 1,248,700 who fall into this category, of whom 482,874 have received invitation letters.

Notes:

1. Numbers are based on a 5 per cent. sample and are therefore subject to sampling error.

2. Numbers are rounded to the nearest hundred and expressed in thousands.

3. Lone parents are defined as single people with dependants not in receipt of a pensioner or disability premium.

4. Numbers do not include lone parents who choose to sign unemployed and are in receipt of income-based Jobseeker's Allowance.

5. From 22 May 2000 lone parents on Income Support with a youngest child aged 3 or 4 have started to receive invitation letters.

Mr. Willetts: To ask the Secretary of State for Social Security how many lone parents who have found work through the New Deal for Lone Parents have a youngest child aged between three years and five years and three months; and how many have a youngest child aged below three years, broken down on a monthly basis. [125637]

Angela Eagle: The information is not available in the format requested.

Figures are available for the numbers of lone parents whose youngest child is aged under 5 years and 3 months gaining jobs after the full national phase of the programme in October 1998. The information is in the table.

Month	*Lone Parents with youngest child aged under 5 years and 3 months*
1998	
November	530
December	380
1999	
January	630
February	880
March	990
April	1,310
May	1,030
June	900
July	1,020
August	750
September	1,010
October	2,250
November	1,910
December	1,130
2000	
January	810
February	1,270
March	1,910
Total	18,700

Notes:

1. Figures in above table are for Phase 3 of the programme (from 26 October 1998). Information is not available in this format for phases 1 and 2 because results were kept clerically and it is not possible to accurately break them down on a monthly basis.

2. Figures for the most recent months may subsequently rise slightly. This is due to the backdating of jobs gained by leavers to unknown destinations which we subsequently discover have found employment.

Jobseeker's Allowance

Mr. Sanders: To ask the Secretary of State for Social Security how many people were in receipt of Jobseeker's Allowance in each constituency in Devon, Torbay and Plymouth, broken down by age group for the period from August 1998 to the latest date for which figures are available. [124992]

Angela Eagle: The administration of Jobseeker's Allowance is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to the hon. Member.

Letter from Alexis Cleveland to Mr. Adrian Sanders, dated 12 June 2000:

The Secretary of State has asked me to reply to your recent question asking if he will list the number of people in receipt of Jobseeker's Allowance for each constituency in Devon, Torbay and Plymouth, broken down by age group for the period from August 1998 to the latest date for which figures are available.

The information is in the attached tables.

I hope this is helpful.

Table 1. Jobseeker's Allowance claimants by parliamentary constituency, August 1998

Thousand

	All cases	Aged under 25	25–59	60 and over
Plymouth, Devonport	2.8	0.8	1.9	—
Plymouth, Sutton	3.5	0.9	2.6	—
South West Devon	1.1	*0.3	0.8	—
Torbay	2.5	0.6	1.9	—
East Devon	0.9	*0.3	0.6	—
Exeter	2.1	0.8	1.3	—
North Devon	1.6	*0.4	1.2	—
Teignbridge	1.9	*0.4	1.5	—
Tiverton and Honiton	1.4	*0.4	1.0	—
Torridge and West	2.1	0.6	1.5	—
Totnes	1.6	*0.3	1.3	—

Table 2. Jobseeker's Allowance claimants by parliamentary constituency, August 1999

Thousand

	All cases	Aged under 25	25–59	60 and over
Plymouth, Devonport	2.1	0.5	1.6	—
Plymouth, Sutton	3.2	0.7	2.5	—
South West Devon	0.8	*0.3	0.5	—
Torbay	2.6	0.5	2.0	—
East Devon	0.8	*0.2	0.6	—
Exeter	1.9	0.5	1.3	—
North Devon	1.4	*0.3	1.1	—
Teignbridge	1.4	*0.3	1.2	—
Tiverton and Honiton	1.0	*0.3	0.6	—
Torridge and West	1.7	*0.4	1.3	—
Totnes	1.5	*0.2	1.3	—

Table 3. Jobseeker's Allowance claimants by parliamentary constituency, February 2000

Thousand

	All cases	Aged under 25	25–59	60 and over
Plymouth, Devonport	2.3	0.6	1.7	—
Plymouth, Sutton	3.2	0.8	2.4	—
South West Devon	0.7	*0.3	*0.4	—
Torbay	2.4	*0.5	1.8	—
East Devon	0.8	*0.4	*0.5	—
Exeter	2.0	0.6	1.3	—
North Devon	1.6	*0.3	1.3	—
Teignbridge	1.6	0.5	1.0	—
Tiverton and Honiton	1.1	*0.5	0.6	—
Torridge and West Devon	1.7	0.6	1.1	—
Totnes	1.7	*0.2	1.2	—

Notes:

1. Figures have been rounded to the nearest hundred and quoted in thousands.
2. Sample size 5%, therefore subject to sampling error.
3. Figures marked '*' of less than 500 are subject to a high degree of sampling error and should be used as a guide to the current situation only.
4. '—' denotes nil or negligible.
5. Cases in August 1998 are allocated to each Parliamentary Constituency by matching postcodes against the 1999 version 1 of the Postcode Directory.

Automated Credit Transfer

Mr. David Heath: To ask the Secretary of State for Social Security (1) what assessment he has made of the percentage of benefit payments which will still be made in cash following the transfer to automated credit transfer in 2003; [125254]

(2) what changes he intends to make to the mechanism for cash payments of benefit following the transfer to automated credit transfer in 2003. [125255]

Mr. Rooker: From 2003 we intend to move from the traditional paper-based methods of benefit payment to a more secure and efficient method of paying benefits through Automated Credit Transfer (ACT). All benefit recipients will still be able to collect their cash from the post office after 2003 if they wish, and we anticipate that a number will wish to take advantage of this option.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Social Security if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125149]

Mr. Rooker: The Department has a policy statement on smoking at work. Its objective is to provide a smoke-free environment at all workplaces and most other areas within its offices not covered by a mandatory ban on smoking.

In practice, the needs of smokers are taken into account, when necessary, by the provision of properly vented smoking rooms isolated from staff working areas when they can be accommodated within the structure of the building; otherwise staff must smoke outside the building.

This policy effectively means that no member of staff is put in a position whereby they are exposed to passive smoking while carrying out their duties on DSS occupied premises.

The proportion of the Department's offices which do not allow smoking anywhere in the building is not known. The decision not to allow smoking will have been taken only after a staff consultation exercise has taken place in each building and either, staff have decided in favour of a total ban, or, suitable accommodation cannot be found in the building to adapt as a smoking room. It is estimated that the number of buildings with a total ban on smoking is low.

Social Security Administration (Fraud) Act

Mr. Field: To ask the Secretary of State for Social Security if he will list the local authorities that do not have a serving inspector appointed under section 110 of the Social Security Administration (Fraud) Act 1997. [125099]

Angela Eagle *[holding answer 8 June 2000]:* 209 local authorities have reported the appointment of a total of 719 inspectors empowered to make relevant inquiries and examine documents.

Local authorities fraud investigators are also able to ask their local Benefits Agency inspectors to use their powers in order to obtain information for the authority.

A list of local authorities, which have not reported the appointment of a currently serving inspector, has been placed in the Library.

Housing Benefit

Mr. Webb: To ask the Secretary of State for Social Security (1) if he will estimate the cost of removing the top two bands of housing benefit non-dependant deductions and capping the maximum non-dependant deduction to 50 per cent. of the rent due; [125292]

(2) how many claimants are subject to each level of housing benefit non-dependant deductions; [125289]

(3) if he will estimate the cost of not imposing housing benefit non-dependant deductions where this would leave non-dependants with an income below income support level; [125293]

(4) if he will estimate the cost of abolishing housing benefit non-dependant deductions; [125290]

(5) if he will estimate the cost of capping the maximum housing benefit non-dependant deduction to 50 per cent. of the rent due. [125291]

Angela Eagle: The cost of removing the top two bands of Housing Benefit non-dependent deductions and capping the maximum non-dependant deduction to 50 per cent. of the rent due is estimated to be £40 million a year[1].

At May 1998, the latest date for which information is available, the numbers of claimants subject to each level of Housing Benefit non-dependant deductions[2] are in the table.

Housing Benefit (HB)—Non-dependant deductions—May 1998

Non-dependants deduction level	*Number of HB recipients to whom deduction applies*
£7	125,000
£16	21,000
£22	19,000
£36	12,000
£41	7,000
£45	15,000

Note:

All estimates were obtained using the Policy Simulation Model, which uses as base data the Family Resources Survey for 1997–98. Estimates are uprated to 2000–01 prices and benefits levels and are consistent with Departmental forecasts of the number of non-dependants in 2000–01. These forecasts are themselves based on extrapolations of Housing Benefit administrative data.

The cost of not imposing Housing Benefit non-dependant deductions where this would leave non dependants with an income below Income Support level is estimated to be £30 million a year.

The cost of abolishing Housing Benefit non-dependant deductions is estimated to be £230 million a year.The cost of capping the maximum Housing Benefit non-dependant deduction to 50 per cent. of the rent due is estimated to be £35 million a year[1].

[1]Costed on basis that no deduction on behalf of any individual exceeds 50 per cent. of rent, rather than having a 50 per cent. cap on the total deduction for each household.

Source:

[2]Some HB recipients may be subject to more than one non-dependant deduction Housing Benefit Management Information System, annual 1 per cent. sample inquiries, taken on the second Thursday of May 1998.

Mr. Webb: To ask the Secretary of State for Social Security (1) how many Housing Benefit recipients have been assessed under the 6 October 1997 scheme; [125296]

(2) how many Housing Benefit recipients are still assessed under the pre-January 1996 rules on rent restrictions for private sector tenancies; [125294]

(3) how many Housing Benefit recipients are assessed under the Local Reference Rent (January 1996) scheme. [125295]

Angela Eagle: The information is in the table.

Private tenants receiving Housing Benefit in August 1999 by Housing Benefit scheme—Great Britain

Scheme	*Housing Benefit recipients*
January 1996	273,000
October 1997	287,000

Private tenants receiving Housing Benefit in August 1999 not assessed under the January 1996, October 1996 or October 1997 schemes— Great Britain

Tenancy type	*Housing Benefit recipients*
Total private tenants not assessed under the January 1996, October 1996 or October 1997 schemes	1,191,000
Housing Association	892,000
Regulated	139,000
Deregulated	158,000
"Other" private tenancies	4,000

Note:

Figures are rounded to the nearest thousand

Source:

Housing Benefit Management Information System, quarterly caseload inquiry, taken on the second Thursday of August 1999

Winter Fuel Payments

Mr. Webb: To ask the Secretary of State for Social Security for what reason men aged 60 to 64 years have been required to provide their original birth certificate in connection with a claim for Winter Fuel payments; and what alternative documents will be accepted. [125307]

Angela Eagle *[holding answer 9 June 2000]:* The best evidence of age than can be provided is a certified copy of an entry, which has by law to be made in a register concerning the event. This is classed as primary evidence. Photocopies of original documents carry little or no weight of evidence. This is because the original document

has authenticating features not available in a photocopy. However, photocopies that are certified as a true copy of the original are more acceptable.

If primary evidence is not available, then items of secondary evidence will be requested. Examples of these are:

A certificate of baptism

A marriage certificate

A certificate of service in HM Forces

A certificate of employment under the Crown

A certificate of service in the mercantile Marine

A certificate of membership of a Trade Union or Friendly Society

Membership cards or papers of an Approved Society or unemployment insurance

Apprenticeship indentures

Early certificate or testimonial from an employer

Certificate of Naturalisation, Alien's Registration card, Home Office travel documents or passport

Life insurance policy

Certificate of confirmation

National Health Service medical card

Adoption certificate.

Note:

This list is not exhaustive.

Employment Service

Mr. Hancock: To ask the Secretary of State for Social Security when all areas will have organisational boundaries co-ordinated with those of the Employment Service; if he will set out the programme for such co-ordination; and if he will make a statement. [125441]

Angela Eagle: In March of this year my right hon. Friend the Prime Minister announced the creation of a new agency for people of working age that will draw together those elements of the Benefits Agency which support people of working age, and the Employment Service. The agency will launch as soon as possible during 2001. Organisational boundaries will be considered in the design of the new agency.

Pensions

Mr. Cox: To ask the Secretary of State for Social Security how many letters he has received from pensioners expressing views on the recent increase in the state retirement pension; and if he will make a statement. [125764]

Mr. Rooker: Further to my oral answer to the hon. Member for Southend, West (Mr. Amess) on 3 April 2000, *Official Report*, columns 624–25, we have received about 4,000 further letters that mention the level of the State Pension.

Income Support

Mr. Robertson: To ask the Secretary of State for Social Security how many pensioners he expects to claim Income Support as a result of his Department's take-up campaign. [125749]

Mr. Bayley: We have not set a target for the Minimum Income Guarantee take-up campaign, but we will carry out a comprehensive evaluation of the campaign, early next year.

Mr. Robertson: To ask the Secretary of State for Social Security what assessment he has made of the reasons for which pensioners who are eligible to claim Income Support do not claim. [125748]

Mr. Bayley: Research on barriers pensioners face in claiming Income Support was detailed in the Departmental report "Overcoming barriers, older people and Income Support", published last October. It provides a comprehensive analysis of the complexities surrounding pensioner take-up. A copy has been placed in the Library.

Mr. Sanders: To ask the Secretary of State for Social Security if he will list the number of Income Support claimants by constituency in the county of Devon, Torbay Unitary Authority and Plymouth Unitary Authority for each year from August 1998 to the latest date for which figures are available. [124987]

Mr. Bayley: The administration of Income Support is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency to answer. She will write to the hon. Member.

Letter from Alexis Cleveland to Mr. Adrian Sanders, dated 12 June 2000:

The Secretary of State has asked me to reply to your recent Parliamentary Question asking if he will list the number of income support claimants by constituency in the county of Devon, Torbay Unitary Authority and Plymouth Unitary Authority for each year from August 1998 to the latest date for which figures are available.

The information is in the table attached.

I hope this is helpful.

Income Support claimants by parliamentary constituency

	August		*February*
	1998	*1999*	*2000*
Plymouth, Devonport	8.3	8.0	8.1
Plymouth, Sutton	7.8	7.8	7.7
Torbay	9.6	9.4	9.4
East Devon	4.3	4.4	4.1
Exeter	6.5	6.7	6.5
North Devon	5.7	5.7	5.6
South West Devon	3.4	3.2	3.2
Teignbridge	6.2	6.5	6.7
Tiverton and Honiton	4.6	4.5	4.5
Torridge and West Devon	5.6	5.3	5.2
Totnes	6.0	5.7	5.8

Notes:

1. Figures have been rounded to the nearest hundred and quoted in thousands.

2. Cases in August 1998 are allocated to each Parliamentary Constituency by matching postcodes against the 1999 version 1 of the Postcode Directory and in August 1999 and February 2000 against the 1999 version 2 of the Postcode Directory; as such represents Constituency boundaries as at May 1997.

3. Sample sizes 5%, therefore subject to sampling error.

Agoraphobia

Mr. Burstow: To ask the Secretary of State for Social Security if he will make it his policy to recognise agoraphobia within the eligibility rules for Disability Living Allowance. [125712]

Mr. Bayley: Eligibility for Disability Living Allowance is based on a person's needs, and not on recognition of their specific medical condition. However, guidance available to decision makers includes agoraphobia as a potentially disabling condition, and the eligibility criteria for the lower rate mobility component of Disability Living Allowance, need for guidance or supervision on unfamiliar routes, may be of particular relevance for people suffering from agoraphobia.

LORD CHANCELLOR'S DEPARTMENT

No-smoking Policy

Mr. Paul Marsden: To ask the Parliamentary Secretary, Lord Chancellor's Department if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125151]

Jane Kennedy: *(a)* My Department has a well established "Smoking Policy" designed to provide smoke-free working conditions for those staff who want them, while offering limited, designated, smoking facilities for smokers and help for those who wish to stop smoking. *(b)* Practical arrangements for the implementation of the smoking policy are the responsibility of local offices located throughout England and Wales and statistics are not held centrally on how many offices do not allow smoking.

I also refer my hon. Friend to the replies given to the right hon. Member for Penrith and The Border (Mr. Maclean) on 14 December 1999, *Official Report*, column 125W, and to my hon. Friend the Member for Bolton, North-East (Mr. Crausby) on 20 January 2000, *Official Report*, column 527W.

Legal Aid Board

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department what was the *(a)* capital value of assets charged to the Legal Aid Board and *(b)* the interest which accrued in each of the last 10 years for which figures are available. [125359]

Mr. Lock: The capital value of the charge placed on assets by the Legal Aid Board for the last 10 years is shown in the table and is taken from the Legal Aid Board's annual accounts for each of the past 10 years.

Calculation of the interest accrued in each year can be provided only at disproportionate cost as only information on the amount accrued on charges still live at each year-end is readily available.

£000

Financial year	Total value of principal quantified charges	Non-interest bearing principle	Interest bearing principle	Interest accrued as at 31 March of date shown[1]
1990–91	68,019	60,340	7,679	824
1991–92	86,034	62,346	23,688	4,018
1992–93	107,261	63,583	43,678	7,573
1993–94	128,872	66,740	62,132	12,517
1994–95	146,846	67,964	78,882	17,587
1995–96	170,516	71,726	98,790	23,987
1996–97	185,906	72,238	113,668	30,623
1997–98	196,156	72,586	123,570	36,631
1998–99	206,792	74,776	132,016	41,261
1999–2000	209,824	78,258	131,566	43,878

[1] The figures shown in the above table cover live cases at each year end. No data is available on the make up of the movement from one year to the next in terms of new charges added and old ones redeemed.

Crown Court (Ex Post Facto Taxation)

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department what estimate he has made of the savings in administrative costs which would result from replacing the present system of the ex post facto taxation of counsels' fees in the Crown court with a combination of an extended graduated fees scheme and individual case contracts. [125358]

Jane Kennedy: No estimates have been made. It will only be possible to do so once the extent of the graduated fee scheme and the contracts have been agreed.

Mr. Garnier: To ask the Parliamentary Secretary, Lord Chancellor's Department what was the cost of administering the system of ex post facto taxation of counsels' fees in the Crown court in each of the last 10 years. [125357]

Jane Kennedy: The information requested is not available.

Salaried Defence Service

Mr. Leslie: To ask the Parliamentary Secretary, Lord Chancellor's Department when he will publish consultation papers on *(a)* establishing a salaried defence service and draft code of conduct for salaried defenders employed by the Legal Services Commission and *(b)* choice of representative in criminal proceedings. [126069]

Mr. Lock: Copies of both consultation papers have been placed in the Libraries of both Houses. Copies are also available on the Lord Chancellor's Department's website at http://www.open.gov.uk/lcd.

Departmental Expenditure Limits

Mr. Leslie: To ask the Parliamentary Secretary, Lord Chancellor's Department what proposals he has to amend the Lord Chancellor's Department's departmental expenditure limit for 2000–01. [126070]

Mr. Lock: Subject to Parliamentary approval of the necessary Supplementary Estimate for Class V, Vote 1, the Lord Chancellor's Department's Departmental Expenditure Limit for 2000–01 will be increased by £10,000,000 from £2,515,609,000 to £2,525,609,000. The increase is in respect of an award from the Capital Modernisation Fund for the "Crown Court Programme".

The increase will be offset by a transfer from the Capital Modernisation Fund and will not therefore add to the planned total of public expenditure.

Penalty Clauses

Mr. Gordon Prentice: To ask the Parliamentary Secretary, Lord Chancellor's Department, pursuant to his answer of 16 May 2000, *Official Report*, column 16W, on penalty clauses, what penalty payments were made by CSL Group Ltd. [125360]

Mr. Lock: The totals for each financial year are as follows:

£

Date	*Total*
1998–99	33,600
1999–2000	113,250
2000–01 to date	1,400
Total	148,250

CABINET OFFICE

No-smoking Policy

Mr. Paul Marsden: To ask the Minister for the Cabinet Office if she will make a statement on *(a)* the effectiveness of her Department's no-smoking policy and *(b)* the proportion of her Department's offices that do not allow smoking. [125160]

Mr. Stringer: *(a)* The effectiveness of my Department's no-smoking policy is not specifically measured.

(b) 100 per cent. However, designated smoking rooms are provided in each of the offices occupied by my Department. I also refer my hon. Friend to the answer I gave to the right hon. Member for Penrith and The Border (Mr. Maclean) on 21 December 1999, *Official Report*, column 574W.

Competitive Tendering

Mr. Don Foster: To ask the Minister for the Cabinet Office, pursuant to her answer of 19 January 2000, *Official Report*, column 443W, concerning contracts, if she will list the companies concerned and whether these contracts were subject to a competitive tendering process. [124825]

Mr. Stringer: Details of companies concerned and whether they were subject to a competitive tendering process are given in the table:

Name of company	*Competitively tendered*
AT Kearney	No
BMRB International	No
Close, Morton and Company	No
Competitive Contract Services	No
Garavi Gujarat	No
Hymans Robertson[1]	Yes
Opinion Leader Research	No
Pannell Kerr Forster/Knight Frank	Yes
PriceWaterhouseCoopers[1]	Yes
Rawlings and Co.[1]	No
Schneider-Ross	Yes
South Thames Consultancy	Yes

[1] Two contracts

Specified Advisers

Miss Kirkbride: To ask the Minister for the Cabinet Office how many Special Advisers employed by the Government are *(a)* men, *(b)* women and *(c)* from ethnic minorities; and how many attended (i) a state school and (ii) Oxford or Cambridge. [125565]

Mr. Stringer: At 12 June, of the 79 Special Advisers in post, 20 are women. In response to a voluntary survey, the number identified from ethnic minorities are five or less. The exact number is not identified in order to protect the identity of the individuals in line with guidance in the Government Statistical Service Code of Practice. Information relating to the educational background of Special Advisers is not held centrally.

Government Car and Despatch Agency

Mr. Redwood: To ask the Minister for the Cabinet Office how many cars the Government Car and Despatch Agency has purchased since May 1997. [125555]

Mr. Ian McCartney: Since May 1997 the Government Car Service, which is part of the Government Car and Despatch Agency, has purchased 126 cars.

Written Answers to Questions

Wednesday 14 June 2000

HEALTH

Mead Webber

Mr. Paterson: To ask the Secretary of State for Health what were the *(a)* lowest and *(b)* highest HAS scores formally awarded to the Mead Webber plant since the introduction of HAS scores; what was the average score; and what were the *(a)* lowest, *(b)* highest and *(c)* average HAS scores awarded to the plant by Mr. Yogaratnam. [122051]

Ms Stuart *[holding answer 15 May 2000]:* I am advised by the Food Standards Agency that the lowest hygiene assessment system (HAS) score awarded to the Mead Webber plant since the system was introduced is 65; the highest 87 and the average 82.

The lowest HAS score awarded to the plant by Mr. Yogaratnam is 80; the highest 87; and the average 84.

NHS Patients (Food)

Dr. Iddon: To ask the Secretary of State for Health what the average cost was of food for each patient in each year since 1985 in *(a)* Bolton Hospitals NHS Trusts, *(b)* North West NHS hospitals and *(c)* NHS hospitals in England. [122594]

Mr. Denham: Information on the cost of food was collected centrally for the first time in the 1998–99 financial year.

The cost of meal provision per patient per day for Bolton Hospitals National Health Service Trust was £4.39.

The total cost of meal provision for the North West Region was £41,291,201.

The total cost of meal provision for England was £255,868,647.

NHS Hospitals (Cleaning)

Dr. Iddon: To ask the Secretary of State for Health (1) what the average cost was of directly provided cleaning per square metre for each year since 1985 in *(a)* Bolton Hospitals NHS Trust, *(b)* North West NHS hospitals and *(c)* NHS hospitals in England; [122596]

(2) what the average cost was of contracted-out cleaning per square metre for each year since 1985 in *(a)* Bolton Hospitals NHS Trust, *(b)* North West NHS hospitals and *(c)* NHS hospitals in England. [122595]

Mr. Denham: Information was collected centrally for the first time in the 1998–99 financial year. However these data cannot be split between contracted out and directly provided services.

Xenotransplantation

Mr. Baker: To ask the Secretary of State for Health (1) how many incidents of *(a)* virus infection and *(b)* horizontal gene transfer, broken down by the (i) place, (ii) date and (iii) exact nature of each incident, have occurred as a result of xenotransplantation procedures; and if he will make a statement; [125265]

(2) what safety precautions are implemented *(a)* during and *(b)* after xenotransplantation research procedures in order to minimise (i) virus infection and (ii) horizontal gene transfer. [125264]

Mr. Denham *[holding answer 9 June 2000]:* The safety of research into xenotransplantation is governed by various regulations. A summary of the agencies involved and regulations that might apply is contained in guidance on making proposals to conduct xenotransplantation on human subjects (UKXIRA 1998). Copies are available in the Library.

The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires employers to notify the Health and Safety Executive (HSE) of incidents occurring in the workplace that result in the ill health of employees. The HSE has advised that data sets for reports under RIDDOR for the financial years 1994–95 to 1998–99 contained no reports of infection attributed to xenotransplantation procedures.

No clinical trials involving humans have yet been approved in the United Kingdom. Our position remains that clinical trials in xenotransplantation involving humans will be allowed to take place only when we are fully satisfied that the risks associated with such procedures are acceptable, taking account of all the available evidence at the time.

Diabetes

Mr. Sanders: To ask the Secretary of State for Health what assessment he has made of the report, "Diabetes in the UK-the Missing Million"; and if he will make a statement. [125738]

Mr. Denham: We welcome the report, which will help to raise awareness of the seriousness of diabetes. We announced last year the development of a National Service Framework for diabetes in England. The diabetes National Service Framework will be published in 2001 for implementation in the National Health Service from 2002. Its aim is to improve health outcomes for people with diabetes, by raising the quality of services and reducing variations between them.

Air Ambulance Services

Mr. Pike: To ask the Secretary of State for Health how much funding the Government contributed towards the financing of the North West air ambulance, and how many times the air ambulance has been called out in the North West, in the last year for which figures are available. [125959]

Ms Stuart: Air ambulances are not funded from National Health Service central funds. The North West air ambulance launched 480 missions in its first year, 1999–2000.

AGRICULTURE, FISHERIES AND FOOD

Fishing

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food if he will estimate the financial effect on the Government of the EU Commissioners' proposal to achieve the required reduction in fishing for MAGP IV exclusively through cuts in fleet capacity; and what fleet cuts would be required in Britain for the remaining 18 months of the programme. [124452]

Mr. Morley: If adopted, the suggested measures would require a cut in the UK fishing fleet of 8 per cent. over the two years 2001–02, representing about 22,000 tonnes of capacity.

It is not possible to make an accurate estimate of the likely cost of decommissioning this tonnage through a voluntary grant scheme. Based on the average level of successful bids under the most recent scheme in 1997, it would be about £75 million. But the cost would be substantially higher since there would have to be sizeable cuts in those profitable fleet segments which have hitherto shown little interest in voluntary decommissioning schemes. Cuts of this scale over such a time period are not ones we think are feasible or that we could support.

Live Animal Exports

Mr. Presser: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 3 May 2000, *Official Report*, column 140W, on live animal exports, what steps he plans to take to reduce the number of sheep originating from Kent which need to be removed by his staff at Dover port from consignments of slaughter/further fattening sheep; and if he will make a statement. [124888]

Mr. Morley: Careful consideration is already given to the reasons why individual sheep are found to be unfit at Dover so that steps can be taken to deal with any remediable cause.

Mr. Prosser: To ask the Minister of Agriculture, Fisheries and Food, pursuant to his answer of 1 March 2000, *Official Report*, column 286W, on live animal exports, how many sheep were rejected by local veterinary inspectors from 31 May to 31 December 1999 as unfit to travel, broken down by county in England and Wales. [125135]

Mr. Morley: The updated numbers of sheep rejected by local veterinary inspectors as unfit to travel for the period 31 May to 31 December 1999 according to counties of origin are as follows:

Country/county	*Number*
England	
Herefordshire	506
North Yorkshire	3,726
Shropshire	3
Scotland	
Dumfries and Galloway	17
Lanarkshire	6
Mid-Lothian	1
Wales	
Denbighshire	6,547
Monmouthshire	10
Powys	600
Wrexham	1,143
Total	12,559

Notes:
1. Nil returns for all other counties
2. All figures are provisional and subject to change

Tuberculosis

Mr. Paice: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on the terms on which compensation is granted to farmers in the tuberculosis study areas; and what allowance there is for consequential loss. [125800]

Ms Quin *[holding answer 13 June 2000]:* When cattle are slaughtered following a positive reaction to the tuberculin skin test, the farmer receives compensation of 100 per cent. of their market value. No compensation is given for consequential losses. Compensation arrangements are the same both inside and outside badger culling trial areas.

Pigs (Transportation)

Mr. Robertson: To ask the Minister of Agriculture, Fisheries and Food if he will make a statement on his policy on the transportation of pigs in farrowing crates. [125747]

Mr. Morley *[holding answer 13 June 2000]:* Farrowing crates are used to prevent sows from crushing their young piglets. They are not used to transport pigs.

Animal Import Licences

Mr. Baker: To ask the Minister of Agriculture, Fisheries and Food if he will list the current importation licences which permit the importation of cynomolgus monkeys and wild-caught baboons into the UK for xenotransplantation research, indicating for each licence *(a)* the number of non-human primates involved, *(b)* the origin of the primates and *(c)* the expiry date of the licence; and if he will make a statement. [125302]

Ms Quin *[holding answer 9 June 2000]:* A list of the current import licences for cynomolgus monkeys (*macaca fascicularis*, otherwise known as crab-eating macaques), with expiry dates, is as follows. The animals are intended for research purposes but this Department does not require the type of research to be specified on the licence application. There are no current import licences for the importation of baboons.

Number licensed	*Country of origin*	*Date licence expires*
30	Israel	16 June 2000
36	China	16 June 2000
12	China	18 July 2000
100	Mauritius	16 August 2000
100	Mauritius	16 August 2000
100	Mauritius	16 August 2000
100	Mauritius	16 August 2000
18	Israel	21 September 2000
60	Israel	3 October 2000
60	Mauritius	11 October 2000
60	Mauritius	11 October 2000
60	Mauritius	11 October 2000

Number licensed	Country of origin	Date licence expires
50	Mauritius	14 October 2000
50	Mauritius	14 October 2000
50	Mauritius	14 October 2000
50	Mauritius	14 October 2000
34	Mauritius	2 November 2000
20	Mauritius	2 November 2000
10	Mauritius	7 November 2000
40	Mauritius	7 November 2000
4	Mauritius	7 November 2000
30	Israel	30 November 2000
60	Mauritius	30 November 2000

Agricultural Workers

Mrs. Dunwoody: To ask the Minister of Agriculture, Fisheries and Food what percentage of agricultural/horticultural workers in Cheshire are in *(a)* part-time and *(b)* full-time employment; how many receive the national minimum wage; how many of the part-time employees are female; and if he will make a statement on the retention of the Agricultural Wages Board. [124785]

Ms Quin: The 1999 June Agricultural and Horticultural Census recorded 3,938 agricultural and horticultural workers in Cheshire (excluding farmers and managers). Of this total 23 per cent. were in part-time employment and 77 per cent. were in full-time employment. The agricultural work force in Cheshire included 868 regular part-time workers of which 408 were female. In addition 300 casual or seasonal workers were employed on a part-time basis. We have no information on the gender of these workers or any data on rates of pay on a county basis.

All agricultural workers should receive at least the Agricultural Minimum Wage set under the Agricultural Wages Order. All such rates are above the national minimum wage.

The review of the operation of the Agricultural Wages Board—one of the regular, standard reviews—is ongoing. The consultation period closed on 31 March and the responses which were received are being considered.

Frozen Beef Imports

Sir Michael Spicer: To ask the Minister of Agriculture, Fisheries and Food if he will publish an assessment of the animal health and safety welfare standards in countries from which the United Kingdom imports frozen beef. [124675]

Ms Quin *[holding answer 5 June 2000]:* All consignments of fresh or frozen beef meat imported into the UK, whether from other EU member states or third countries, must have been produced in accordance with the harmonised Community rules laid down in Council Directive 64/433/EEC. Ensuring that these rules are adhered to is the responsibility of the European Commission and reports of their veterinary inspection visits to a number of these countries are available on their website at the following address:

http://europa.eu.int/comm/dg24/health/vi/reports/index—en.html

On animal welfare, Article 8 of Council Directive 98/58/EC, which lays down minimum standards for the protection of animals kept for farming purposes, requires the European Commission to submit a report on the comparison between animal welfare provisions in the Community and in non-member countries which supply the Community. We await the findings of this report with interest.

EU Beef Labelling

Mr. Gill: To ask the Minister of Agriculture, Fisheries and Food what representations he has received from the meat industry on the compulsory EU beef labelling scheme; and if he will make a statement. [123297]

Ms Quin: At its meeting in Luxembourg on 17 April the Agriculture Council reached a political agreement on the adoption of a common position on a Commission proposal for a Regulation laying down general rules for a compulsory beef labelling system in the EU. Since then we have received representations from a number of organisations involved in the beef supply chain expressing concerns about the compliance costs, the value of the proposed compulsory indications to consumers and the timescale for implementation.

Particular concern has been expressed about the requirement for beef to be labelled with the category of animal from which it is derived. We fully appreciate these concerns. The requirements may be amended following consideration of the proposed Regulation by the European Parliament.

Farmers

Mr. Ruane: To ask the Minister of Agriculture, Fisheries and Food how many farmers have left farming in each of the past 10 years. [123462]

Ms Quin *[holding answer 23 May 2000]:* Information in the form requested is not available. The overall number of main holdings in the agricultural census in the United Kingdom has declined from 256,700 at June 1989 to 239,600 at June 1999. These are net figures, which include holdings coming into, as well as leaving agriculture and will, in many cases, take no account of changes in ownership.

GM Maize (Chardon LL)

Joan Ruddock: To ask the Minister of Agriculture, Fisheries and Food in respect of the proposed decision to add the genetically-modified maize variety Chardon LL to the United Kingdom National List, how much money those making representations have in total paid him for so doing. [121514]

Ms Quin: To date £6,810 has been received in respect of written representations, and £40,280 for requests to be heard by a person appointed by Ministers.

Pig Industry

Miss McIntosh: To ask the Minister of Agriculture, Fisheries and Food if he will introduce a scheme to compensate pig farmers for the disposal of specified material on the same basis as that which exists for beef farmers. [121769]

Ms Quin: There is no scheme in place which compensates beef farmers or slaughterers for the disposal of specified material. The additional veterinary inspection

cost of overseeing the removal and destruction of specified risk material (SRM) from cattle is not presently passed on to cattle slaughterhouse operators but as there are no SRMs in pigs no additional veterinary inspection costs apply.

Sheep Dips

Mr. Curry: To ask the Minister of Agriculture, Fisheries and Food what information was provided to regional service centres in December 1999 to assist them in responding to inquiries about the withdrawal of organophosphate sheep dips; and on what date the advice was received by each centre. [120074]

Ms Quin: The withdrawal of organophosphorus sheep dips was announced to Parliament by written answer on 20 December 1999, when a MAFF News Release was also published and was made available on the MAFF website to which all Regional Service Centres have access. Regional Directors were informed of developments at their regular monthly meeting on 20 January and were subsequently provided with further briefing.

FOREIGN AND COMMONWEALTH AFFAIRS

General Affairs Council

Mr. Jim Marshall: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the outcome of the General Affairs Council held in Brussels on 22 and 23 May; and if he will make a statement. [123722]

Mr. Vaz: I wrote to the Chairman of the European Select Committee on 7 June to explain the outcome of the 22–23 May General Affairs Council held in Brussels. Copies of my letter have been deposited in the Libraries of both Houses.

Charities (Forms)

Mrs. Lait: To ask the Secretary of State for Foreign and Commonwealth Affairs what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123947]

Mr. Robin Cook: Although the FCO has contact with many charities and other voluntary organisation, no central record is kept of those contacts and the information sought could be collected only at disproportionate cost.

It is FCO policy, as far as possible, to minimise the administrative burdens it places on the charities and voluntary organisations with which it has dealings.

Ethiopia

Mr. Robertson: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with *(a)* the Organisation for African Unity and *(b)* the United Nations, about the war between Ethiopia and Eritrea; and if he will make a statement. [124500]

Mr. Hain *[holding answer 5 June 2000]:* Our Permanent Representative to the United Nations in New York is in frequent contact with the United Nations Secretary-General and the Algerian OAU Presidency to discuss the war between Ethiopia and Eritrea.

Our Ambassadors in Algeria and Addis Ababa also hold frequent talks with the Algerian OAU Presidency. And our Ambassador in Addis Ababa is in contact with the OAU Secretariat.

Croatia

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps Her Majesty's Government are taking to support Croatia's proposed accession to the *(a)* European Union and *(b)* World Trade Organisation; and if he will make a statement. [125377]

Mr. Vaz: Her Majesty's Government fully support the EU's Stabilisation and Association process, designed to build stability and prosperity in South East Europe. The 1999 Cologne European Council confirmed that Stabilisation and Association Agreements will offer

> a prospect of European Union membership on the basis of the Amsterdam Treaty and fulfilment of the criteria defined at the Copenhagen European Council.

The Commission has produced a study on the feasibility of a Stabilisation and Association Agreement with Croatia recommending that the EU open up negotiations on an Agreement.

We welcome the Commission's effort to reach agreement on the terms of Croatia's WTO accession. Following recent developments, we understand that the key outstanding issues surrounding a market access package have been resolved. We hope that this should open the way to Croatia's accession to the WTO in the near future.

OECD

Mr. Denzil Davies: To ask the Secretary of State for Foreign and Commonwealth Affairs what was the total amount paid by Her Majesty's Government to the OECD in respect of membership fees in each of the last three financial years. [125532]

Mr. Hain: The total amount paid by Her Majesty's Government over the last three financial years is £14,151,086.69. The OECD membership fees per year for the last three years are: 1997—£4,845,082.79, 1998—£4,586,554.69, 1999—£4,719,449.21.

We believe that this represents good value for money. The Organisation for Economic Co-operation and Development provides expert analysis and facilitates policy discussion on a wide range of subjects, including macroeconomic policy, labour market reform, harmful taxation competition, E-commerce, and food safety.

Nuclear Non-proliferation Treaty

Mr. Cox: To ask the Secretary of State for Foreign and Commonwealth Affairs if he will list the countries with which he has discussed the Nuclear Non-Proliferation Treaty in the last 12 months. [125768]

Mr. Hain: We have discussed the Treaty on the non-proliferation of nuclear weapons with a range of interlocutors as part of our normal bilateral dialogues. It has also been discussed at European Union and G8 summits and at meetings of the United Nations Security Council. The review conference of the treaty in May 2000 offered the opportunity for further bilateral and multilateral discussions. The conference was attended by 155 states parties.

In all appropriate forums, both bilateral and multilateral, we have made clear our commitment to the treaty and our determination that all those states which are not party to it should proceed towards accession as soon as possible.

Chechnya

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with his European and NATO colleagues concerning the protection of inhabitants of the Caucasus against Chechnyan forces. [125894]

Mr. Vaz *[holding answer 13 June 2000]:* We have had regular discussions with international colleagues about the Chechnya conflict, including in the EU, NATO, the OSCE and other international fora. Such discussions have regularly included discussion of the impact of the crisis on regional stability.

Mrs. Gillan: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the Chechnyan rebel leaders concerning the jihad in the Caucasus. [125893]

Mr. Vaz *[holding answer 13 June 2000]:* Neither I nor my right hon. Friend the Foreign Secretary have had meetings with Chechen warlords. Foreign and Commonwealth Office officials have from time to time met Chechen representatives. In such contacts we have condemned terrorism and made clear our concern about the level of violence and reported human rights abuses on both sides in the Chechen conflict.

European Social Charter

Mr. O'Hara: To ask the Secretary of State for Foreign and Commonwealth Affairs when he will ratify the 1996 revised European Social Charter of the Council of Europe signed on 7 November 1997. [125795]

Mr. Vaz *[holding answer 13 June 2000]:* We are continuing to review ratification of the Revised European Social Charter and consultations will continue on the provisions that we might accept upon ratification.

UNMOVIC

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps the Government have taken to ensure that there is adequate Arab representation within the UNMOVIC inspection teams. [125142]

Mr. Hain: This is a matter for UNMOVIC's Executive Chairman, Dr. Hans Blix. The UK is in favour of UNMOVIC staff being drawn from the broadest possible geographical base, as called for under United Nations Security Council resolution 1284. We urge all UN members to respond positively to Dr. Blix's requests for staff.

Russian Federation

Mr. Terry Davis: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to refer breaches of the European Convention on Human Rights by the Russian Federation in Chechnya to the European Court of Human Rights under Article 33 of the Convention; and if he will make a statement. [125990]

Mr. Vaz: We have considered with our EU partners the possibility of bringing an interstate action against Russia under Article 33 of the European Convention on Human Rights. We and other EU states have pursued other means of ensuring accountability for alleged human rights abuses in Chechnya, notably at the 56th Session of the Commission of Human Rights. An EU-drafted Resolution was passed, registering major concerns, including the need for an independent Commission of Inquiry meeting international standards. With EU partners, we have agreed that this type of international pressure, rather than an interstate complaint, was the clearest way of indicating our concern over the situation in Chechnya.

Mr. Terry Davis: To ask the Secretary of State for Foreign and Commonwealth Affairs if it is the Government's policy to support the proposed suspension of the Russian Federation from the Council of Europe in accordance with Recommendation 1456 (2000) of the Parliamentary Assembly of the Council of Europe. [125991]

Mr. Vaz: We share the concerns expressed in Recommendation 1456 of the Parliamentary Assembly of the Council of Europe (CoE) and have taken every opportunity, bilaterally and in company with our EU partners, to impress on Russia the need to comply with its human rights obligations. However, we share the EU position that it is preferable to continue to bring pressure to bear through engagement within the CoE rather than to isolate Russia by suspension.

LORD CHANCELLOR'S DEPARTMENT

Queen's Counsels

Mr. Dismore: To ask the Parliamentary Secretary, Lord Chancellor's Department what restrictions on the use of QCs have been introduced *(a)* by Government Departments and *(b)* through legal aid funding, indicating in each case what savings to public funds he estimates will be made as a result; and if he will make a statement. [125533]

The Solicitor-General: I have been asked to reply.

Dealing first with *(a)*, whenever a Government Department in England and Wales wishes to brief a QC to appear in court on a civil matter, a legal adviser of a designated level of seniority must seek a nomination from the Law Officers of a particular Queen's Counsel with the appropriate expertise. Each such nomination has to be approved personally by the Attorney General or by me before instructions can be sent. This procedure has been

in operation for some years. It means that QCs are the exception, not the rule. The two First Treasury Counsel are both junior counsel and they will advise and represent the Government without Queen's Counsel in many of its important civil cases. In addition there are four panels of junior Counsel whom Departments are expected to use for the majority of the Government's civil litigation.

With regard to legal aid funding, in civil matters, Queen's Counsel should not be instructed by a solicitor acting for a publicly funded party unless prior authority has been given by the Legal Services Commission either in the certificate or subsequently by the Area Director. The Legal Services Commission issues Guidance on the use of Queen's Counsel and on making an application for prior authority.

In criminal matters before the higher courts, judges have powers to allow a Queen's Counsel for the defence in the following cases: *(a)* on a charge of murder; *(b)* where it appears to the court making the order that the case is one of exceptional difficulty, gravity or complexity and that a Queen's Counsel is required in the interests of justice; or *(c)* where the prosecution is being brought by the Serious Fraud Office. The Lord Chancellor has been consulting on changes to this rule to control the use of QCs more strictly. The consultation is substantially concluded and he will shortly be laying regulations which will have the effect of restricting the use of QCs to cases where the prosecution have instructed a QC or Senior Treasury Counsel or the defence case is exceptional when judged against other offences of the same type and the defence case for that defendant involves substantial, novel or complex issues of law or fact which in the opinion of the court could properly be handled by a QC. Judges will be asked to endorse a written application stating how the criteria are met. This will allow the effect of the change to be monitored.

It is impossible to predict how many Government cases in the future will justify the appointment of a QC or, consequently, what cost savings are made by the operation of these procedures.

Legal Aid

Mr. Geraint Davies: To ask the Parliamentary Secretary, Lord Chancellor's Department how many legal firms deal with legal aid work; and what the number was in 1996. [125434]

Mr. Lock: The information is not readily available in the form requested, and can be provided only at disproportionate cost. The Legal Services Commission, which replaced the Legal Aid Board on 1 April 2000, records payments made to solicitors offices and not solicitors firms. One firm may have several offices, but the Commission's payment system cannot identify them as belonging to the same firm.

During the period April 1996 to 31 March 1997, 10,739 offices received legal aid payments. The most recent figure available is for the period 1 April 1998 to 31 March 1999, when the number was 10,751. The figure for 1999–2000 is not yet available but will appear in the Legal Aid Board's final annual report which will be laid before Parliament in July 2000.

Barristers

Mr. Gareth Thomas: To ask the Parliamentary Secretary, Lord Chancellor's Department what his policy is with regard to the exercise of his powers under the Access to Justice Act 1999 and the Courts and Legal Services Act 1990 on the formation of partnerships between barristers. [125432]

Mr. Lock: The Lord Chancellor has no statutory powers with regard to the formation of partnerships between barristers.

The Lord Chancellor's powers under Schedule 4 to the Courts and Legal Services Act 1990, as amended by schedule 5 to the Access to Justice Act 1999, enable him only to strike down and replace a professional body's rules if they unreasonably restrict a right of audience or to conduct litigation, or the exercise of such a right.

The rules preventing barristers forming partnerships are entirely a matter for the Bar Council.

HOME DEPARTMENT

Alcohol (River Boats)

Mr. Fearn: To ask the Secretary of State for the Home Department how many alcohol-related incidents were reported to police on or relating to Thames river boats in *(a)* 1990–91, *(b)* 1992–93, *(c)* 1994–95, *(d)* 1996–97 and *(e)* 1998–99. [125446]

Mr. Charles Clarke: This information is not available.

Immigration

Mr. Mitchell: To ask the Secretary of State for the Home Department how many citizens of the European Community or European Economic Area, or members of their families, were *(a)* questioned, *(b)* searched and *(c)* detained in (i) 1997, (ii) 1998 and (iii) 1999; and how the powers in these respects are exercised and at what location, in respect of those travelling by rail through the channel tunnel. [125385]

Mrs. Roche: The information requested is not available. European Economic Area (EEA) nationals are normally admitted to the United Kingdom on production of a valid passport or identity card as evidence of nationality and identity, in accordance with Article 3(1) of the Immigration (European Economic Area) Order 1994 ("the EEA Order") and subject of Article 15(1) of the EEA Order. Under Article 3(3) of the EEA Order, an accompanying family member of an EEA national who is not himself an EEA national will normally be admitted to the United Kingdom, although he may, in addition, be required to hold an EEA family permit issued abroad.

Under Article 15(1) of the EEA Order, immigration officers on arrival may refuse to admit a person if his exclusion is justified on grounds of public policy, public security or public health. This applies when the person is travelling by rail through the channel tunnel or by any other means of transport.

Powers for immigration officers to question passengers arriving in the United Kingdom, whether they are citizens of the European Union or European Economic Area, or their accompanying (third country) relatives, are contained

in paragraph 2 of Schedule 2 to the Immigration Act 1971. Schedule 2 applies to the examination of (EEA) nationals in accordance with Article 20(2)(e) of the EEA Order. Under paragraph 4(3) of Schedule 2 to the Immigration Act 1971, a person who is examined under paragraph 2 of Schedule 2 to the Immigration Act 1971 may be searched, and his belongings examined, and that person may be detained under paragraph 16 of Schedule 2 of the Immigration Act 1971.

These powers are normally exercised where the passenger first encounters the immigration officer or, in the case of a person examined on board a train, immediately on his arrival in the United Kingdom.

Child Abuse

Mrs. Curtis-Thomas: To ask the Secretary of State for the Home Department what steps he takes to ensure that alleged cases of institutional child abuse are thoroughly investigated. [125750]

Mr. Charles Clarke: Although the conduct of criminal investigations is a matter for the chief officer of police, the police have a duty and responsibility to investigate all criminal offences. Investigations into allegations of criminal offences against children in particular, should be carried out sensitively, thoroughly and professionally.

The Home Office has worked with the Department of Health and the Department for Education and Employment to publish guidance—"Working Together to Safeguard Children"—which sets out how all agencies and professionals should work together to promote children's welfare and to protect them from abuse and neglect.

In addition, following the North Wales Child Abuse Report (the Waterhouse Report) "Lost in Care", the Government agreed there was a need for an inter-agency review of best practice in conducting complex abuse investigations and that a Review Group would be established to take forward this work, bringing together representatives from the Home Office, Department of Health, Local Government Association, Association of Directors of Social Services and the Association of Chief Police Officers.

Ronald Maddison

Mr. Key: To ask the Secretary of State for the Home Department how many people *(a)* have voluntarily contacted the police, *(b)* the police have contacted and *(c)* the police estimate they will wish to contact in connection with the Wiltshire Constabulary inquiry into the death of Ronald Maddison. [125989]

Mr. Charles Clarke: I understand from the Wiltshire Constabulary that no-one has contacted them on their own initiative in connection with the inquiry into the death of Ronald Maddison; that the force has so far been in contact with 12 people in this connection; and that it is not possible to estimate the final number who may be contacted. The inquiry into Mr. Maddison's death is just one aspect of a wider inquiry into events at Porton Down over many years.

Asylum Seekers

Mr. McNamara: To ask the Secretary of State for the Home Department if he will direct that the relevant local authorities and regional assemblies be given the opportunity to be involved in all discussions between the National Asylum Support Service and the private agencies and landlords in the allocation of asylum seekers to different localities. [125278]

Mrs. Roche: The National Asylum Support Service (NASS) is fully committed to consulting the regional consortiums as part of the negotiation process in dispersing asylum seekers. We recognise the importance of local knowledge and expertise and NASS has an established consultation process for the procurement of accommodation. It would not be practicable to give individual local authorities and regional assemblies the opportunity to be involved in all discussions with private agencies and landlords. NASS must strike the right balance between the need to consult and the need, for example, to secure accommodation within reasonable timescales.

Mr. McNamara: To ask the Secretary of State for the Home Department to what extent the size of the local Islamic community and the availability of support workers in the education and social services departments and voluntary agencies is taken into account by the National Asylum Support Service in the allocation of asylum seekers to local authorities. [125279]

Mrs. Roche: Wherever possible we disperse asylum seekers to areas where there is an established community of the same language. We also take into account any other local factors brought to our attention during the consultation process with the local regional consortium. The voluntary agencies are establishing "one stop shops" where asylum seekers can receive help and advice.

Resident and Community Groups

Mr. Rowe: To ask the Secretary of State for the Home Department how much money has been made available for spending under the Government's policy for community involvement by residents' and community groups since May 1997; and if he will make a statement. [124261]

Mr. Boateng: The Home Office spent £170,000 in 1999–2000 under the Community Resource Fund, and is likely to spend a similar amount during this financial year. £325,000 was spent under the Community Development Learning Fund with £650,000 to be made available for 2000–01. Both these funds were established as a result of recommendations contained in the Policy Action Team 9 Report on Community Self-Help, and are aimed at enabling small and emerging community groups in deprived areas to access funds as easily and quickly as possible.

Other departments also resource this activity. The hon. Member may wish to seek further information from, in particular, my right. hon. Friends the Secretary of State for the Department of the Environment, Transport and the Regions, and the Secretary of State for the Department for Education and Employment.

INTERNATIONAL DEVELOPMENT

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for International Development if she will make a statement on *(a)* the effectiveness of her Department's no-smoking policy and *(b)* the proportion of her Department's offices that do not allow smoking. [125161]

Mr. Foulkes: Our smoking policy, which allows smoking in designated areas only, has been very effective. We have two offices in London and East Kilbride where smoking is permitted only in five designated areas which account for between 1 per cent. and 2 per cent. of the total available space.

Croatia

Mr. Hancock: To ask the Secretary of State for International Development if Know How Fund aid to Croatia has been increased since the election of the new Government; and if she will make a statement. [125376]

Clare Short: Our bilateral allocation to Croatia is £1 million in the current financial year, increasing to £1.5 million in each of the two following years. Our share of the EU programme to Croatia in 2000 is just over £2 million.

Our aim is to complement the funding available through the EU and the international financial institutions to which we contribute. Since the election of the new Government we have discussed with the Croatian authorities several areas of possible support to their reform programme. Where our current funding allocations are insufficient to support good proposals put to us by the Croatian authorities, I shall consider transferring uncommitted funds from within the overall allocation for Central and South Eastern Europe.

Mangrove Swamps

Mr. Dalyell: To ask the Secretary of State for International Development what aid is being given towards the preservation of mangrove swamps in *(a)* the West Indies and *(b)* the Indian Ocean. [123245]

Clare Short: My Department supports a number of programmes and activities related to the sustainable use and conservation of coastal ecosystems, including coral reefs and seagrass as well as mangrove swamps. Current programmes at least in part related to the preservation of mangrove swamps in the West Indies and the Indian Ocean include: the Turks and Caicos Islands Coastal Resource Management Project to develop institutional capacity; support to the Organisation of Eastern Caribbean States (OECS) for capacity building in coastal resource management; promotion of participatory natural resource management through the Caribbean Natural Resources Institute (CANARI); the State Forest Management project in Grenada; rehabilitation of coastal mangroves in Bangladesh as part of a project to increase fish and shrimp production; and development of community management of coastal ecosystems at Mafia Island in Tanzania.

Other on-going activities we support include the International Coral Reef Initiative (ICRI) and preparatory work for the African Partnership Conference on the Development and Protection of the Coastal and Marine Environment of Africa.

In addition, recently completed work includes support to the preparation of the South Africa White Paper on Sustainable Coastal Development containing provisions for the protection of degraded and threatened ecosystems, and research on the coastal lagoons of Sri Lanka. I will send my hon. Friend a copy of the findings and recommendations of this research project on participatory approaches to natural resource management.

This answer does not include any assistance which may be given by other Government Departments.

EDUCATION AND EMPLOYMENT

SSA (Leeds)

Mr. Mudie: To ask the Secretary of State for Education and Employment if he will list the standard spending assessment for education in Leeds in *(a)* 1998–99, *(b)* 1999–2000 and *(c)* 2000–01 and the actual spending and planned spending by the local authority on education in those years. [125425]

Ms Estelle Morris: The following table sets out, for Leeds Local Education Authority, the Education Standard Spending Assessment for *(a)* 1998–99 *(b)* 1999–2000 and *(c)* 2000–01; the planned spending by the local authority on education for each of these years; the actual spending on education for 1998–99, the latest year for which such information is available; and the total resources available per pupil (5–15) through SSA and special and specific grant for all three years.

	1998–99	*1999–2000*	*2000–01*
Education SSA (£ million)	278.7	292.4	306.6
Budget (£ million)	297	306.6	315.2
Net revenue expenditure (£ million)	292.6	—	—
SSA + Special and Specific Grant per pupil (5–15) (£)	2,505	2,683	2,937

Note:
Budget figures are based on education budgeted net revenue expenditure taken from information reported by the authority on the RA and RA(SG) forms. The comparable outturn figure is based on information on the RO1, RS and RG Outturn forms. Net revenue expenditure figures include an estimate of education CERA made centrally, based on information in the forms.

Key Stage 2 (Marking)

Mr. Wyatt: To ask the Secretary of State for Education and Employment how many end of Key Stage 2 *(a)* mathematics and *(b)* science test papers were returned for a review of marking in each of the past four years. [124894]

Ms Estelle Morris: Information on the number of end of Key Stage 2 mathematics and science test papers returned for a review of marking is available only for the past three years.

The number of tests papers returned for review of marking were:

	Mathematics	*Science*
1999	1,658	1,870
1998	1,283	3,967
1997	1,563	2,577

Allington School Site

Mr. Gray: To ask the Secretary of State for Education and Employment when he will announce a decision about the sale of the Allington School site in Chippenham. [125716]

Jacqui Smith: The application from Wiltshire County Council to sell the former Allington School site has been put on hold, at the request of the County Council, pending further discussions between the County Council, North Wiltshire District Council and Chippenham Town Council over the provision of additional playing fields in Chippenham.

Early-years Education

Mr. Simon Hughes: To ask the Secretary of State for Education and Employment how many additional free early years education places would be required to meet the Government's target of free places being available for 66 per cent. of three-year-olds by 2002 for *(a)* England and *(b)* each local education authority in London. [122710]

Ms Hodge *[holding answer 19 May 2000]:* 190,000 additional new free early years education places for three-year-olds will be made available over the next three years using the £390 million allocated by the Government. This will allow us to meet the national target of providing 66 per cent. of all three-year-olds in England with a free place.

We are seeking to target those children in most social need. To this end different targets have been set with different local authorities to reflect their position on the Government's Index of Local Deprivation.

The following table shows the estimated number of new places required in the local education authorities in London to contribute to taking the national figure to 66 per cent. It also shows our estimate of the percentage of three-year-olds in each area who will have a free place by April 2001.

Local education authority area	*New places required to reach national target of 66%*	*% of children expected to have free places by April 2001*
Barking and Dagenham	0	81.9
Barnet	695	51.0
Bexley	669	44.9
Brent	494	81.7
Bromley	2,022	16.0
Camden	518	80.7
City of London	2	64.0
Croydon	1,276	57.4
Ealing	0	79.7
Enfield	1,235	67.4
Greenwich	245	84.2
Hackney	739	86.4
Hammersmith and Fulham	297	80.5
Haringey	149	83.5
Harrow	1,195	30.1
Havering	1,158	22.0
Hillingdon	1,596	37.5
Hounslow	293	76.1
Islington	574	82.9
Kensington and Chelsea	601	71.5
Kingston upon Thames	265	52.9
Lambeth	868	84.9
Lewisham	946	82.9
Merton	0	68.6
Newham	686	88.1
Redbridge	1,221	56.0
Richmond upon Thames	771	30.5
Southwark	221	85.4
Sutton	1,264	13.2
Tower Hamlets	0	85.9
Waltham Forest	1,058	80.7
Wandsworth	1,083	78.8
Westminster	692	76.0

Pre-school Learning

Mr. Kidney: To ask the Secretary of State for Education and Employment what financial support his Department has given to the Pre-school Learning Alliance in each year since April 1997. [123102]

Ms Hodge: The Department has provided the following Financial Support to the Pre-school Learning Alliance (PLA) since 1997:

£

	Marketing, quality and training infrastructure	*Section 64 grant: core funding*	*Total*
1997–98	1,578,000	420,000	1,998,000
1998–99	1,585,000	420,000	2,005,000
1999–2000	1,590,000	420,000	2,010,000
2000–01	1,600,000	450,000	2,050,000
Total	6,353,000	1,710,000	8,063,000

During the same period £640 million has been made available to fund places for three and four-year-olds—around 50 per cent. went to the voluntary sector. I am encouraged that over 80 per cent. of new free nursery places for three-year-olds created during 1999–2000 were in the voluntary and private sectors.

In March, I announced that, for the third year running, we are making available £500,000 for a further round of small grants for pre-schools and playgroups facing financial difficulties. This will give groups breathing space in which to consider their longer term plans.

In recognition of the challenges facing the sector we have announced the provision of £250,000 for specific projects to help pre-schools and playgroups develop and grow, as the early years sector expands.

ENVIRONMENT, TRANSPORT AND THE REGIONS

London Underground

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 12 May 2000, *Official Report*, column 483–84W, on London Underground, if he will list *(a)* train, *(b)* signal and *(c)* track failures in each financial year for each line of the London Underground. [125281]

Mr. Hill: This is an operational matter for London Underground Ltd. (LUL). The figures requested are not standard London Underground performance measures and data are not kept in this format. Therefore to provide the figures on a line by line basis would incur disproportionate cost.

Registered Social Landlords

Helen Jones: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will list *(a)* those local authorities which have transferred some or all of their housing stock to registered social landlords, *(b)* the name of the registered social landlord to which the stock has been transferred, *(c)* the average rent increase or decrease determined by the registered social landlord in each financial year since the transfer and *(d)* the rent collected by the registered social landlord as a percentage of the total rent due in each financial year since the transfer; [124258]

(2) if he will list those registered social landlords to which local authority housing stock has been transferred which have failed to satisfy the performance indicators set by the Housing Corporation, for each financial year since the stock was transferred, and in each case give details of the specific performance indicators they failed. [124259]

Mr. Mullin *[holding answer 8 June 2000]:* The information requested, that is readily available, has been placed in the Libraries of the House.

However, information about rent increases and decreases has been collected as part of the Housing Corporation's performance indicators only since 1995–96. Information on rent increases for transfer tenants and for new tenants is not collected separately. The rent differential between these two groups can be over 20 per cent. It would be misleading to provide an average figure combining rent increase and decrease figures for transfer tenants and new tenants.

The Housing Corporation has collected a range of performance indicators since 1993–94. Since April 1998, RSLs have been expected to achieve set levels of performance in certain key areas of housing management. In view of this, a list of RSLs to which local authority housing stock has been transferred which failed to satisfy the performance indicators set by the Housing Corporation is available only for the years 1997–98 and 1998–99.

Housing Investment Programme

Ms Buck: To ask the Secretary of State for the Environment, Transport and the Regions what were the *(a)* cash and *(b)* percentage changes to the Housing Investment Programme in the London boroughs of (i) Kensington and Chelsea and (ii) Westminster in each year since 1992. [125421]

Mr. Mullin: Kensington and Chelsea's and Westminster's Housing Investment Programme allocations for 1992–93 to 2000–01 were as set out in the table. The figures for 1997–98 to 1999–2000 include the allocations made through the Capital Receipts Initiative.

£ thousand

	Kensington and Chelsea		
Year	*Allocation*	*Change on previous year*	
		Amount	*Percentage*
1992–93	13,084	+3,440	+36
1993–94	12,087	–997	–8
1994–95	9,567	–2,520	–21
1995–96	9,327	–240	–3
1996–97	9,583	+256	+3
1997–98	7,453	–2,130	–22
1998–99	9,682	+2,229	+30
1999–2000	10,625	+943	+10
2000–2001	16,395	+5,770	+35

£ thousand

	Westminster		
Year	*Allocation*	*Change on previous year*	
		Amount	*Percentage*
1992–93	21,314	+1,249	+6
1993–94	25,190	+3,876	+18
1994–95	18,780	–6,410	–25
1995–96	16,583	–2,197	–12
1996–97	15,763	–820	–5
1997–98	12,313	–3,450	–22
1998–99	14,172	+1,859	+15
1999–2000	15,561	1,389	+10
2000–2001	25,535	+9,974	+64

Thameslink

Mr. Pollard: To ask the Secretary of State for the Environment, Transport and the Regions what measures he will take to ensure that Railtrack minimises inconvenience to passengers travelling to London from stations on the northern section of the Thameslink line, during the construction of the Thameslink 2000 project; and if he will make a statement. [125591]

Mr. Hill: The shadow Strategic Rail Authority is already working closely with Railtrack to construct replacement timetables for services disrupted by the engineering works for Thameslink 2000. These discussions supplement the normal 30 week notice period Railtrack must give to Train Operating Companies in order to undertake long planned work, and the aim is to reduce disruptions to the minimum.

Rail Sleeper Services

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions if he will take steps to encourage the reinstatement of discontinued sleeper services between the North of England and London. [125549]

Mr. Hill: These services were withdrawn some years ago by the British Railways Board as they were no longer financially viable. Since then journey times and opportunities on North of England services have been substantially improved both early in the morning and late into the evening. The Franchising Director has no plans to include North of England sleeper services in Passenger Service Requirements at present, since there is little perceived demand. These services could be provided by train operators in the future if there is an adequate commercial basis for their provision. Financial support could be sought through the making of an appropriate Rail Passenger Partnership bid.

Jubilee Line

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions for what reasons Jubilee Line services to Charing Cross have been discontinued; what consultation took place before the withdrawal; and if he will make a statement. [125606]

Mr. Hill *[holding answer 12 June 2000]:* It was decided to extend the Jubilee Line from Green Park to Stratford via Westminster and Waterloo, omitting Charing Cross for engineering, cost and passenger benefit reasons. London Underground Limited did not undergo a consultation period before the withdrawal of the service since Part Five, Section 38 of the London Underground Act 1992 (giving construction powers) excluded them from any need to do so. However, throughout the time the Bill was going through Parliament London Underground made clear their intention to close the Charing Cross Jubilee platforms.

Connex South Central

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions if he will make it a requirement for the successful bidder for the Connex South Central franchise to include firm proposals to reopen the Lewes-Uckfield railway line. [125610]

Mr. Hill *[holding answer 12 June 2000]:* Negotiations for a replacement South Central franchise are at an advanced stage. The Deputy Prime Minister has asked the Franchising Director to evaluate the bids against the following criteria: commitment to secure better performance and customer services, the extent to which extra or earlier investment can be secured, the extent to which passengers will be given a greater voice in the level and standard of services, and value for money to the taxpayer. All the investment proposals contained in bids will be evaluated against these criteria.

Rail Passenger Committees

Mr. Baker: To ask the Secretary of State for the Environment, Transport and the Regions what safeguards he proposes to put in place to secure the independence in respect of policy making of the rail passenger committees. [125608]

Mr. Hill *[holding answer 12 June 2000]:* The recently renamed Rail Passengers Committees will continue to have the freedom to express their independent views under the sponsorship of the Strategic Rail Authority as they currently do under the sponsorship of the Office of the Rail Regulator. Although the SRA will sponsor the RPCs, the Secretary of State will continue to appoint the Chairmen of the RPCs and the Chairman of the national Rail Passengers' Council.

Bog Areas (Conservation)

Mr. Brake: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to ensure that appropriate hydrological and management regimes are established by 2005 in all lowland raised bog areas which have been damaged but still retain nature conservation interest. [125773]

Mr. Mullin: The Biodiversity Habitat action plan for Lowland Raised Bogs, published in October 1999, and placed in the Library of the House, sets out the planned action for restoring this habitat to favourable conservation status in the UK.

English Nature is the Lead Agency for co-ordination of action and work plans by the organisations identified in the plan. The plan acknowledges that a list must first be drawn up to decide which bogs require action to be taken.

Some bogs are included in the list of Candidate Special Areas of Conservation under the EC Habitats Directive which is currently under review. The Government will ensure that activities on or around candidate SACs which may damage their hydrology and are subject to formal permissions or licences are reviewed, including planning consents and activities licensed by the statutory water regulators. This could lead to a number of different outcomes to remove the source of damage.

Dog Identification

Mr. Browne: To ask the Secretary of State for the Environment, Transport and the Regions how often the Working Party on Dog Identification has met; what items were on its agenda when it met; who has given evidence or provided reports or submissions to it; what means of dog identification are being considered by it; what methods of enforcement of dog identification are being considered by it; and if it will receive and consider submissions from members of the public. [125874]

Mr. Hill: The Dog Identification Working Group (DIG) was set up to consider the issues surrounding the permanent identification of dogs in England. The Group will produce a report to reflect a consensus view on all the available options for dog identification and this is expected in the Summer. No decisions will be taken until I have fully considered the report.

The Working Group has met on eight occasions, the first meeting was held on 17 May 1999 and chaired by the then Under-Secretary, my hon. Friend the Member for Mansfield (Mr. Meale). The Agenda items of these meetings have been wide ranging to cover all the issues surrounding dog identification. Among the issues the Group has discussed are existing voluntary schemes, different methods of enforcement, a Dog Registration Consultation Paper from the Pet Advisory Committee, International Experience of dog identification schemes, a public education and marketing strategy and the use of databases. The Group has considered a wide range of evidence relevant to its terms of reference—copies of this will be contained in annexes to the Group's report. All forms of identification are being considered including possible future developments in technology. Enforcement

is a matter which will be covered by the Group's report. When I have received the Group's report, I will consider the recommendations and whether any further consultation is required.

Gas Safety

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions what recent representations he has received regarding the installation of excess gas flow valves in public sector housing. [124870]

Mr. Mullin *[holding answer 12 June 2000]:* The Health and Safety Executive (HSE), on behalf of the Health and Safety Commission, is undertaking a fundamental review of the current health and safety regime for the installation and use of gas to determine whether, or how far changes are needed to the existing system of control. As part of the consultation process, HSE has received three representations from a UK supplier of excess gas flow valves about the safety case for fitting these valves in domestic premises generally, including public sector housing. I am also aware of a similar representation made recently to my right hon. Friend the Minister for Competition and Consumer Affairs.

Mr. Don Foster: To ask the Secretary of State for the Environment, Transport and the Regions which local authorities have fitted excess gas flow valves to their housing stock; and how many have been fitted. [124872]

Mr. Mullin *[holding answer 12 June 2000]:* I have been advised by the Health and Safety Executive that it is aware of 21 local authorities and three housing associations that have specified and are fitting excess gas flow valves, as set out in the list. I have no information about the numbers that have been fitted.

Local authorities and housing associations known to be specifying and fitting excess gas flow valves

Local Authorities

- Birmingham city council
- Bristol city council
- Bromsgrove district council
- Cheltenham district council
- Coventry city council
- Derby city council
- Dudley Metropolitan borough council
- Glasgow city council
- Halton Metropolitan borough council
- Hounslow London borough council
- Hillingdon London borough council
- Kingston upon Thames borough council
- Leicester city council
- Macclesfield borough council
- Newham borough council
- Nottingham city council
- Newcastle upon Tyne borough council
- Preston borough council
- Rotherham Metropolitan borough council
- Sandwell borough council
- Slough borough council

Housing Associations

- Guinness Trust
- Orbit housing association
- Touchstone housing association
- Waterloo housing association

Two-wheeled Vehicles

Mr. Jenkin: To ask the Secretary of State for the Environment, Transport and the Regions what measures the Government have pursued since 1 May 1997 *(a)* to promote the wider use of powered two-wheelers and *(b)* to improve their safety. [125453]

Mr. Hill *[holding answer 12 June 2000]:* "A New Deal for Transport: Better for Everyone" recognised that there are circumstances in which mopeds and motorcycles can have a role to play in integrated transport. We have thus:

- established an Advisory Group on Motorcycling;
- advised local authorities to take account of the contribution powered two wheelers are making in delivering integrated transport policies.

We have taken action to improve the safety of motorcyclists by:

- making changes to the theory and practical driving tests—resulting better driving standards will benefit all vulnerable road users;
- announcing a package of measures for improving training and testing for riders of mopeds and motorcycles;
- since June 1999, requiring, along with EU partners, the design and construction of newly designed models of motorcycles to be approved and verified to appropriate safety and environmental standards;
- committing, in "Tomorrow's Roads: Safer for Everyone", to further measures that will improve the safety of motorcyclists over the next 10 years.

The Highways Agency's new strategic plan for safety, "Making the Network Safer", includes actions to reduce risks to motorcyclists travelling on trunk roads and motorways.

Telecommunications Masts

Mr. Burstow: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to declare a moratorium on further planning applications for new telecommunications masts pending the outcome of the announced review of planning policy; and when he expects to complete this review. [125889]

Ms Beverley Hughes *[holding answer 13 June 2000]:* The Independent Expert Group on Mobile Phones, set up at the instigation of the Government and chaired by Sir William Stewart FRS FRSE, has considered the possible health effects of the use of mobile phones, base stations and transmitters. The Group published its report on 11 May.

The Group concluded that

- the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines. However, there can be indirect adverse effects on their well-being in some cases.

The Group recommended that for all base stations, including those with masts under 15m, permitted development rights for their erection be revoked and that the siting of all new base stations should be subject to the normal planning process.

In its response to the report, also issued on 11 May and placed in the Libraries of both Houses, the Government said that they were minded to introduce a requirement for an application for full planning permission for all new telecommunications masts, but would need to consult

widely before doing so, including on the principle and precise scope of any new arrangements. We aim to issue a consultation document in the summer, with a view to being able to introduce revised procedures and guidance by the end of the year.

The Group does not recommend a moratorium on further planning applications for new telecommunications masts pending the outcome of our review, or at all, and the Government have no plans to introduce such a moratorium.

Class 175 Trains

Mrs. Betty Williams: To ask the Secretary of State for the Environment, Transport and the Regions when the new Class 175 trains will be brought into service on the North Wales Coast Route; and what the reasons are for the late delivery. [125796]

Mr. Hill *[holding answer 13 June 2000]:* The train operating company, First North Western, hopes to introduce the new trains into service late this year. Delay in their introduction is due to technical difficulties.

Neighbourhood Renewal

Mr. Casale: To ask the Secretary of State for the Environment, Transport and the Regions what steps he is taking to monitor the effectiveness of cross-departmental initiatives aimed at neighbourhood renewal and urban regeneration. [124272]

Ms Armstrong: My Department commissions in-depth evaluations to assess the effectiveness of initiatives aimed at neighbourhood renewal and urban regeneration. These evaluations are concerned with effectiveness both in terms of process issues, such as delivery structures, and in terms of their impact on deprivation and exclusion. DETR is currently responsible for the following evaluations of cross-departmental initiatives:

New Deal for Communities

The monitoring and evaluation arrangements for the NDC programme comprise ongoing project and scheme monitoring, which is reported to Government at the mid-year and annual progress reviews, and individual project evaluation, and scheme evaluation at the three, six and end year stages of the schemes. The Government will also be undertaking a national evaluation of the programme, which will focus on the operation and achievements of the programme in its first three years.

Single Regeneration Budget

There is an on-going evaluation of rounds 1 and 2 of SRB and plans to commission an evaluation of more recent SRB activity this year.

In addition, we are supporting the evaluation of the Local Government Association's New Commitment to Regeneration and have commissioned an action research study to develop more co-ordinated working between regeneration initiatives at the local level. Emerging evidence from these studies has already been used to support wider reviews of policy such as the Spending Review 2000 cross-cutting review of Government Intervention in Deprived Areas, the Social Exclusion Unit's National Strategy for Neighbourhood Renewal and the work of the Performance and Innovation Unit.

NATS

Mr. Chidgey: To ask the Secretary of State for the Environment, Transport and the Regions how many organisations have expressed interest in being included on the list of interested parties to bid for the NATS public-private partnership. [125936]

Mr. Mullin: Nineteen companies have expressed an initial interest in the NATS PPP. These are not formal expressions of interest. In accordance with the Department's agreement with those companies their identities cannot be revealed. Furthermore, in order to maintain a competitive and level playing field, the Department does not intend to release the identities of bidding companies and consortia in future stages of the PPP process.

Mr. Chidgey: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the cost of part-privatising NATS. [125935]

Mr. Mullin: DETR, NATS and the CAA expect to incur consultancy costs in the order of £20 million in connection with the NATS PPP. In addition, restructuring costs of around £15 million are expected to be incurred in order to achieve the separation of NATS from the CAA.

Mr. Chidgey: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer to the hon. Member for Crewe and Nantwich (Mrs. Dunwoody) of 18 January 2000, *Official Report*, column 358W, concerning NATS, if he has produced *(a)* the list of properties and *(b)* the valuation; and when he plans to publish this information. [125937]

Mr. Mullin: A list of properties, which are owned or leased by NATS, has been placed in the Library. Valuations for the key sites are in progress. However, we do not intend to publish these at this stage as they will form part of the confidential information released to pre-qualified bidders in the NATS PPP.

Government Initiatives

Mrs. Ellman: To ask the Secretary of State for the Environment, Transport and the Regions what progress is being made on the co-ordination of Government initiatives at a regional and local level. [124274]

Ms Armstrong: We have established the core of the new Regional Coordination Unit. We will publish, in July, a timetabled action plan for implementing the conclusions of the Performance and Innovation Unit's Report on the role of central Government at regional and local level.

Regional Planning Guidance (South-east)

Mrs. Gillan: To ask the Secretary of State for the Environment, Transport and the Regions for what reasons copies of the draft regional planning guidance for the south-east were not available in public libraries until Thursday 18 May; if he will extend the deadline for replies to the consultation; and if he will make a statement. [125964]

Ms Beverley Hughes: Boxes of leaflets and documents were sent to all chief executives of local authorities in the south-east, requesting them to distribute the document and leaflet to their council offices and to their libraries. The documents were sent out on the first day of consultation,

27 March 2000. It is the Secretary of State's opinion that draft Regional Planning Guidance for the south-east has been made widely available and that there is no need to extend the consultation period.

Passenger Transport Authorities (Wales)

Mr. Livsey: To ask the Secretary of State for the Environment, Transport and the Regions if he will take steps to enable the National Assembly for Wales to establish passenger transport authorities under the terms of the Transport Bill. [125471]

Mr. Hill: We made our position clear in our response[1] to the 2nd Report of the Welsh Affairs Select Committee (HC287) "The Transport Bill and its impact on Wales". In particular we said that:

> The possibility of creating new Passenger Transport Authority areas was considered at the time of the Transport White Paper. We rejected it then, partly because no group of authorities seemed to have a very strong case for establishing a PTA and partly because, although PTAs have a good track record in co-ordinating and developing public transport, they have no roads responsibilities, and this can create problems in fully integrating transport in their areas.
>
> Local authorities outside the PTAs already work closely together in developing transport strategies for their areas, as the Local Transport Plans for England submitted to the DETR last summer have shown. A number have submitted joint plans for their combined areas, and we are confident that this co-operation will continue. We are not persuaded of the argument to bring forward primary legislation to enable the establishment of one or more PTAs in Wales.

[1] Response published as the 5th Special Report of the Welsh Affairs Select Committee (HC497) "The Transport Bill and its Impact on Wales".

BAe 146 Aircraft

Mr. Wilkinson: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the airworthiness directives the Civil Aviation Authority has issued to British airlines relating to BAe 146 aircraft in their service about *(a)* engine icing and *(b)* the ingestion of fumes from the engines into the cabin. [125988]

Mr. Mullin: As a result of in service experience of engine icing on the BAe 146, the Civil Aviation Authority has issued a total of five Airworthiness Directives, two of which have been superseded. These Airworthiness Directives impose operating limitations and placarding requirements. In addition, the CAA has accepted as mandatory three Airworthiness Directives (two of which have been superseded) issued by US Federal Aviation Administration in relation to the Allied Signal ALF 502 engine used on the BAe 146. The CAA is entirely satisfied that all the necessary precautions have been taken to ensure that the aircraft meets both UK and international airworthiness standards. The current limitation published for aircraft have shown themselves to be both effective and practical for crews to apply.

The CAA has not issued any Airworthiness Directives relating to the ingestion of engine fumes into the cabin on BAe 146. This issue is currently the subject of investigations by both the Australian Senate and the Swedish aviation authorities. Should these investigations reveal problems the CAA will ensure that appropriate action is taken.

TREASURY

Convergence

Mr. Redwood: To ask the Chancellor of the Exchequer when current forecasts indicate convergence between the UK and Euroland economies under the convergence programme submitted to the EU. [125554]

Miss Melanie Johnson *[holding answer 12 June 2000]:* As set out in Articles 99 and 104 of the EC Treaty, the UK once a year submits a Convergence Programme as part of the Stability and Growth Pact. The Chancellor has said we will produce an assessment of the five tests early in the next Parliament.

Royal Collection

Mr. Baker: To ask the Chancellor of the Exchequer, pursuant to his answer of 7 June 2000, *Official Report*, column 274W, on the Royal Collection, if the Royal Collection includes all the Queen's assets. [125901]

Mr. Gordon Brown *[holding answer 13 June 2000]:* The custody and care of the assets in the Royal Collection Trust are the responsibility of the trustees. I have asked the Director of the Trust to write to the hon. Member.

North Sea Tax Revenue

Mrs. Ewing: To ask the Chancellor of the Exchequer what sterling/dollar exchange rate was assumed when forecasting the North Sea tax revenue as set out in the March Financial Statement and Budget report. [125639]

Miss Melanie Johnson *[holding answer 13 June 2000]:* I refer the hon. Member to page 165 of the March 2000 Financial Statement and Budget Report.

Marsham Street

Mr. Leigh: To ask the Chancellor of the Exchequer for how long the old Department of the Environment building in Marsham street has lain empty; and if he will make a statement. [124268]

Mr. Timms: The Department of the Environment, Transport and the Regions finally vacated 2 Marsham street at the end of April 1998.

Retail Inquiry

Dr. David Clark: To ask the Chancellor of the Exchequer when he expects to publish the next Inquiry into Retail; and to which years' statistics it will relate. [125571]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Len Cook to Dr. David Clark, dated 14 June 2000:

As the Director for the Office for National Statistics (ONS) I have been asked to reply to your recent question asking for the date and year of the next Inquiry into Retail (125571).

The Sector Review into Retailing (formerly Business Monitor SDA25) will be published in August 2000. The sector review will contain statistics on total turnover, sales by non-store activity, a detailed breakdown of commodity sales, stocks, purchases, capital expenditure, employment costs, taxes and levies for the most recently completed inquiry year 1998 on the new inquiry basis

(Annual Business Inquiry). It will also contain statistics for the inquiry years 1997, 1996 and 1995 which have been adjusted by a series of factors to reflect the methodology improvements introduced for the 1998 inquiry year and remove the discontinuities with previous estimates.

WALES

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Wales if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125169]

Mr. Paul Murphy: My Department operates the same policy on smoking as the National Assembly for Wales, which is designed to protect the great majority of staff, who do not smoke, from the effects of smoke, as required by health and safety legislation. Smoking is therefore not permitted in working areas, whether cellular or open plan, and sources of information and advice on stopping smoking are provided to those staff who wish to give up the habit.

My Department only has one building housing about 40 staff who have agreed between themselves that smoking should take place only in certain rooms.

Opinion Research

Mr. Don Foster: To ask the Secretary of State for Wales, pursuant to his answer of 25 May 2000, *Official Report*, column 633W, on opinion research, what steps have been taken to ensure that his Department makes such results publicly available as required by paragraph 19 of the Cabinet Office May 1999 Guidelines on Research into Public Attitudes and Opinions. [125992]

Mr. Paul Murphy: The Wales Office has not carried out any market or opinion research since it was established on 1 July 1999. In the event that my Department does undertake any market or opinion research, the Guidelines will be followed.

DEFENCE

Army Training and Recruiting Agency

Mr. Ennis: To ask the Secretary of State for Defence what key targets have been set for the Army Training and Recruitment Agency for the financial year 2000–01. [125578]

Mr. Spellar: The Chief Executive of the Army Training and Recruiting Agency has been set the following Key Targets for 2000–01:

1. To meet the Adjutant General's requirement for 620 commissioned officers.
2. To meet the Adjutant General's requirement for 610 officers qualified for service in Field Force units following successful Special to Arm training.
3. To meet the Adjutant General's requirement for the professional development training of 6,714 officers.
4. To meet the Adjutant General's requirement for 10,831 regular soldiers qualified for service in Field Force units following successful Basic and Special to Arm training.
5. To meet the Adjutant General's requirement for professional development training for 52,458 soldiers.
6. To achieve a 3 per cent. annual aggregate improvement in ATRA efficiency measured on the ATRA Efficiency Index.

Depleted Uranium Shells

Mr. Alasdair Morgan: To ask the Secretary of State for Defence (1) how many depleted uranium shells have been *(a)* fired and *(b)* recovered from the DERA establishment at Dundrennan in each of the last three years; [124697]

(2) if the test firing of depleted uranium shells at the DERA establishment at Dundrennan, Kirkcudbrightshire is continuing. [124718]

Mr. Spellar: The number of depleted uranium shells fired at the range in each of the last three years is as follows:

	Number
1997	749
1998	134
1999	111

During this period only one projectile has been recovered. This was in October 1997 when a fishing vessel trawled up one in the Solway Firth. Current planning proposes a programme of DU firings up to October 2001.

Identification Friend or Foe System

Mr. Hancock: To ask the Secretary of State for Defence what reasons underlay the length of time taken to procure the successor Identification Friend or Foe system for the Royal Air Force; what the original cost was; if the contract is to be signed at that original cost; and if he will make a statement. [124885]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Procurement Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from Robert Walmsley to Mr. Mike Hancock, dated 14 June 2000:

I am replying to your question to the Secretary of State for Defence about procurement of the Successor Identification Friend or Foe (SIFF) system for the Royal Air Force. This matter falls within my area of responsibility as Chief of Defence Procurement and Chief Executive of the Defence Procurement Agency.

The SIFF programme involves fitting new electronic equipment into some 40 different types of Sea, Land and Air platforms. Total equipment requirements are likely to number in the order of 1000 transponders and 600 interrogators: each has to be functionally and physically integrated with the host platform. SIFF is a complicated project.

The only contract placed to date for fitting SIFF has been to the Royal Air Force's Tornado F3 aircraft. This was placed with the then British Aerospace, the aircraft design authority in 1998. This contract was placed ahead of the main SIFF programme in order to achieve cost savings through alignment with the Tornado Capability Sustainment Programme. Separately, but also in 1998, the SIFF Integration Study and Planning Phase (ISPP) commenced with contracts being placed with individual platform type design authorities to investigate the fitting of a SIFF system to the platforms in the main SIFF programme. The overall value of the Tornado F3 and ISPP contracts together amounts to some £100M, and this is within the original budget provision.

Owing to the number and diversity of the platform types, it is not possible to adopt a single prime contractor approach to manage the main SIFF programme, which amounts to an estimated value of over £400M. Outputs from ISPP have included Demonstration and Manufacture tenders provided by two competing potential equipment suppliers, BAE SYSTEMS and Raytheon Systems Ltd, covering many of the platform types, and from individual platform design authorities for the remainder. Evaluation of these tenders is an extensive and intensive task, to ensure that the decision on the choice of equipment supplier and the phasing of the work to be undertaken by the individual platform design authorities is made on the best overall balance of operational and value for money grounds. We are currently considering the way ahead in the light of this and in the current competitive situation are unable to provide further information on costs or budgets. I hope that we will be in position to announce a decision on the programme, including the choice of equipment supplier, during the summer.

AMRAAM Missiles

Mr. Keetch: To ask the Secretary of State for Defence what obligations Raytheon has in respect of industrial participation and offsets in respect of the current order for AMRAAM missiles for the RAF; and if he will make a statement. [124991]

Mr. Hoon: The order placed in 1992 for AMRAAM missiles is now complete and was made through the Government to Government Foreign Military Sales process. Such purchases do not attract industrial participation.

Mr. Keetch: To ask the Secretary of State for Defence what obligations he plans to place upon Raytheon in respect of industrial participation and offsets in respect of the additional AMRAAM order announced on 16 May; and if he will make a statement. [124990]

Mr. Hoon: The announcement on 16 May stated the intention to purchase a quantity of AMRAAM missiles to equip Eurofighter when it first enters service. Options for acquisition, whether by a Government to Government order or through a direct contract with Raytheon, are being examined. The potential for industrial participation opportunities will be taken into account.

Warrior Fighting Vehicles

Mr. Key: To ask the Secretary of State for Defence if he will make a statement about structural and metallurgical defects on Warrior fighting vehicles in Kosovo. [125316]

Mr. Spellar: Despite its advantages there are also inherent problems in the use of aluminium armour on vehicles such as the Warrior. The Department has been aware of this for some time and appropriate repair schemes have been developed with the Design Authority. There have been no reports, however, of specific structural or metallurgical defects affecting any Warrior vehicles deployed to Kosovo.

UAVs

Mr. Duncan Smith: To ask the Secretary of State for Defence on what projects his Department is engaged with the US Department of Defense involving *(a)* unmanned aerial vehicles and *(b)* unmanned aerial combat vehicles; and if he will make a statement. [125706]

Mr. Spellar: None. However, we do have in place a number of Information Exchange Agreements with the US Department of Defense in support of unmanned aerial vehicle systems research for sea, land and air operations.

Front-line Equipment

Mr. Key: To ask the Secretary of State for Defence what his Department's policy is on the use of PFI or PPP solutions for the procurement of front-line equipment. [125805]

Mr. Spellar *[holding answer 13 June 2000]:* Public Private Partnerships comprise a range of close relationships between the public and private sectors including Private Finance Initiatives (PFI) and Smart Procurement. PFI solutions are being explored for a number of services in direct support of operations (e.g. Heavy Equipment Transporter, Future Strategic Tanker Aircraft) where we judge this may offer best value for money without detriment to operational effectiveness.

Personnel (Scotland)

Mr. Welsh: To ask the Secretary of State for Defence how many people were employed by his Department in Scotland in *(a)* 1979, *(b)* 1989, *(c)* 1994 and *(d)* 1999, broken down into (i) civilian and (ii) military personnel and including territorial forces. [125574]

Dr. Moonie: The table gives details of the number of people employed by the Ministry of Defence in Scotland in *(a)* 1979, *(b)* 1989, *(c)* 1994 and *(d)* 1999 broken down into (i) civilian and (ii) military personnel.

Year	*(i) Regular Forces*	*(ii) MOD civilians*
(a) 1979	19,016	n/a
(b) 1989	20,035	12,209
(c) 1994	18,030	11,238
(d) 1999	14,937	9,274

Notes:

1. The data cover UK Regular Forces and UK based civilian personnel counted in official Ministry of Defence civil service figures. They exclude UK based casual civilian personnel and permanent civilian personnel whose salaries are paid for or reimbursed by other non MOD organisations such as NATO and USAF.
2. Civilian figures are full-time equivalents where part-time staff are counted in proportion to hours worked. Since 1995 the method of counting part-time civilian staff has reflected actual hours worked (on average approximately 60 per cent. of full-time) rather than the notional 50 per cent. previously used.
3. The data for Royal Navy Regular Forces include personnel on board ships in their home waters who are included in the region of their ships home port. The method of allocating personnel to location was changed in 1995 from having a category for location on the record of Service to using the postcode of the unit to which personnel are attached.
4. Location data for territorial forces are only readily available for 1999 for the Royal Navy and RAF and are not readily available at all for the Army. Such incomplete data are of little use for comparative purpose of the PQ and have therefore not been included in the written answer.

It is not possible, without disproportionate cost, to obtain data for civilian personnel prior to 1980. Location data for the territorial forces of all three Services for the dates requested are not available without disproportionate cost.

PRIME MINISTER

Serbia

Mr. Dalyell: To ask the Prime Minister, pursuant to his letter of 2 June, what ways of funding the Serbian health system the Government have identified in the last 12 months and are considering for the next 12 months; and if he will give details of the initiative to which he refers to facilitate the return of Serb communities which have fled Kosovo. [125604]

The Prime Minister *[holding answer 12 June 2000]:* We have contributed £2.5 million each to the Balkans appeals of the ICRC and UNICEF. There are no specific allocations to Serbia, but UNICEF plans support to mother and child health services for Internally Displaced Persons (IDPs) and refugees. ICRC programmes include provision of essential medicines to IDPs, refugees and the socially vulnerable in Serbia. In addition, ECHO plans support to primary health care services in remote locations, including to IDPs and refugees.

We have provided £120,000 for roads and community schemes managed by British and Swedish troops of Multi National Brigade (Central) to encourage Serbs to return to villages in the Sliovo area, and Albanians to return from Pristina to their villages in the region.

Government Annual Report

Mr. Evans: To ask the Prime Minister when the Government's third annual report will be published. [125939]

The Prime Minister: By the end of July.

Criminal Assets

Mr. Pickthall: To ask the Prime Minister when the Performance and Innovation Unit will publish its report on the pursuit and seizure of criminal assets; and if he will make a statement. [126158]

The Prime Minister: The Performance and Innovation Unit's report "Recovering the Proceeds of Crime" is being published today as agreed Government policy. Copies have been placed in the Vote Office and in the Libraries of the House. It is also available on the Cabinet Office website at *www.cabinet-office.gov.uk/innovation*.

The PIU report sets out the Government's new approach to tackling crime through its finances. In implementing the report, the Government are determined to show that crime will not pay in the UK. We aim to reduce crime and to increase confidence in the criminal justice system. The report sets out a plan of action covering the following areas:

(i) a more strategic approach to asset recovery, including a dedicated National Confiscation Agency and greater cross-Government co-operation;

(ii) more emphasis on financial investigation to help law enforcement uncover criminal assets as a routine part of their business;

(iii) a new legislative attack closing legal loopholes and calling all convicted offenders to account for their assets where they have clearly benefited from their crimes; and introducing civil forfeiture giving the courts power to recover unlawful gains currently beyond the reach of the law;

(iv) tightening the money laundering regime, simplifying and consolidating the money laundering laws;

(v) taxing unlawful gains by using tax powers more effectively to target criminal wealth; and

(vi) setting a higher international standard, working with our partners overseas to drive up standards and close boltholes.

My right hon. Friend the Home Secretary, in collaboration with my right hon. Friend the Chief Secretary, will take forward implementation of the conclusions of the report and introduce legislation as soon as possible. The report is being widely circulated so that views received by the Home Office by the end of August can be taken into account prior to introduction of legislation. Further information can be found on the Home Office website at *www.homeoffice.gov.uk*.

Performance and Innovation Unit

Mr. Ian Bruce: To ask the Prime Minister what the annual cost is of the Performance and Innovation Unit; and what action the Government are taking to implement its reports. [124285]

The Prime Minister: For the financial year 1999–2000 the Performance and Innovation Unit (PIU) spent £2.3 million. For 2000–01 the unit has an allocation of £2.6 million.

Whenever PIU reports represent Government policy, implementation plans with lead responsibilities and timetables for action are included. I refer the hon. Member to my reply to the hon. Member for South Cambridge (Mr. Lansley) on 3 May 2000, *Official Report*, columns 109–10W.

Engagements

Sir Peter Tapsell: To ask the Prime Minister if he will list his official engagements for Wednesday 14 June. [125403]

The Prime Minister: This morning I had meetings with ministerial colleagues and others. In addition to my duties in the House, I will have further such meetings later today.

CULTURE, MEDIA AND SPORT

New Millennium Experience Company

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport which accountants have been paid fees by the New Millennium Experience Company; and for what purpose. [124385]

Mr. Chris Smith *[holding answer 5 June 2000]:* The New Millennium Experience Company (NMEC) has paid fees to four firms of accountants.

Deloitte & Touche—tax advice.

Ernst & Young—external audit; accounting advice; provision of interim management of staff; and IT consultancy.

PriceWaterhouseCoopers—tax advice; IT consultancy; internal audit; and financial planning.

Arthur Anderson—internal audit.

Mr. Redwood: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on the resignation of the Chairman of the New Millennium Experience Company. [124483]

Mr. Chris Smith *[holding answer 5 June 2000]:* Robert Ayling decided to resign as Chairman of the New Millennium Experience Company on 23 May. His decision was made in the best interests of the Dome. He served the Dome as Chairman for three years and his decision to step down was in keeping with the fact that he has always put the good of the project first. I would like to pay tribute to Robert Ayling for his contribution to the Millennium Experience.

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport (1) if the *(a)* contingency draw down, *(b)* £60 million cash flow facility and *(c)* £29 million additional cash flow facility made available to the New Millennium Experience Company will be repaid; [125023]

(2) which Millennium Commission projects have received funding additional to their original grants; for what purposes; and to what value in each case. [125024]

Mr. Chris Smith *[holding answer 8 June 2000]:* These are matters for the Millennium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

Television Licences

Mr. Edward Davey: To ask the Secretary of State for Culture, Media and Sport if he will estimate how many direct debits for paying licence fees currently set up with the BBC by visually-impaired customers will have to be cancelled because of the evidence requirements contained within the Wireless Telegraphy Act 1998; what guidance his Department has given the BBC to ensure that visually-impaired customers have equal access to this method of paying bills; and if he will make a statement. [125347]

Mr. Chris Smith: Under section 2(2) of the Wireless Telegraphy Act (as amended), the only evidence required to prove entitlement to the 50 per cent. reduction in the television licence fee for registered blind people, introduced by the Government on 1 April this year, is a certificate issued by a local authority. This requirement has no bearing on the method of payment. The Department for Culture, Media and Sport does not issue guidance to the BBC on the administration of the television licensing system, since this is a statutory responsibility of the Corporation.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for Culture, Media and Sport if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125157]

Mr. Chris Smith: I refer my hon. Friend to the replies I gave to my hon. Friend the Member for Bolton, North-East (Mr. Crausby) on 24 January 2000, *Official Report*, column 89W, and to the right hon. Member for Penrith and The Border (Mr. Maclean) on 16 December 1999, *Official Report*, columns 279–80W.

My Department's policy on smoking can be considered effective as it actively encourages a reduction in smoking by allowing smoking to take place only in the designated smoking rooms. Less than 1 per cent. of the Department's office space is given over to areas in which smoking is allowed.

Bowling Greens

Mr. Brady: To ask the Secretary of State for Culture, Media and Sport what estimate he has made of the number of bowling greens which have been closed and redeveloped in each of the last 10 years. [125870]

Kate Hoey: Neither my Department nor Sport England hold this information.

Analogue Televisions

Mr. Chope: To ask the Secretary of State for Culture, Media and Sport which action his Department has taken to advise purchasers of analogue televisions that the televisions will cease to function as soon as the analogue signal is withdrawn. [125919]

Mr. Chris Smith: The Government are working with industry on a public information campaign to inform viewers about digital television. I expect this to deliver messages about the timescale and the conditions which have to be met for the switch-over from analogue to digital transmissions, and advice about how to get digital television and that analogue television sets can be converted to receive digital signals by the addition of a set top box. One of the conditions for switch-over is that 95 per cent. of consumers have access to digital receiving equipment.

National Lottery (Computer Failures)

Mr. Maclennan: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 5 June, *Official Report*, column 96W; if, when he was informed of the defect in the National Lottery computer, he was told when the defect was identified and by whom; if he was informed of estimates Camelot had made of how long the defect affected its operation before it was corrected; and if he has been informed as to when the National Lottery Commission will complete its investigations. [125673]

Kate Hoey: Due to an error in my original answer, the incorrect date was given for the date on which the National Lottery Commission became aware of the defect in the National Lottery computer system. The correct answer is as follows. I apologise for any inconvenience that this might have caused.

My right hon. Friend the Secretary of State was informed when the defect was identified and by whom, and was also informed of how long the defect had affected operations.

The defect was first drawn to the National Lottery Commission's attention on 12 April 2000 in a letter from an ex-GTECH employee. The defect affected operations from the start of the Lottery until it was corrected on 27 July 1998.

The Commission intends to complete its investigations as soon as possible.

SOCIAL SECURITY

Vibration White Finger

Mr. Rowlands: To ask the Secretary of State for Social Security (1) how many men in South Wales were diagnosed by his Department and agencies as suffering from vibration white finger in *(a)* 1997, *(b)* 1998, *(c)* 1999 and *(d)* 2000 to date; [125742]

(2) how many former miners in South Wales applied for Disablement Benefit for vibration white finger in *(a)* 1997, *(b)* 1999 and *(c)* 2000 to date. [125741]

Mr. Bayley: The information is not available in the format requested. Such information as is available is in the table.

Information on claims to industrial injuries disablement benefit for vibration white finger made in Wales

	Number of claims made for industrial injuries disablement benefit for vibration white finger in Wales[1]	*Number of men who were first diagnosed as suffering from vibration white finger for industrial injuries disablement benefit*
1997	2,300	300
1998	1,300	201
1999	1,300	108
First quarter 2000	400	16

[1] Estimate

Notes:

1. Claims data are based on a 10 per cent. sample.
2. Diagnoses data are based on a 100 per cent. count of first diagnosed assessments.
3. Diagnoses will be made after the claim has been made. Claims and any resultant diagnoses may not be made in the same period.

Source:

DSS Information Centre

Employment Services

Mr. Hancock: To ask the Secretary of State for Social Security if he will publish the last two national surveys of employees in his Department; what action has been taken as a result of the most recent survey; and if he will make a statement. [125442]

Mr. Rooker: The last two national surveys of employees in the Department were the Child Support Agency's staff attitude survey carried out in May 1999 and an internal communications survey completed on 2 June 2000.

We do not expect to publish these surveys externally.

The recent survey of internal communications will be used to rationalise and improve internal communications processes. A summary of the results will be available for staff via internal staff media.

The Department is committed to the civil service reform agenda, which includes providing a better deal for staff. The results of national employee surveys will be used to deliver this aim and ultimately provide a better service for the public.

State Pension

Mr. Hancock: To ask the Secretary of State for Social Security if the date of October 2001 is to be maintained as the target for helping potential benefit customers understand *(a)* their future entitlement to retirement pension and *(b)* the importance of saving for their retirement; how this target will be achieved; how much it is expected to cost; and if he will make a statement. [125439]

Mr. Rooker: The first combined pension forecasts, which include details of both State and private pension rights, were issued to Prudential customers in April in one of a series of pilots we are conducting. Other pilot employers and pension providers will issue combined forecasts later this year. We are on course to meet or exceed our target to start the full-scale service from 2002.

Availability of the full service depends on putting in place a new computer system that can issue the much higher numbers of State Pension forecasts which will be needed, up to 15 million a year from 2005. Our target date for introducing this new service will be £14.5 million with ongoing running costs of £7.5 million a year once the service has bedded down.

Combined pension forecasts will, for the first time, provide individuals with a clear indication of what sort of retirement income to expect. This will enable them to make better-informed decisions on what savings they need to make.

Telephone Claims Service

Mr. Hancock: To ask the Secretary of State for Social Security what the estimated cost is of the national telephone claims service for pensioners which is planned to be introduced in October; what the continuing yearly cost to his Department of this service will be; and if he will make a statement. [125378]

Mr. Rooker: It is estimated that it will cost around £1 million to introduce the National Retirement Pension Tele-Claims Service from October 2000. The majority of this cost is associated with an upgrade of infrastructure that will provide a platform for further pensions modernisation in the future.

Introducing this service will:

Provide active assistance to customers at the point of claim by allowing them to speak to a member of staff who will complete an electronic claim form on their behalf;

Provide a simplified claim form tailored to customers individual requirements;

Reduce the need to ask customers for supporting documentary evidence by making use of data held.

The ongoing running cost to the Department is expected to be around £0.5 million per annum.

Benefit Fraud

Mr. Hancock: To ask the Secretary of State for Social Security how many people were involved in fraudulent benefit claims which resulted in the overpayment of £135 million for 1999–2000; how many such benefit claimants received no further benefit from his Department; and if he will make a statement. [125438]

Mr. Rooker: The "overpayment" figure (or value of losses) for 1999–2000 is currently being collated. It will appear in the Losses Statement of the Vote 1 Appropriation Account due to be signed by the Benefits Agency Chief Executive in August.

The 1998–99 Statement showed losses of £136 million. In addition to overpayments caused by fraudulent benefit claims, this amount includes losses due to other factors such as the writing off of old debts, the miscalculation of entitlement in disability benefits, the change in the payment of hospital in-patients and the duplication of payments of Jobseeker's Allowance by automated credit transfer.

The number of people involved in fraudulent benefit claims, which formed part of the total losses, is not available.

The number of benefit claimants who received no further benefit is not available, as the Benefits Agency does not match past fraudulent claims with new claims.

Means-tested Benefits

Dr. Cable: To ask the Secretary of State for Social Security what plans he has to review the imputed rate of return on savings used in calculating entitlement to means-tested benefits. [124939]

Mr. Bayley: The system of tariff income in the income-related benefits is not based on any imputed rate of return. The system provides a straightforward method of calculating the weekly contribution which people with capital in excess of the lower limit are expected to make from those resources to help meet their normal living expenses. Because no tariff applies to savings below the lower limit, the rule is most generous to people with relatively low savings; for example, in cases where the lower limit is £3,000 the annual tariff income for a person with savings between £3,000 and £3,250 would equate to just 1.6 per cent. of their savings.

The capital rules are kept under regular review.

"Listening to Older People"

Mr. Amess: To ask the Secretary of State for Social Security what recent representations he has received on his document, "Listening to Older People". [124281]

Mr. Rooker: During 1999 the Government led a programme of listening to older people events across the UK. The events were put on by a partnership between the Inter-Ministerial Group for Older People, the UK Secretariat for the International Year of Older Persons and mainly voluntary sector organisations working with older people.

On 17 May the Government published three documents relating to this programme of listening events. "Life begins at 50: the 1999 Listening Events"; a newsletter style account of last year's regional programme of events. "Building a Better Society for Older People: Report on the Listening Events to the Inter-Ministerial Group for Older People"; a research report on the regional events by Annette Boaz and Carol Hayden, Warwick Business School, the University of Warwick. "Life begins at 50—A Better Society for Older People"; a report setting out the key points raised by older people during the 1999 listening events, the action we have already taken to address them, and the action we will take in the future.

No representations have been received on these documents.

Pensions Entitlement

Mr. Chope: To ask the Secretary of State for Social Security (1) how many people who have reached pensionable age within the last two years have not yet been paid their full entitlement of additional pension; [125915]

(2) how many people are currently employed in carrying out manual calculations of the entitlements to additional pension of those who have already retired; [125917]

(3) how many manual calculations of entitlements to additional pension were carried out in each of the last three months. [125918]

Mr. Rooker: It is estimated that in the last two years the National Insurance Recording System (NIRS) computer will not have carried out a calculation of the additional pension in some 120,000 cases. The number of these who have not yet been paid their full entitlement to additional pension is not known, but because the facility for Benefit Agency offices to apply for a clerical calculation has been available, the number will be in the minority.

There is a team of 10.5 people in the Benefits Agency responsible for clerical calculations of additional pension.

The number of clerical calculations carried out in March was 5,789; in April it was 588; and in May it was 442. The significant reduction in April and May was planned. The processes that had prevented the NIRS2 computer calculating additional pension had become available and it was part of a strategy to accommodate the transition from clerical to computer calculations.

Minimum Income Guarantee

Mr. Gordon Prentice: To ask the Secretary of State for Social Security how many pensioners are being targeted as possible qualifiers for the minimum income guarantee in each of the age groups *(a)* 60 to 65, *(b)* 65 to 70, *(c)* 70 to 75, *(d)* 75 to 80, *(e)* 80 to 85, *(f)* 85 to 90 and *(g)* over 90 years old. [118007]

Mr. Rooker *[pursuant to his reply, 12 April 2000, c. 167W]:* The information requested is in the table.

Pensioners in the following age bands are being targeted as possible qualifiers for the minimum income guarantee

Age band	*Total count*	*Male*	*Female*
60–64	156,542	0	156,542
65–69	245,887	108,088	137,799
70–74	298,589	117,065	181,524
75–79	436,627	146,415	290,212
80–84	509,017	206,772	302,245
85–89	360,645	136,119	224,526
90+	159,881	45,505	114,376
Total	2,167,188	759,964	1,407,224

TRADE AND INDUSTRY

Assisted Area Status

Mrs. Browning: To ask the Secretary of State for Trade and Industry when he intends to submit a new proposal for assisted area status for North Staffordshire. [125353]

Mr. Byers *[holding answer 9 June 2000]:* Details of the revised assisted area proposals, which included North Staffordshire were published on 10 April 2000.

Mrs. Browning: To ask the Secretary of State for Trade and Industry what representations he has received from the Office of Commissioner Monti in respect of assisted area status for North Staffordshire. [125350]

Mr. Byers *[holding answer 9 June 2000]:* None.

Textile Task Force

Mr. Cummings: To ask the Secretary of State for Trade and Industry how many companies in the North East have benefited from the Textile Taskforce; how much money has been allocated from the Task Force Fund; and what financial resources are available to it. [125383]

Mr. Alan Johnson: The most recent information available shows that 48 companies have contacted the North East Textiles Taskforce, resulting in 29 initial visits being made. The range of support already provided has included help towards a sports/leisurewear event, trade shows, marketing, technical training and developing business system and process analysis.

When the Taskforce was set up it was allocated funding totalling £773,000. Total spend by the Taskforce up to the end of May 2000 was £140,000.

Limited Liability Partnerships Bill

Mr. Mitchell: To ask the Secretary of State for Trade and Industry what proposals he has for the registering of partnership agreements and the publication of partnership accounts under the provisions of the Limited Liability Partnerships Bill [*Lords*]; and what role he plans for Companies House in respect of these new entities. [125428]

Dr. Howells: There will be no requirement for limited liability partnerships to register an agreement between members. The Government concluded, after wide consultation and taking account of the views of the Trade and Industry Committee, that to impose a requirement on LLPs to register a member's agreement would be of little value unless regulations determined exactly what should be contained in the agreement, and that would be almost impossible to define. Moreover, it would be impracticable for Companies House to take a view on every individual agreement to ensure agreements met the statutory criteria before allowing an LLP to register.

More detail of the Government's decision on this matter is set out in the Government Observations on the Fourth Report from the Trade and Industry Committee (Session 1998–99) on the draft Limited Liability Partnership Act (HC 529).

The LLP regulations will apply the accounts and audit provisions of the Companies Act 1985 with appropriate modifications to reflect the different capital structure of LLPs. They will require LLPs to disclose similar financial information to that required of companies in their annual accounts, those accounts being filed with Companies House where they will be open for inspection.

Companies House will be responsible for the registration and striking-off of LLPs, the registration of documents which must be filed under the LLP regulations and for enforcing compliance in line with requirements of the regulations. They will also provide information on LLPs to the public as they do for companies.

Mr. Mitchell: To ask the Secretary of State for Trade and Industry whom his Department is consulting on the provisions of the Limited Liability Partnerships Bill [*Lords*]; and what replies he has received to date. [125702]

Dr. Howells: There has been extensive consultation on the basis of three detailed consultation documents published in February 1997, September 1998 and July 1999. For each consultation copies were sent to some 1,800 consultees, including business, trade associations, academics, potential clients and regulators and meetings were held by officials with interested representatives from each of these groups. Telephone and written requests for documents resulted in around 3,000–5,000 extra copies of each document being sent out. The documents were also made available to visitors to the LLP website at www.dti.gov.uk/cld/llpbill/index.htm from September 1998. Over 300 responses were received in total. The names of those who responded can be found in the Libraries of each House and the responses are publicly available. A further short consultation paper was published in February 2000 on a more limited circulation, but was also available on the LLP website.

Dagenham Ford Plant

Mr. Jim Cunningham: To ask the Secretary of State for Trade and Industry what discussions he has held with the Greater London Authority with regard to the future of the Ford Dagenham plant; and what plans he has for future discussions. [125611]

Mr. Alan Johnson *[holding answer 12 June 2000]:* My right hon. Friend the Secretary of State for Trade and Industry discussed the future of the Dagenham plant directly with the mayor both before and after Ford's announcement on 12 May. A representative of the Greater London Authority also attends the fortnightly meetings on the regeneration of Dagenham and the Thames Gateway organised by my Department and involving other Government Departments, local councils and regeneration bodies, TUC and Ford. My right hon. Friend and I intend to remain in close contact with the mayor, the Greater London Authority and the London development agency.

Insolvency (Creditors)

Mr. Reed: To ask the Secretary of State for Trade and Industry what representations he has received about the priority given to creditors of companies in administration under the Insolvency Act 1986; and if he will make a statement. [125770]

Dr. Howells: Under the Insolvency Act 1986 certain debts (principally for employee claims and taxes collected but not paid over) have preferential status up to defined limits.

Representations are received about this from time to time and many representations received since the failure of UNO plc and World of Leather plc urged that preferential status should be reduced or abolished or that the categories of eligible claims should be extended. Last year the Department published a consultation document entitled, "A Review of Company Rescue and Business Reconstruction Mechanism", which invited views on, among others, the question of whether Crown preference in insolvency should be abolished. A report of the review group will be published in due course.

Mr. Reed: To ask the Secretary of State for Trade and Industry what representations he has received from creditors of World of Leather plc and UNO; and if he will make a statement. [125769]

Dr. Howells: Many representations have been received from or on behalf of customers of both UNO plc and World of Leather concerning payments made for furniture ordered but not supplied. The issues raised are set out in the record of the debate held in the House on 24 May 2000, *Official Report*, columns 247–55WH. My right hon. Friend the Minister for Trade subsequently also wrote to hon. Members who had participated in the debate and a copy of this letter has been placed in the Library of the House.

Sub-post Offices (Transfer)

Mr. Webb: To ask the Secretary of State for Trade and Industry if he will investigate the financial transactions which take place between Post Office Counters Ltd. and prospective sub-postmasters at the time of a transfer of a post office business to new ownership; and if he will assess the effect of these transactions on the long-term future of the Post Office network. [125461]

Mr. Alan Johnson *[holding answer 12 June 2000]:* The contractual and financial arrangements relating to the transfer of a post office business to new ownership are matters for the Post Office and the prospective sub-postmaster. I am not aware that the financial terms relating to licence and relocation fees are having any significant implications for the long-term future of the network and I understand that the Post Office offers some flexibility where particular circumstances merit it.

Chronic Bronchitic Emphysema

Mrs. Browning: To ask the Secretary of State for Trade and Industry how many claims from widows have been settled in respect of mineworkers who died of chronic bronchitic emphysema in the last two years. [125880]

Mr. Byers *[holding answer 13 June 2000]:* We have made interim payments of bereavement awards to 2,577 widows seeking compensation for chronic bronchitis and emphysema, totalling £22.5 million. At present 262 claims from widows have been assessed through the medical process. We expect these claims to be settled shortly.

My Department has also received estate claims in respect of some 7,400 miners who died between 1992 and May 1997.

Mrs. Browning: To ask the Secretary of State for Trade and Industry how many claims his Department has received from mineworkers claiming compensation for chronic bronchitic emphysema; and, since May 1997, how many such claims have been settled. [125882]

Mr. Byers *[holding answer 13 June 2000]:* After years of neglect by British Coal and a blind eye from the previous Administration, this Government have reached an agreement which gives former miners fair compensation for their suffering resulting from these diseases.

The Department's claims handlers have registered nearly 107,000 claims for chronic bronchitis and emphysema from former miners and their families. To date, we have made 21,500 payments in full and final, and part settlements, totalling £60.5 million.

Mrs. Browning: To ask the Secretary of State for Trade and Industry when he appointed respiratory consultants to examine and report on claims from mineworkers for chronic bronchitic emphysema; how many have been appointed in *(a)* England, *(b)* Wales and *(c)* Scotland; and when he expects the reports to be complete. [125881]

Mr. Byers *[holding answer 13 June 2000]:* Healthcall commenced recruitment on 1 November 1999. To date 170 respiratory consultants have been recruited including 77 who are not allocated to a specific location. Reports are to be completed as soon as possible.

Mrs. Browning: To ask the Secretary of State for Trade and Industry how many mineworkers requesting domiciliary visits for tests in respect of claims for chronic bronchitic emphysema died prior to the test being carried out. [125883]

Mr. Byers *[holding answer 13 June 2000]:* After years of neglect by British Coal and inaction by the previous Administration, this Government have reached an agreement which gives former miners fair compensation for their suffering resulting from these diseases.

My Department has received estates claims in respect of some 7,400 miners who died between 1992 and May 1997. Many of these could have received compensation during their lifetime if British Coal and the previous Administration had not continued to deny responsibility.

Mrs. Browning: To ask the Secretary of State for Trade and Industry if he intends to make bereavement awards to the relatives of deceased widows of mineworkers who would have qualified for payments due under death certificates relating to chronic bronchitic emphysema. [125885]

Mrs. Liddell *[holding answer 13 June 2000]:* After inaction under the previous Government, this Government have reached an agreement which should give former miners fair compensation for their suffering resulting from these diseases.

The Department has agreed that the sons and daughters of those widows who died in the period between the date of the High Court judgment and the signing of the Handling Agreement may receive an ex-gratia payment.

Mrs. Browning: To ask the Secretary of State for Trade and Industry what recent representations he has received concerning lung function tests carried out on behalf of the Government by Healthcall in respect of compensation claims from mineworkers suffering from chronic bronchitic emphysema. [125884]

Mr. Byers *[holding answer 13 June 2000]:* I am informed that no such representations have been received.

Young People (Protection at Work)

Mr. White: To ask the Secretary of State for Trade and Industry if he will make a statement on the future of the UK opt-outs under the EU Directive on the protection of young people at work. [126395]

Mr. Alan Johnson: The Directive on the Protection of Young People at Work (94/33/EC) provides a time-limited opt-out for the UK from certain of its provisions. The opt-out expires on 22 June 2000 and the UK will not be pursuing an extension. The Government will be undertaking a full consultation of all interested parties on proposals for the necessary amendments to the Working Time Regulations, in order to give effect to the previously excluded provisions in UK law. We will seek views on the most appropriate use of the derogations which are available in the Directive, in order to balance the proper protection of young people from being required to work long hours against the need to avoid unnecessary burdens on business and to respond to practical problems in particular areas and sectors.

Postal Services

Shona McIsaac: To ask the Secretary of State for Trade and Industry what duty the Postal Services Commission will have to ensure that any infringement of the reserved area is remedied. [126396]

Mr. Byers: The provisions in the Postal Services Bill provide for the enforcement of the reserved area by the Postal Services Commission. That it has a duty to do so is implicit in the Bill. The reserved area (in which it is an offence to operate without a licence) is there to protect the provision of the universal postal service. The primary duty of the Commission (as set out in clause 3) is to exercise its functions in the manner which it considers best calculated to ensure the provision of the universal postal service.

Since, under the European postal services directive, the reserved area can be only such as is necessary to ensure the provision of the universal service, infringement (unlicensed activity) of the reserved area (which is illegal) must be considered a potential threat to the provision of the universal service. This applies as much to relatively small infringements (which could cumulatively undermine the universal postal service) as it does to large infringements which have a significant effect in their own right. It follows, therefore, that there is an implied duty for the Commission to enforce the reserved area to protect the licensing regime and by doing so to protect the provision of a universal postal service.

The Bill makes it clear that, if the Commission considers that the scope of clause 7 of the Bill, and thus the activities requiring a licence, should be changed the mechanism for doing so is to recommend to the Secretary of State that he makes an Order modifying clause 7. It is clear, therefore, that the Commission should not allow de facto reductions in the scope of the reserved area simply by allowing repeated infringements of it.

Both the intention and effect of the Bill is that the Commission will take whatever enforcement action it considers necessary to protect the reserved area by deterring, detecting and prosecuting or otherwise remedying unlicensed activity. Not to do so (without good reason) would be a breach of its duties.

In line with precedents in the utilities legislation (where it is also a criminal offence to operate without a licence) and the application of the criminal law in general, by not creating an express duty to take enforcement action in all circumstances, the Bill recognises that there should be an element of discretion in enforcement. So, while the presumption is that the Commission will usually take action to protect the licensed area where it knows or has good reason to believe an offence is being committed under clause 6 of the Bill, there may be circumstances where formal enforcement procedures, by prosecution or otherwise, are not in the public interest.

Enterprise Culture

Mr. Chope: To ask the Secretary of State for Trade and Industry what action his Department is taking to achieve its key priority for 2000–01 of promoting a culture of enterprise in the European Union. [125912]

Mr. Caborn: The Department's actions include:

pressing for the early adoption of a European Charter for Small Firms setting out key principles for promoting enterprise and pledging the Commission and Member States to action;

working closely with the Commission in drawing up a Multiannual Programme for Enterprise and Entrepreneurship for 2001–05 which seeks to develop a programme of actions to make Europe more entrepreneurial and innovative; and

giving support to the Spirit of Enterprise, a European Union-wide awards scheme whose aim is to promote entrepreneurship among young people.

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will make a statement about the National Campaign for Enterprise. [125914]

Mr. Byers: The national campaign for enterprise—called Enterprise Insight—was launched by my right hon. Friend the Prime Minister on 11 May. The campaign, supported by my Department, is informing young people about the challenges and rewards of starting their own business, developing entrepreneurial skills and encouraging the establishment and growth of successful businesses. Existing entrepreneurs and business people have a key part to play in the campaign. Already, 200 have signed up to participate in a range of activities to encourage enterprise in their communities.

Public Service Targets

Mr. Chope: To ask the Secretary of State for Trade and Industry what the criteria are for evaluating his Department's performance against its public service agreement target for 2002 of making the United Kingdom the best place in the world to trade electronically. [125924]

Mr. Caborn: The PIU report, 'e-commerce@its.best.uk', set out a number of possible criteria for evaluating progress against the target of being the best place in the world to trade

electronically by 2002. The Office of the e-Envoy is working to establish more rigorously what these criteria should be and the results of this will be published in the autumn. In the meantime, the DTI continues to work towards a number of measurable targets related to trading online, namely that:

1.5 million small and medium sized enterprises (SMEs) connected;

1 million SMEs actually trading online;

and the use of ICTs by micro and small businesses up with the best in the world.

Progress against these targets is measured in the DTI's annual International Benchmarking Study. The year 2000 study will be published shortly.

Mr. Chope: To ask the Secretary of State for Trade and Industry what the criteria are for evaluating his Department's performance against its public service agreement target for 2002 of improving the overall international ranking of the science and engineering base in terms of quality relevance and cost-effectiveness. [125920]

Mr. Byers: The criteria for relevance and cost effectiveness are, respectively;

the ranking of the UK against G7 and other countries in terms of HEI funding from non-Government sources;

the ranking of the UK against G7 and other countries in terms of papers published per £1 million investment.

Business Start-ups

Mr. Chope: To ask the Secretary of State for Trade and Industry how many successful high growth business start-ups there were in each of the last four years. [125922]

Mr. Byers: In 1999, the latest year for which figures are available, there were 12,800 successful higher growth start-up enterprises. In 1998 there were 12,600 enterprises. Estimates for earlier years cannot be made. Higher growth means enterprises achieving annual sales of £1 million or more, or employing 10 or more people, by their fourth year of trading.

Spin-out Companies

Mr. Chope: To ask the Secretary of State for Trade and Industry how many companies have been spun out by universities in each of the past four years. [125910]

Dr. Howells: I refer the hon. Member to the answer given by my hon. Friend the Minster for Small Business and E-Commerce to my hon. Friend the Member for Crosby (Mrs. Curtis-Thomas) on 23 May 2000, *Official Report*, column 474W.

Export Licences

Mr. Chope: To ask the Secretary of State for Trade and Industry if he will publish the criteria which are being used to judge the achievement of his Department's key priority for 2000–01 to operate efficient and effective systems for export licensing. [125913]

Dr. Howells: The criteria used to judge achievement of this priority are set out in the Government's Annual Reports on Strategic Export Controls, together with details of performance. Copies are available in the Library of the House.

CABINET OFFICE

Criminals (Confiscation of Assets)

8. **Mr. Jim Murphy:** To ask the Minister for the Cabinet Office if she will make a statement on the Government's policy towards the seizure of criminal assets. [124270]

Mr. Ian McCartney: As my right hon. Friend the Prime Minister has announced, we have today published the performance and innovation unit report, "Recovering the Proceeds of Crime".

Copies of the report have been placed in the Vote Office and Libraries of the House.

The report sets out a package of rigorous measures to recover from criminals their unlawful gains and to ensure that crime does not pay. We will:

strongly encourage prosecutors and courts to make confiscation the norm after convictions where there have been proceeds from crime;

enable courts to keep restrained assets to help meet confiscation orders; and

simplify and enhance money laundering legislation to make it easier to bring cases and help focus efforts on criminal money flows.

9. **Sir Teddy Taylor:** To ask the Minister for the Cabinet Office what meetings she has had with the performance and innovation unit to discuss proposals to confiscate the assets of criminals. [124271]

Mr. Ian McCartney: I have been Sponsor Minister for the performance and innovation unit project on recovering the proceeds of crime.

As my right hon. Friend the Prime Minister has announced earlier, we have today published the performance and innovation unit report, "Recovering the Proceeds of Crime". Copies of the report have been placed in the Vote Office and Libraries of the House.

The report sets out a package of rigorous measures to recover from criminals their unlawful gains and to ensure that crime does not pay.

19. **Mr. Michael:** To ask the Minister for the Cabinet Office what specific measures she intends to bring forward to ensure that criminals are deprived of the profits they make from drug dealing and other criminal activity. [124284]

Mr. Ian McCartney: As my right hon. Friend the Prime Minister has announced, we have today published the performance and innovation unit report, "Recovering the Proceeds of Crime".

Copies of the report have been placed in the Vote Office and Libraries of the House.

The report sets out a package of rigorous measures to recover from criminals their unlawful gains and to ensure that crime does not pay.

Genetic Modification

10. **Mr. Swayne:** To ask the Minister for the Cabinet Office what recent discussion she has had with the Minister of Agriculture, Fisheries and Food regarding presentation of Government policy on GMOs. [124273]

Marjorie Mowlam: I have held recent discussions with various colleagues, including my right. hon. Friend the Minister for Agriculture, Fisheries and Food, given my role as co-ordinator of biotechnology policy across Government.

Special Advisers

11. **Mr. Baker:** To ask the Minister for the Cabinet Office how many special advisers there are and how many have authority over civil servants. [124275]

Mr. Stringer: There are 79 special advisers in post of which two in the Prime Minister's office have executive powers.

Knowledge Network Computer System

12. **Mr. Maclean:** To ask the Minister for the Cabinet Office if certain information held on the Knowledge Network computer system will be restricted to Ministers and special advisers. [124276]

Mr. Stringer: From the beginning of the project, it has been envisaged that as much information as possible which is eventually held on the Knowledge Network will be made publicly available over the Internet.

Access to the full Knowledge Network will be restricted to Ministers and civil servants (including special advisers). There will be no new types of material produced by, or held on, the Knowledge Network which has not previously been circulated within Government through existing paper methods.

Drug Abuse

13. **Mr. Stephen O'Brien:** To ask the Minister for the Cabinet Office when she last met the UK Anti-Drugs Co-ordinator to discuss progress in meeting the Government's targets on reducing drug abuse. [124277]

Marjorie Mowlam: I hold regular meetings with the UK Anti-Drugs Co-ordinator to discuss progress in meeting all aspects of the Government's anti-drug strategy.

Civil Service Recruitment Policy

14. **Helen Jackson:** To ask the Minister for the Cabinet Office what steps she is taking to ensure equal opportunity recruitment policies in the Civil Service. [124278]

Mr. Stringer: The Government are committed to a diverse Civil Service which reflects the society it serves, and has set targets of 35 per cent., 3.2 per cent., and 3 per cent. for the representation of women, ethnic minorities and people with disabilities in the Senior Civil Service by 2004–05. Departments have also set targets for these groups outside the Senior Civil Service.

Recruitment to the Civil Service is on merit, through fair and open competition. We want the best people for the work, whatever their background.

Magistrates

15. **Mr. Pike:** To ask the Minister for the Cabinet Office what progress has been made since May 1997 in making magistrate appointments in the county palatine more representative of the communities they serve. [124279]

Marjorie Mowlam: In my Directions for Advisory Committees in the Duchy of Lancaster there is a requirement that each Bench should broadly reflect the community it serves. We have been consulting on whether this result is best achieved by retaining the separateness of Duchy appointments or linking the system with the rest of England and Wales by transferring the power to appoint to the Lord Chancellor. As a result of this consultation, I have decided to see how we can more closely align with the system run by the Lord Chancellor on the principles of openness and transparency, while still retaining the local link through the Duchy, which many in the Duchy area value highly. I have asked a Committee involving representatives of the Duchy and the Lord Chancellor's Department to examine this question and report to me.

Drugs Policy

16. **Mr. Campbell-Savours:** To ask the Minister for the Cabinet Office what proposals she has for further co-ordination of the Government's drugs policy. [124280]

Mr. Ian McCartney: The Government's drugs policy is set out and co-ordinated through our ten year Strategy, "Tackling Drugs to Build a Better Britain". The Anti Drugs Co-ordinator, Keith Hellawell, was appointed to co-ordinate and drive forward the strategy. The strategy contains challenging aims and targets across the whole of our policy. These are annually monitored and reported in the co-ordinator's national plan and report.

The current spending review is considering further ways to enhance co-ordination of the strategy. Results of our consideration will be published when the review is concluded.

Drug Prevention Programmes

18. **Mrs. Ann Winterton:** To ask the Minister for the Cabinet Office if it is her policy to introduce independent assessment of the effectiveness of drug prevention programmes *(a)* in schools and *(b)* elsewhere. [124283]

Mr. Ian McCartney: As part of the Government's ten-year strategy "Tackling Drugs to Build a Better Britain" we are committed to identifying what works. This includes education and prevention initiatives. To support this objective the Drug Prevention Advisory Service (DPAS), is currently discussing with the Office for Standards in Education (Ofsted) ways in which the school inspections system can monitor schools drug policies and activities.

DPAS also has a key role in assessing all Drug Action Teams prevention programmes. These cover a wide range of activities, including those, which take place in schools. The Anti Drug Co-ordinator, with the support of DPAS is currently reviewing DAT action plans for the year ahead.

Small Business

20. **Mr. Ruffley:** To ask the Minister for the Cabinet Office what recent representations she has had on administrative burdens on small business. [124286]

Mr. Stringer: My ministerial colleagues and I have sought and received representations from a wide range of business organisations about the specific problems facing small businesses. We have most recently received correspondence from the Federation of Small Business. I will be meeting the Federation shortly to discuss their ideas for simplifying and reducing regulatory burdens.

Civil Service Code

21. **Mr. Robathan:** To ask the Minister for the Cabinet Office what procedures she uses to remove conflicts of interest which are contrary to the Civil Service Code. [124287]

Mr. Stringer: The Civil Service Code is part of the terms and conditions of employment of all civil servants. The code informs civil servants of the standards they are expected to uphold, and the appeal mechanisms available to them. Ministers are under a duty, set out in the ministerial code, not to ask civil servants to act in any way which would conflict with the Civil Service Code.

Crop Contamination

22. **Mr. David Heath:** To ask the Minister for the Cabinet Office if she will make a statement on co-ordination between Government Departments in formulating policy and providing public information on contamination by GM seed of conventional crops. [124288]

Marjorie Mowlam: I have met various colleagues to discuss contamination of GM seed. In addition to a parliamentary statement made by my right hon. Friend the Minister for Agriculture, Fisheries and Food on 18 May 2000, public information has been provided on the Ministry of Agriculture, Fisheries and Food website and placed in the House Library.

Annual Report

23. **Mr. Gordon Prentice:** To ask the Minister for the Cabinet Office if she will arrange for the Government's annual report to be prepared by the National Audit Office following previously published guidelines. [124289]

Marjorie Mowlam: The Government have no such plans at this time.

Drug Deaths

24. **Mr. Flynn:** To ask the Minister for the Cabinet Office what new proposals she has to reduce drug deaths. [124290]

Mr. Ian McCartney: The Government's ten-year anti-drugs strategy aims to reduce the number of deaths from the misuse of illegal drugs. The Advisory Council on the Misuse of Drugs (ACMD) has been considering how best we can report, monitor and reduce the number of deaths arising from the use of illegal drugs and they will be reporting to Ministers in the near future.

The anti-drugs strategy includes a target to have in place an action plan to reduce the number of drug-related deaths and this will be drawn up and implemented in response to the recommendations contained within the ACMD's report.

Computer Viruses

Mr. Tyler: To ask the Minister for the Cabinet Office what steps have been taken across Government Departments to prevent disruption of communications by computer viruses similar to that known as the Love Bug. [124282]

Mr. Ian McCartney: Further to the hon. Member's question, dated 10 May 2000, *Official Report*, column 830W, we have published an assessment of computer viruses such as the Love Bug and its implications, copies of which have been placed in the Libraries of the House.

Mr. Michael Jabez Foster: To ask the Minister for the Cabinet Office when copies of the report on the impact of the love letter computer virus on Government IT systems will be placed in the Library. [126066]

Mr. Stringer: I have today placed copies of the report in the Libraries of the House.

Staff Secondments

Mr. Don Foster: To ask the Minister for the Cabinet Office, pursuant to her answer of 11 January 2000, *Official Report*, column 134W, concerning secondments, which of the secondees listed were appointed for a period of 12 months or less. [124816]

Mr. Stringer: There were 10 secondees into the Cabinet Office for a period of 12 months or less from May 1997.

All 10 of those secondees were in the return from May 1999. They were seconded in from Anderson Consulting, Barclays Bank plc, BT, Hay Management Consultants, KPMG, Marks & Spencer plc, McKinsey & Co., Microsoft Corporation, Wragge & Co. Solicitors, and Zurich Financial Services.

Written Answers to Questions

Thursday 15 June 2000

DEFENCE

Laser Range-finders

Mr. Hancock: To ask the Secretary of State for Defence what the total cost to his Department was of the supply of 226 LH-40C hand-held laser range-finders to the Army; how many units have been purchased; which companies bid for this contract; if the bid by the Eloptro Division of Denel company was the lowest; and if he will make a statement. [124883]

Dr. Moonie: The total cost to the Department, including three years support, is in the region of £2 million, but the details are a matter of commercial confidentiality. Bids were received from four companies in November 1999: Eloptro, a division of Denel; Leica Geosystems Ltd.; Litton Laser Systems; and Simrad Optronics Ltd.

Following a detailed technical evaluation including extensive trials of all candidate equipment only Eloptro provided a compliant tender and this, therefore, was the lowest acceptable bid. A contract for the supply and support of the 226 systems was awarded to Eloptro on 23 March 2000. The unsuccessful companies have been given the opportunity for a formal debrief and, while all have indicated that they wish to take up this offer, only Leica have done so to date.

Type 45 Destroyers

Mr. Keetch: To ask the Secretary of State for Defence what are the planned in-service dates for follow-on Type 45 destroyers; and if he will make a statement. [124993]

Dr. Moonie: On current plans, we expect that the first Type 45 destroyer will enter service with the Royal Navy in 2007 and that the last will enter service in 2014, with progressive deliveries between these dates. The delivery programmes for the ships have yet to be negotiated.

US Defence Trade Security Initiative

Mr. Hancock: To ask the Secretary of State for Defence what assessment he has made of the benefits of the United Kingdom being granted special status under the US International Traffic in Arms Regulations; and if he will make a statement. [125380]

Mr. Hoon: We welcome the announcement of the Defence Trade Security Initiative made by the US Government on 24 May 2000. The proposed reforms to US defence export control arrangements should reduce munitions licensing process times in general and simplify many licensing procedures, particularly for NATO countries, Japan and Australia. They represent a significant step towards enhancing alliance interoperability and preventing the widening of the technology gap.

The initiative includes a proposal for an International Traffic in Arms Regulations exemption for the UK and other close allies. This would enhance the ability of UK firms to compete in the US market; to benefit from US Research and Development expenditure; and give access to some of the most advanced defence technologies in the world. US defence companies are, of course, free to compete in the UK market.

We expect early discussions with the US to take this forward as part of the implementation of the UK/US Declaration of Principles.

Maritime Mining System

Mr. Hancock: To ask the Secretary of State for Defence what role DERA played in securing the contract by BAe Systems to be the supplier to the Australian Defence Force of the Stone Fish MKIII Maritime Mining System; and if he will make a statement. [125435]

Dr. Moonie: This is a matter for the Chief Executive of the Defence Evaluation and Research Agency. I have asked the Chief Executive to write to the hon. Member.

Letter from John Chisholm to Mr. Mike Hancock, dated 15 June 2000:

I am replying to your parliamentary question about a contract secured by BAE Systems.

I can confirm that DERA has had no role or involvement in the securing of a contract by BAE Systems to be the supplier to the Australian Defence Force of the Stone Fish MKIII Maritime Mining System.

I hope this is helpful.

NORTHERN IRELAND

Market Research

Mr. MacKay: To ask the Secretary of State for Northern Ireland how much his Department spent on opinion research in the financial year 1999–2000. [123049]

Mr. Mandelson: The Government are committed to consulting and involving the public to help inform policy formulation and the delivery of better quality public services. Both are an important part of the Modernising Government initiative.

The Government only commission market or opinion research when it is justified by the needs of the policy or programme and is the most economical, efficient and effective way to achieve the purpose.

During the financial year 1999–2000, the amount spent on opinion research was £658,521. This information is broken down as follows:

	£
Department of Agriculture and Rural Development	20,536
Department of Culture, Arts and Leisure	13,000
Department of Education	5,975
Department of Environment	16,590
Department for Regional Development	15,050
Department of Enterprise, Trade and Investment	39,695
Department of Finance and Personnel	23,000
Department of Health, Social Services and PS	20,000
Department of Higher and Further Education, TE	346,375

	£
Department for Social Development	56,315
Office of the First Minister and Deputy First Minister	11,000
Northern Ireland Office	90,985

Responsibility in respect of research carried out by the Northern Ireland Departments has been devolved to the Northern Ireland Assembly and is no longer a matter for the Secretary of State for Northern Ireland.

Mr. MacKay: To ask the Secretary of State for Northern Ireland if he will list opinion research projects undertaken on behalf of the Department in the financial year 1999–2000 itemising *(a)* focus group research, *(b)* quantitative surveys and *(c)* other market research surveys, indicating in each case (i) when and (ii) where the results were published. [123050]

Mr. Mandelson: The information for the Northern Ireland Office and Northern Ireland Departments has been placed in the Library.

Responsibility in respect of research carried out by the Northern Ireland Departments has been devolved to the Northern Ireland Assembly and is no longer a matter for the Secretary of State for Northern Ireland.

Demilitarisation

Dr. Godman: To ask the Secretary of State for Northern Ireland if he will list the demilitarisation measures taken in the past year; and if he will make a statement. [123506]

Mr. Ingram: Listed are normalisation measures taken during 1999.

24 to 26 January 1999—Vacation of Patrol Bases at Mullan Bridge, Roscor Bridge, Wattle Bridge, Clonratty Bridge, Gortmullan Bridge, Killyvilly and Annaghmartin.

3 February 1999—Demolition of Aughnacloy Permanent Vehicle Check Point.

8 February 1999—Demolition of V3 Permanent Vehicle Check Point (Hump).

12 February 1999—Demolition of V4 Permanent Vehicle Check Point (Muff).

26 February 1999—Demolition of V1 Permanent Vehicle Check Point (Letterkenny Road).

21 May 1999—Demolition of Fort Whiterock completed.

9 July 1999—Requisitioned land in Crossmaglen returned to the GAA.

3 August 1999—Demolition of Gortmullan Patrol Base completed.

5 September 1999—Vacation of Carrickfergus Base.

31 December 1999—Closure of Castlereagh Holding Centre.

In April 2000, the Belfast Roulement Battalion was withdrawn.

The Royal Ulster Constabulary is also making increased use of soft-skinned and high profile liveried vehicles and beat patrols. Police officers increasingly wear fluorescent jackets and now patrol without military support in most parts of the Province.

In light of the lowering of the overall threat following the recent statement by the IRA the Chief Constable announced on 9 May further steps which will be taken within weeks to normalise security.

A further review of possible normalisation steps will be conducted in three months time taking account of the level of threat prevailing at the time and the circumstances on the ground.

Laptops

Mr. Keith Simpson: To ask the Secretary of State for Northern Ireland how many laptop computers used by Ministers, officials and special advisers in his Department have been *(a)* lost and *(b)* stolen since May 1997. [123742]

Mr. Mandelson: The information requested is as follows:

(a) None

(b) Seven

Forms

Mrs. Lait: To ask the Secretary of State for Northern Ireland what has been the net change in each year since May 1997 in the number of forms issued by his Department which *(a)* charities and *(b)* other voluntary organisations are required to complete. [123944]

Mr. Ingram: The answer to this question could be provided only at a disproportionate cost.

HEALTH

Paramedics

Mr. Swayne: To ask the Secretary of State for Health what estimate he has made of the number of places on training courses for paramedics; and what plans he has to increase the number of places available. [122581]

Ms Stuart: There has been no central estimate of the number of places on training courses for paramedics as this training is managed directly by the 32 National Health Service ambulance service trusts around the country. We have made £21 million extra available per annum to support the ambulance services in meeting the national target of responding to 75 per cent. of all life threatening 999 calls within eight minutes. £18.5 million of this allocation is to provide additional staff, in particular paramedics, thereby increasing significantly the number of training places.

Buprenorphine

Dr. Iddon: To ask the Secretary of State for Health when Subutex (buprenorphine) will be added to the list of drugs that can be dispensed using forms FP10(HP)(ad) and FP10(MDA). [122899]

Ms Stuart: Ministers have agreed in principle to allow the prescription of buprenorphine (of which Subutex is a brand) on an instalment basis. We are currently consulting a range of organisations which could be affected by the proposal on how best to introduce it.

Health Policies

Mr. Peter Bottomley: To ask the Secretary of State for Health if he will make a statement on the relative priorities accorded to mental and physical health in the Government's health policies. [125371]

Mr. Hutton: We have set out our priorities in "Modernising Health and Social Services: National Priorities Guidance 2000/01–2002/03" which include physical and mental health problems as priorities for the National Health Service and Social Services.

NHS Consultation Process

Mr. Peter Bottomley: To ask the Secretary of State for Health (1) how many responses to his consultation on the future of the NHS made reference to mental health or to mental illness; [125369]

(2) how many responses he received *(a)* in time and *(b)* out of time to his recent consultation on the future of the National Health Service; [125368]

(3) when and in what way he expects to announce a summary of the responses to the recent questionnaire on the NHS; [125374]

(4) how many responses to his consultation on the future of the NHS made reference to the medical needs and extra costs of patients aged over 85 years; [125370]

(5) what way NHS mental health patients were included in the consultation on the future of the NHS; [125372]

(6) if he will issue questionnaires to 12 million people relating to his top three priorities for mental health reform. [125367]

Mr. Viggers: To ask the Secretary of State for Health how many staff consultation papers, "Have Your Say on a Better NHS", were distributed to the consultees by 4 June; and how many were received back by the closing date of 5 June. [125771]

Mr. Denham: The consultation process included written consultation with key national organisations; telephone consultation and two seminars with patient groups; use of NHS Direct; and issues emerging from the regional consultation process.

As part of the overall consultation strategy, in the week leading up to National Health Census day on 31 May 2000, 12 million consultation leaflets were made available at supermarkets, high street chemists and other NHS facilities. There were one million staff leaflets and 11 million public leaflets. It was also published on the worldwide web.

For those who may have had difficulty reading the text or completing the form in these formats, the leaflet was also made available on tape with the facility to either record responses on the tape or by dictating over the telephone. There have been eight requests for the tape, none of which have used the telephone facility.

The total cost of the design, printing and distribution of the leaflet was £475,487.

200,960 leaflets have been received so far. In addition, 7,385 e-mails have been received. 1,663 letters have been received. NHS Direct has received 654 responses. In total, responses received so far are 210,662.

Of the responses received and analysed to date, 1,975 made reference to mental health or mental illness. 3,707 made reference to care of the elderly. A review of a sample of early responses showed that suggestions related to the elderly did not mention specific threshold ages.

We plan to make public a summary of responses when we have worked through the analysis in more detail. We do not have plans to issue a further questionnaire to 12 million on mental health priorities.

Mr. Webb: To ask the Secretary of State for Health how many survey forms were issued to NHS staff and patients; and how many were returned *(a)* by the initial closing date and *(b)* to date. [125797]

Mr. Denham *[holding answer 13 June 2000]:* Of the 12 million leaflets made available to staff and the public, 200,960 have been returned so far.

The results of these submissions will be reported to the meeting of the modernisation action teams working on the national plan. All responses will be incorporated into developing the national plan.

Advertising

Mr. Loughton: To ask the Secretary of State for Health how much has been spent by his Department on advertising in each year since May 1997. [125688]

Ms Stuart *[holding answer 12 June 2000]:* The figures for the annual spend on advertising for the Department for the financial years 1997–98 to 1999–2000 are shown in the table.

Financial year	*Advertising expenditure (£ million)*
1997–98	2.27
1998–99	8.63
1999–2000	14.83

The principal increases since 1997–98 are in the following areas:

	1997–98	*1998–99*	*1999–2000*
Blood donation	0.60	1.70	[1]0.22
Nurse recruitment	0.30	4.90	4.21
NHS Direct	0.12	0.78	1.20
Smoking[2]	0.00	0.00	6.18
Winter campaign	0.00	0.00	1.07

[1] The Department's spend on blood donation advertising reduced in 1999–2000 because most of this activity was funded direct by the National Blood Authority

[2] Prior to 1999–2000 advertising on smoking was undertaken by the Health Education Authority

Digital Hearing Aids

Mr. Todd: To ask the Secretary of State for Health when digital hearing aids will be available through the NHS; and if he will make a statement. [125774]

Mr. Hutton: I refer my hon. Friend to the oral answer I gave my hon. Friend the Member for Wentworth (Mr. Healey) on 6 June 2000, *Official Report,* columns 143–44.

Diabetes

Mr. Singh: To ask the Secretary of State for Health what steps his Department is taking to ensure early identification of people with diabetes. [125957]

Mr. Denham: We recognise the importance of detecting diabetes as early as possible. Ministers have asked the United Kingdom National Screening Committee, which advises us on all aspects of screening policy, to consider whether there is a case for the introduction of a targeted screening programme for Type 2 diabetes and, if so, how this could most effectively be achieved. The conclusions of the Committee will inform the work of the Expert Reference Group for the National Service Framework (NSF) for diabetes in England which we announced last year.

CJD

Helen Jones: To ask the Secretary of State for Health when he will publish the eighth annual report of the National Creutzfeldt-Jakob Disease Surveillance Unit. [126745]

Yvette Cooper: The National Creutzfeldt-Jakob Disease Surveillance Unit's eighth annual report has been published today. Copies have been placed in the Library. The report documents the Unit's findings in relation to sporadic, familial, iatrogenic Creutzfeldt-Jakob disease, and also variant Creutzfeldt-Jakob disease, up to 31 December 1999.

Intermediate Care

Mr. Austin: To ask the Secretary of State for Health if intermediate care services will be provided by *(a)* the NHS and *(b)* the private sector; and if he will make a statement. [126225]

Mr. Hutton: We remain committed to the modernisation of the National Health Service which will continue to provide a universal service, free at the point of use and available to all on the basis of clinical need. Development of intermediate care is a key part of the Government's programme to improve services for older people, including the National Service Framework. It can be achieved in a number of ways—by investing more in NHS hospitals, including giving new life to community hospitals, and by entering into new arrangements with the private sector.

The whole system approach, which typifies intermediate care and is essential to its development, should recognise the contribution made by all partners in the health and social care system, including the independent sector. The same standards of clinical quality and effectiveness will apply to both NHS and non-NHS providers, and services should provide value for money.

Mr. Austin: To ask the Secretary of State for Health if he will publish details of the proposed new intermediate care arrangements and their impact on local authority services; and if he will make a statement. [126224]

Mr. Hutton: We shall announce detailed proposals on the introduction of new intermediate care services later this summer. Intermediate care involves a variety of different services in preventing inappropriate admissions to hospitals or long-term care and in providing active rehabilitation and support on discharge from hospital. Local authority services will have an important part to play in intermediate care. Our proposals will be influenced by the work of the modernisation action team on partnership, charged with ensuring that all parts of the health and social care, including local authority services, work together more efficiently.

Mr. Austin: To ask the Secretary of State for Health what his definition is of intermediate care. [126227]

Mr. Hutton: Intermediate care is a whole system approach to a range of multi-disciplinary, multi-agency services designed to promote independence by reducing avoidable hospital admission; facilitating timely discharge from hospital and promoting effective rehabilitation; and minimising premature or avoidable dependence on long-term care in institutional settings.

Mr. Austin: To ask the Secretary of State for Health what advice and guidance he has issued to *(a)* the NHS and *(b)* local authority social services regarding intermediate care since 1999. [126226]

Mr. Hutton: The Health Service Circular of 23 May issued jointly to local health and social care communities made it clear that the development of intermediate care was an integral part of winter planning. More detailed planning guidance is to be issued to health and social care communities in the summer.

Diamorphine

Mr. Flynn: To ask the Secretary of State for Health what projects have been carried out to evaluate the efficacy of prescribing diamorphine to heroin addicts; and if he will make a statement. [125998]

Ms Stuart: The Department has not carried out any projects on the efficacy of prescribing diamorphine to heroin addicts, which is subject to the Misuse of Drugs Act (Supply to Addicts) Regulations 1997. The Department is funding a £2.4 million research initiative on drug misuse. Over the next four years this will deliver evidence to underpin our 10 year anti-drugs strategy. A major aim of this initiative is to improve knowledge on the effectiveness and cost-effectiveness of treatment and care procedures. The initiative includes a trial comparing the efficacy of substitute prescribing of injectable and liquid methadone.

Vaccine Damage

Dr. Whitehead: To ask the Secretary of State for Health what arrangements exist to consider cases before vaccine damage tribunals of simultaneous administration of multiple vaccines which have led to vaccine damage to recipients. [125873]

Mr. Bayley: I have been asked to reply.

The Appeals Service tribunals hear appeals in relation to vaccine damage. These tribunals are constituted of an independent legally qualified panel member and one or two independent specialist medically qualified panel members, all appointed by the Lord Chancellor. These arrangements apply to all cases involving the administration of one or more vaccinations against diseases specified in the Vaccine Damage Payment Act 1979.

Parliamentary Questions

Mr. Paterson: To ask the Secretary of State for Health when he plans to reply to the questions tabled by the hon. Member for North Shropshire on 9 May. [125813]

Ms Stuart: I replied to 23 of the hon. Member's 29 questions on 12 and 13 June.

ENVIRONMENT, TRANSPORT AND THE REGIONS

GM Crops

Ms Drown: To ask the Secretary of State for the Environment, Transport and the Regions if he will list the GM crop test sites that are not on his Department's website by *(a)* type of crop and *(b)* county. [123916]

Mr. Meacher: The Department's website is updated regularly to include a list of all the sites which have been notified by consent holders for Part B research and development releases (www.environment.detr.gov.uk/acre/trials.htm).

There is no requirement to notify the Department of releases of a GM crop which has a Europe wide Part C marketing consent for cultivation. However, the industry body SCIMAC has agreed to provide location details for the GM maize being grown in the Farm Scale Evaluations under a Part C consent. All Farm Scale Evaluations sites are listed at www.environment.detr.gov.uk/fse/location/index.htm.

We have no information on any other small scale test sites for such crops with Part C consent as they do not have to be notified to the Department. Growing for any purpose other than small scale trials is precluded by the terms of the agreement with SCIMAC on the growing of GM crops finalised last November.

Estate Action Programmes (Westminster)

Ms Buck: To ask the Secretary of State for the Environment, Transport and the Regions what was the total expenditure by his Department on each estate action programme in the borough of Westminster since 1993; and what this was as a percentage of the total cost of each programme. [125423]

Ms Beverley Hughes: The total expenditure for each of the estate action projects in Westminster since 1993 is as follows:

£

	Mozart Estate	*Lisson Green*
1993–94	179,000	—
1994–95	1,500,000	1,136,000
1995–96	1,384,000	945,000
1996–97	2,180,000	1,955,000
1997–98	3,000,600	6,000,000
1998–99	3,200,000	2,660,000
1999–2000	600,000	1,701,400
Total	12,043,600	14,397,400

The total expenditure detailed above as a percentage of the total cost of programme is:

	Total cost of programme	*Percentage of grant expenditure against total cost*
Mozart Estate	37,636,000	32
Lisson Green	63,031,000	22.8

Low Bridges

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions how many accidents arising from strikes on bridges recorded in the last two years have been *(a)* fatal, *(b)* minor and *(c)* serious; and what has been the cost in the last two years of road strikes on low bridges. [125587]

Mr. Hill: The number of injury accidents in Great Britain which involved a road vehicle striking the side or roof of any bridge are given in the following table for the two most recent years for which figures are available.

	Fatal	*Serious*	*Slight*
1997	9	69	264
1998	14	67	282

Railtrack estimate that the annual cost of road strikes on low railway bridges is of the order of £10 million. This includes both the repair and delay costs, including those in damage-only accidents.

Mrs. Dunwoody: To ask the Secretary of State for the Environment, Transport and the Regions what action the Government are taking in conjunction with *(a)* railway companies and *(b)* highway authorities to minimise damage to bridges caused by road vehicles striking low bridges. [125590]

Mr. Hill: Guidance has already been published on a range of measures to prevent bridge strikes, and regulations now require the height of the motor vehicle to be displayed in the cab, if the overall travelling height is in excess of three metres. The Department continues to chair the Bridge Strike Prevention Group which meets twice a year to discuss issues related to bridge strikes with the road transport industry, local authorities and bridge owners, to review trends and to encourage the adoption (and where appropriate the development) of new cost-effective measures to reduce the number and severity of bridge strikes.

A436

Mr. Nigel Jones: To ask the Secretary of State for the Environment, Transport and the Regions (1) what additional information he requires to enable him to approve funding to upgrade the A436 in Gloucestershire; [125540]

(2) what factors he took into account in deciding not to fund Gloucestershire County Council's priority request to upgrade the A436 between Shipton Solers and Crickley Hill. [125539]

Mr. Hill: The Government Office for the South West wrote to Gloucestershire County Council on 16 December 1999 explaining why my Department was unable to accept the A436 Shipton Solers to Air Balloon scheme for support in the 2000–01 Local Transport Capital Settlement. The County Council has been advised to consider alternative solutions including looking at the feasibility of dealing with the safety issues by a combination of smaller scale schemes.

Central London Journey Times

Mr. MacShane: To ask the Secretary of State for the Environment, Transport and the Regions what is the average speed of a journey through central London in daylight by *(a)* car, *(b)* bus and *(c)* bicycle. [124861]

Mr. Hill *[holding answer 9 June 2000]:* The average speeds recorded in the 1999 DETR door-to-door journey times survey in central London were:

	Miles per hour
(a) Car	3.4
(b) Bus	2.5
(c) Bicycle	5.4

These are door-to-door journey times and so include an element of walking to and from bus stops, car parks etc. All journeys are made within the hours of 7am and 7pm.

The full results of the survey are published in the DETR Transport Statistics Bulletin SB (00) 14, "Journey Times Survey, Inner and Central London: 1999", available in the House of Commons Library.

Railways (Expenditure)

Mr. Gordon Prentice: To ask the Secretary of State for the Environment, Transport and the Regions what estimate he has made of the increase in capacity on the railways that would result from additional expenditure of *(a)* £500 million per year and *(b)* £1 billion per year. [125548]

Mr. Hill: The effect of expenditure on capacity would obviously depend on the nature of the expenditure. I cannot anticipate the conclusions on railway capacity and expenditure which will be reflected in the 10-year Plan for Transport which my right hon. Friend will be publishing next month.

Bus Accidents

Dr. Gibson: To ask the Secretary of State for the Environment, Transport and the Regions what statistics he collects about bus accidents involving loose wheels. [125737]

Mr. Hill: Currently, all Vehicle Examiners who receive a request from the police to inspect vehicles that have been involved in a road traffic accident are required to complete a comprehensive report to help determine whether defects on the vehicle caused or contributed to the reason for the accident or to the severity of any injuries. Most of the requests are for examinations of heavy vehicles. A copy of the report goes to the police while another is sent to the VI Vehicle Safety Branch in Bristol. The information in the report is entered into the Inspectorate's "accidents" database which contains details of any faults or defects found on the vehicles examined, for example, wheel loss or brake failure.

Vehicle Safety Branch are currently responsible for managing the database, on behalf of DETR's Vehicle Standards and Engineering Division. Since 1991, when the database was last revised, there have been 122 reported incidents of wheel loss on public service or large passenger vehicles above 16 passenger seats capacity, and four reported incidents on mini-buses with between nine and 16 passenger seats.

Mobile Phone Masts

Miss McIntosh: To ask the Secretary of State for the Environment, Transport and the Regions what representations he has received calling for change in planning regulations that govern the erection of mobile phone masts. [125877]

Ms Beverley Hughes: In the past year, we have received around 175 letters calling for changes in planning regulations that govern the erection of mobile phone masts.

In addition, the report of the Independent Expert Group on Mobile Phones, published on 11 May, recommended that for all base stations, permitted development rights for their erection should be revoked and that the siting of all new base stations should be subject to the normal planning process.

In its response to the report, issued on the same day and placed in the Libraries of both Houses, the Government said that they were minded to introduce a requirement for an application for full planning permission for all new telecommunications masts, but would need to consult widely before doing so, including on the principle and precise scope of any new arrangements.

Road Maintenance

Mr. McLoughlin: To ask the Secretary of State for the Environment, Transport and the Regions what percentage of transport spending was on national road maintenance and highways maintenance in England in each of the last five years. [125811]

Mr. Hill *[holding answer 12 June 2000]:* The percentage of transport spending in England on national road maintenance and local road maintenance for the five years up to 1998–99 is given in the tale. Figures for 1999–2000 are not yet available.

Percentage

	National road maintenance	*Local road maintenance*
1994–95[1]	8.3	20.4
1995–96[1]	6.5	21.1
1996–97[1]	6.7	23.3
1997–98[1]	7.6	24.4
1998–99[1]	9.3	27.9

[1] Outturn

Road Deaths

Mr. McLoughlin: To ask the Secretary of State for the Environment, Transport and the Regions what assessment his Department has made of the correlation between *(a)* speed, *(b)* alcohol consumption and *(c)* road conditions, and road deaths. [125812]

Mr. Hill *[holding answer 13 June 2000]:* The Department estimate that excess or inappropriate speed is a contributory factor in one in three road deaths.

In 1998 one in seven fatalities occurred in an accident in which at least one driver or rider was over the blood alcohol limit.

A study in 1978–81 estimated that road conditions contributed to one in 17 of all accidents. No separate figure is available for deaths.

The Department will shortly begin a sample on the spot accident investigation which will provide further information on contributory factors. Some information will also emerge from a pilot scheme to collect information from police accident records.

Playing Fields

Mr. Chidgey: To ask the Secretary of State for the Environment, Transport and the Regions when he plans to issue a new Planning Policy Guidance notice concerning playing fields. [125926]

Ms Beverley Hughes: I hope to publish a draft revision of Planning Policy Guidance note 17 (PPG17) on sport and recreation for consultation shortly. This will update the existing guidance on playing fields.

Mr. Chidgey: To ask the Secretary of State for the Environment, Transport and the Regions what is the total number of valid applications he has received for the sale of playing fields in each month since October 1998. [125927]

Ms Beverley Hughes: The Secretary of State's consent to the disposal of land by local authorities under their general powers is required only where they wish to do so at less than the best reasonably obtainable consideration, which is normally open market value. Six applications for consent for the sale of playing fields have been received since October 1998.

Home Ownership Schemes

Mr. Chope: To ask the Secretary of State for the Environment, Transport and the Regions (1) how many interest-free equity loans have been granted to date under the Homebuy Scheme to residents in *(a)* Christchurch, *(b)* East Dorset, *(c)* Bournemouth, *(d)* Poole and *(e)* the New Forest since the inception of the scheme; [125970]

(2) how many households have been housed in England in each of the last five years under the Do-It-Yourself-Shared-Ownership Scheme; [125972]

(3) how many interest-free equity loans have been granted to date under the Homebuy Scheme in England; and how many he expects to be granted in 2000–01; [125971]

(4) how many residents in *(a)* Christchurch, *(b)* East Dorset, *(c)* Bournemouth, *(d)* Poole and *(e)* the New Forest have purchased homes under the Do-It-Yourself-Shared-Ownership Scheme in each of the last five years. [125973]

Mr. Mullin: The Homebuy scheme started in April 1999. Homebuy replaced the Do-It-Yourself-Shared-Ownership (DIYSO) scheme following the rationalisation of the low cost home ownership programme offered by registered social landlords and funded by the Housing Corporation. However, local authorities continue to have the option to fund DIYSO until March 2001 when the position will be reviewed.

The total number of Homebuy loans granted in England to the end of May 2000 is 1,083. 1,334 such loans are planned for the year 2000–01. The table shows the number of Homebuy loans granted to residents in the local authority areas named.

Number of Homebuy loans by local authority area

Local authority	*1999–2000*	*2000–01*[1]	*Total*
New Forest	8	1	9
Bournemouth	7	0	7
Christchurch	2	0	2
Poole	4	1	5
East Dorset	3	0	3
Total	24	2	26

[1] 1 April to 31 May 2000

The total number of households housed in England in each of the last five years under the Do-It-Yourself-Shared-Ownership (DIYSO) Scheme is as follows:

Total number of DIYSO units completed 1995–2000

	1995–96	*1996–97*	*1997–98*	*1998–99*	*1999–2000*	*Total*
Local authority funded	312	230	252	192	226	1,212
Housing Corporation funded	4,588	2,435	1,986	1,472	191	10,672
Grand total	4,900	2,665	2,238	1,664	417	11,884

The following table shows the number of residents who have purchased homes under the DIYSO scheme in each of the last five years in the local authority areas shown.

Annual DIYSO completions by local authority area for period 1995–2000

Local authority	*1995–96*	*1996–97*	*1997–98*	*1998–99*	*1999–2000*	*Total*
New Forest	32	29	17	23	18	119
Bournemouth	19	9	8	11	0	47
Christchurch	13	9	2	3	0	27
Poole	13	16	8	9	0	46
East Dorset	7	7	7	4	0	25
Total	84	70	42	50	18	264

Byker Heat Station

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 6 June 2000, *Official Report*, columns 195–96W, if *(a)* the Model allotments, *(b)* Moorside allotment and *(c)* Nun's Moor allotment have been subjected to unauthorised excavation for bottles and metal material since toxic ash from Byker Heat Station was deposited. [126007]

Mr. Meacher: Newcastle city council advise that they are not aware of any unauthorised excavations at the Model allotments or Moorside allotments. Nun's Moor allotment has experienced some small-scale unauthorised excavations, however these were not in the area of the ash paths.

The Fenham Allotments, as opposed to the Fenham Model allotments, have experienced severe damage from unauthorised excavations for bottles. This site, however, has not received ash from the Byker Heat Station.

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 6 June 2000, *Official Report*, columns 195–96W, what prima facie failures of statutory duty of care under the Environmental Protection Act 1990 have occurred in the distribution of toxic ash from the Byker Heat Station to bridleways and allotments. [126008]

Mr. Meacher: The Environment Agency investigation, referred to by my hon. Friend the Parliamentary Under-Secretary of State in his answer of 6 June 2000, *Official Report*, columns 197–98W, into the deposit of ash at allotments and other sites in the Newcastle area, is continuing.

The Agency investigation will establish whether the waste management controls under Part II of the Environmental Protection Act 1990 have been contravened, including any breaches of the statutory duty of care imposed under section 34 of the 1990 Act. If there is evidence of contravention, action will be taken in accordance with the Agency's published Enforcement policy.

Flooding (Newcastle)

Mr. Cousins: To ask the Secretary of State for the Environment, Transport and the Regions, pursuant to his answer of 6 June 2000, *Official Report*, columns 197–98W, if he will list the flooding incidents at Jesmond Dene and Ouseburn that have occurred from 1 May to date; how many properties were so affected; and what assessment he has made of the impact the proposed sustainable urban drainage system from Newcastle Great Park would have had on flooding incidents. [126009]

Mr. Meacher: The Environment Agency's records indicate that since 1 May 2000 one domestic garage has flooded from the Ouseburn. The Environment Agency is aware of further surface water flooding within the Red House Farm estate and within Brunton Park, Gosforth. This flooding was caused by the drainage systems within these estates being unable to discharge into the Ouseburn when in flood. Although precise numbers are not available, the Environment Agency believes around eight properties on the Red House Farm estate were affected, along with a similar number on the Brunton Park estate.

The Environment Agency believes, based on detailed modelling studies, that the development of the Newcastle Great Park will have no adverse impact in terms of flooding within the Ouseburn catchment. The use of Sustainable Urban Drainage techniques, in the form of large balancing ponds, will maintain water and discharge flow into the Ouseburn at a rate equivalent to the undeveloped site. The design criteria utilised will reduce flows from the development site in extreme rainfall events. The development will also benefit from a sewerage system in which foul sewage and surface water will be dealt with separately.

Transport Strategies (Lancaster)

Mr. Dawson: To ask the Secretary of State for the Environment, Transport and the Regions what assessment he has made of the potential impact of the Government's transport strategies and the development of industrial land on the local economy in Lancaster. [124599]

Mr. Hill: Such assessments should be included in the District Local Plan and Local Transport Plan, which are the responsibility of Lancaster city council and Lancaster county council respectively.

Combined Heat and Power

Mr. Pond: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on Government policy relating to combined heat and power projects. [124593]

Mr. Meacher: Combined heat and power is vital to helping us meet our Kyoto commitments. The Government are actively working towards a target of at least 10,000 megawatts by 2010, and will issue and consult on a new CHP Strategy for achieving the target. The Government have already announced that Good Quality CHP will be eligible for Climate Change Levy exemption, Enhanced Capital Allowances, and de-rating of electricity generating plant and machinery, from April next year. I announced the basis on which "Good Quality" would be assessed, following consultation, on 17 May.

My right hon. Friend the Secretary of State for Trade and Industry, in his statement to the House on energy policy on 17 April 2000, *Official Report*, columns 697–99, reaffirmed the Government's strong support for CHP, and indicated that it would continue to expect developers to explore opportunities to use CHP, in considering notifications and applications under the Electricity and Energy Acts.

The Government actively work to increase the use of CHP in their own property, other public organisations, industry and commerce. On 17 May I also launched the CHP Club, strengthening the information and advice provided by Government to existing, new and potential CHP users.

Park Homes

Mr. Robertson: To ask the Secretary of State for the Environment, Transport and the Regions what plans he has to bring the purchasing of park homes within the scope of the existing laws covering the purchase of houses and land; and if he will make a statement. [126093]

Mr. Mullin: My Department will publish the recommendations of the Park Homes Working Party in July, and we will announce our conclusions on them in due course. The report's recommendations include changes to the arrangements for the sale of park homes, but do not propose that park homes be brought within the scope of existing housing legislation.

Construction Industry Advisory Group

Mr. Syms: To ask the Secretary of State for the Environment, Transport and the Regions (1) what payment and expenses the Chairman of the construction industry advisory group, Movement for Innovation, receives; [126169]

(2) what the term of office is of the Chairman of the construction industry advisory group, Movement for Innovation; [126170]

(3) if he will review the appointment of the present Chairman of the construction industry advisory group, Movement for Innovation, taking account of his resignation as managing director of a building company. [126171]

Mr. Raynsford: The appointment and term of office of the Chairman of the Movement for Innovation Board are matters for the Board. He has never received any payment or expenses for his work as Chairman. The Movement for Innovation Board and their Chairman have played an important role in promoting radical change in the construction industry and have had a major impact in little more than 18 months. I applaud the very considerable contribution they have made.

Second Homes (Norfolk)

Dr. George Turner: To ask the Secretary of State for the Environment, Transport and the Regions (1) if he will estimate for councils in Norfolk the reduction in revenue from council tax which arises from the 50 per cent. dispensation for second homes; [125109]

(2) if he will estimate the reduction in revenue to the Norfolk Police Authority which arises from the 50 per cent. dispensation in council tax for second homes. [125108]

Ms Beverley Hughes: There should be no loss of revenue to Norfolk councils. If a local authority has a reduced tax base because it has dwellings subject to a discount or exemption (this includes second homes discounts), it will receive more grant from the Government.

Water Industry (Consumer Representation)

Tony Wright: To ask the Secretary of State for the Environment, Transport and the Regions if he will make a statement on the future of consumer representation in the water industry. [124585]

Mr. Mullin: There are currently 10 Customer Service Committees operating in the interests of consumers in England and Wales as part of the Office of Water Services (OFWAT). The OWFAT National Consumer Council consists of the chairmen of each regional Customer Service Committee and speaks for water consumers at the national level.

The Government have reviewed their policy on consumer representation in the regulated utilities. They published two consultation papers: "A Fair Deal for Consumers: Modernising the Framework for Utility Regulation" (March 1998); and the subsequent "Consumer Councils" (September 1998). The Government's policy was set out in the responses to these consultations published respectively in July 1998 and April 1999.

The proposals on consumer representation in the water industry, including the establishment of an independent Consumer Council for Water will require legislation. The Government will be consulting on specific policies in the forthcoming draft Water Bill.

Energy Efficiency

Angela Smith: To ask the Secretary of State for the Environment, Transport and the Regions when he expects to publish proposals for changes to Part L of the Building Regulations, which deals with energy efficiency; and if he will make a statement. [126584]

Mr. Raynsford: A consultation on proposals for substantial changes to the energy conservation requirements in Part L of the Building Regulations has been published today. The consultation period will end on 29 September 2000. The Government have made clear their aim to do all they can to address the global problem of adverse climate change. This cannot be achieved by any one policy, and the contribution made by each separate initiative will be crucial to achieving our overall aim.

Buildings produce about half of the total national CO_2 emissions, and average building performance is poor by comparison with current best practice. If implemented, the proposals would yield significant improvements in the energy efficiency of new buildings and also in existing buildings when they are renovated. This would contribute directly to our vision of more sustainable construction set out in "Building a better quality of life". The draft proposals aim to contribute to the Government's climate change programme while keeping the Regulations technically sound, cost-effective and proportionate. Other improvements would also accrue for those who occupy buildings in terms of the opportunities for increased comfort and reduced energy costs.

This consultation has been anticipated by all sectors of the construction industry and by others who have a desire to see standards of energy efficiency raised. We anticipate receiving comments on the proposals from all interested parties, and all such comments will be considered when drafting our final proposals for amendments. Participation by all interested parties will ensure that the eventual amendments reflect the broadest views of what can reasonably be achieved by the Building Regulations.

Otterburn Training Area

Mr. Beith: To ask the Secretary of State for the Environment, Transport and the Regions when he received the report of the inspector with the revised plans for the Otterburn training area; and when he will make a decision on the proposals. [124578]

Mr. Raynsford: The Inspector's report on the re-opened public inquiry into the MOD proposals for Otterburn Training Area reached Government Office officials on 21 October 1999.

The right hon. Member will be aware of the complex issues involved and the substantial amount of evidence to be considered. I am unable at this stage to give any indication as to when a decision is likely. However, the Secretary of State does appreciate the concern of those who feel that delays are creating uncertainty.

AGRICULTURE, FISHERIES AND FOOD

Departmental Contracts

Mr. Don Foster: To ask the Minister of Agriculture, Fisheries and Food, pursuant to her answer of 30 March 2000, *Official Report*, column 249W, concerning contracts, if she will list the companies concerned; and whether these contracts were subject to a competitive tendering process. [124815]

Mr. Morley *[holding answer 7 June 2000]:* Pursuant to my answer of 30 March 2000, *Official Report*, column 249W, the information required is as follows.

The specific companies with the associated contract values are:

Companies awarded contracts on a competitive basis

	£
BAe	84,300
Douglas Clarke Projects	5,000
HEDRA Ltd.	7,357
KPMG	5,000
Rayfield Mills	24,000

Companies awarded contracts on a non-competitive basis

	£
K. Bates	43,489
DERA	44,308
HVR Consultancy Services	5,000
PCMS	124,011
J. Watson Associates	700

Fishing Vessels (Satellite Monitoring Equipment)

Mr. Mitchell: To ask the Minister of Agriculture, Fisheries and Food (1) how many UK vessels are obliged under EU regulations to carry operational satellite monitoring equipment; and how many UK vessels comply; [125133]

(2) how many UK vessels have satellite monitoring equipment on board which is not operational; and in which fleet segment these vessels are concentrated. [125134]

Mr. Morley: Some 430 UK fishing vessels over 24 metres overall length are required to carry satellite monitoring equipment. Our records, and those of the devolved administrations, show that all vessels are equipped. The vast majority of vessels are complying with the requirement to provide position reports at the required frequency. Those which are not submitting reports are mostly in the demersal segment. Some vessels have not submitted reports because they have recently been inactive due to lack of fishing opportunities and the number not complying is declining. Appropriate action is being taken against active vessels which are not yet fully compliant.

Water Level Management Plans

Mr. Brake: To ask the Minister of Agriculture, Fisheries and Food how much grant in aid his Department has provided for the implementation of water level management plans in *(a)* 1999–2000 and *(b)* 2000–01. [125779]

Mr. Morley: MAFF provides grant towards the cost of approved capital works undertaken by the Environment Agency, local authorities and Internal Drainage Boards, inter alia, to implement water level management plans. The amounts of grant paid in 1999–2000 and so far in 2000–01 are £47,000 and £1,000 respectively.

Mr. Brake: To ask the Minister of Agriculture, Fisheries and Food how many water level management plans have been adopted by the operating authority and agreed by English Nature. [125776]

Mr. Morley: There are 61 Special Protection Areas and Special Areas of Conservation with water level management plans (WLMPs) that have been fully agreed by English Nature, and a further 26 that have been agreed in principle. This means that there may need to be some modification to the plans prior to implementation.

For those SSIs that are not SPAs or SACs, there are 130 WLMPs that have been fully agreed by English Nature, and a further 31 that have been agreed in principle.

Mr. Brake: To ask the Minister of Agriculture, Fisheries and Food how many water level management plans *(a)* have been completed and *(b)* are outstanding for (i) Special Protection Areas and Special Areas of Conservation and (ii) sites of special scientific interest; and if he will list their locations in each case. [125778]

Mr. Morley: A Water Level Management Plan has been completed, at least in draft, for 112 sites that are designated or proposed Special Protection Areas, or candidate Special Areas of Conservation. These include a number of larger sites where more than one plan has been prepared to cover separate areas.

There are a further 25 Special Protection Areas and Special Areas of Conservation where a Water Level Management Plan is required, but where English Nature has not yet received a draft plan, and are therefore considered to be outstanding.

For those sites that are Sites of Special Scientific Interest but are not SPAs or SACs, there are 194 that are completed at least in draft.

A further 123 SSSIs require a WLMP but have no plan prepared to date. The deadline for completing these plans is December 2000.

Lists of all the above sites have been placed in the Libraries of the House.

Mr. Brake: To ask the Minister of Agriculture, Fisheries and Food what targets his Department has set for the completion of water level management plans for sites of special scientific interest which are also special protection areas or special areas of conservation. [125777]

Mr. Morley: The Government's High Level Targets for Flood and Coastal Defence document produced in November 1999 set, in partnership with English Nature, a target date of 30 March 2000 for completion of water level management plans for sites of special interest which are also special protection areas of conservation.

SOLICITOR-GENERAL

Rape Statistics

Mr. Gareth Thomas: To ask the Solicitor-General how many cases of alleged rape were passed to the Crown Prosecution Service by the Police which were not proceeded with, together with the reasons for not proceeding, in each of the last five years for which statistics are available. [125787]

The Solicitor-General: The Crown Prosecution Service holds no central records on the outcome of particular offences. The information is held on individual case files, and could be recovered only by examining every relevant file in each CPS office. The costs of such an exercise would be prohibitive.

TREASURY

Census

Mr. Colman: To ask the Chancellor of the Exchequer what decision has been made about whether to include a question about religious identity in the 2001 Census. [125875]

Miss Melanie Johnson: The information requested falls within the responsibility of the Director of the Office for National Statistics. I have asked him to reply.

Letter from Len Cook to Mr. Tony Colman, dated 15 June 2000:

As the Director of the Office for National Statistics (ONS) I have been asked to reply to recent question asking if a decision has been made to include a religious identity question in the 2001 Census.

A Bill to amend the Census Act 1920 to provide for particulars with respect to religion to be asked for in a census in England and Wales was approved in the House of Lords on 28 March. In the course of its passage through the Lords, the Bill was amended to make any question on religion voluntary.

After its passage through the Lords the Bill has hitherto failed to get an unopposed Second Reading in the House of Commons.

The Government recognises the strength of the case for information on religion to be collected in the Census. The question will enhance data obtained from the ethnic group question and contribute to the Census providing data to help address the concerns and needs of all sections of the community.

In the light of this, the Government has agreed to provide time within its own legislative programme to progress the Bill through its remaining stages. It will do all that it can so that the Census Act may be amended in time to allow the proposed religious question to be included in the 2001 Census in England and Wales.

Subject to the Bill obtaining Royal Assent, the Government proposes to lay before both Houses of Parliament the necessary amendment to the Census Order providing for the question on religion to be asked in the 2001 Census in England and Wales.

The Scottish Parliament has already approved legislation to amend the Act in Scotland where the Census is a devolved matter. Legislation in Northern Ireland already allows for a question in respect of religion to be asked in the Census.

Fuel Duty

Mr. Edward Davey: To ask the Chancellor of the Exchequer what proportion of the revenue from fuel duty was raised in each country and region of the UK in each of the last five years. [125792]

Mr. Timms: Duty on hydrocarbon oil products is collected centrally and there is no direct information available to provide a geographical breakdown of the revenue raised.

Figures for inland deliveries of fuel and oil by country are published in the Department of Trade and Industry's "Digest of UK Energy Statistics".

Knowledge Economy

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer which organisations and individuals he has consulted while undertaking the cross-departmental review of the Knowledge Economy; in what form he has consulted them; on how many occasions he has met them; and if he will make a statement. [126005]

Mr. Andrew Smith: Informal consultations were held in confidence with a range of external organisations and individuals during the course of the review. The outcome of the review will be announced as part of the Government's new spending plans for 2001–02 to 2003–04.

Spending Review

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer if the Treasury will require Departments to include environmental appraisals in their submissions to the Treasury on the spending review. [125977]

Mr. Andrew Smith: The guidance issued to Departments for the conduct of the Spending Review makes clear that evaluation of policy options should be carried out in accordance with the Treasury document "Appraisal and Evaluation in Central Government" (revised 1997) and by DETR's publication "Policy Appraisal and the Environment: Policy Guidance" (1998). Both of these stress the importance of environmental costs and benefits being considered in appraisals, even when these cannot be easily quantified.

Mr. Matthew Taylor: To ask the Chancellor of the Exchequer what training has been undertaken to assist staff of Government Departments to assess the implications of spending reviews for the Government's sustainable development objectives. [125978]

Mr. Andrew Smith: It is a matter for individual Departments to ensure the relevant staff are adequately trained in policy appraisal. Within the Treasury, economic appraisal is included in microeconomics training for staff. The Spending Review guidance issued to Departments included references to sources of guidance on policy appraisal. It also reminded Departments that advice on sustainable development, or sources of expertise on environmental considerations can be obtained from DETR's Sustainable Development Unit.

In addition, the First Annual Report of the Green Ministers Committee included a commitment that all Departments would put in place strategies to raise awareness on sustainable development and general environmental issues.

Community Banking

Ms Glenda Jackson: To ask the Chancellor of the Exchequer what consultations he has had on the expansion of community banking; and with whom. [124588]

Miss Melanie Johnson: On 16 November 1999 the Government published a report by Police Action Team 14 on ways to improve individual access to financial services, and by the Credit Unions Taskforce on ways in which banks and building societies could help credit unions to grow. Last month I met members of the All Party Group on Community Banking Services and will soon be meeting with the Association of British Credit Unions.

Barnett Formula

Mr. Cousins: To ask the Chancellor of the Exchequer (1) what the expenditure per head was in *(a)* Scotland, *(b)* Wales, *(c)* England and *(d)* each Government Office region in England in each year since 1990 on (i) health and social services and (ii) education services covered by the Barnett formula; [126002]

(2) what proportion of public expenditure in *(a)* England, *(b)* Scotland and *(c)* Wales was of the type covered by the Barnett formula in each year since 1990; and what expenditure per head in each country for that share of spending resulted; [126010]

(3) what categories of expenditure in *(a)* England, *(b)* Scotland and *(c)* Wales were covered by the Barnett formula in each year since 1979; and what changes in those categories he has under review in the current spending review; [126003]

(4) if he will publish the population-based spending allocation formula share for each year since 1979 for *(a)* England, *(b)* Wales and *(c)* Scotland; and what population share he proposes to adopt as the basis for spending allocations in the 2000 expenditure review. [126004]

Mr. Andrew Smith: Information on the coverage of the Barnett Formula since 1979 was published in 1997 in Annexe 1 of the Treasury Committee report on the Barnett formula. The current coverage was published last year by the Treasury in the Statement of Funding Policy. No decisions have been made yet on the outcome of the current spending review.

The population-based spending allocation formula was set out in Annexe B of the Statement of Funding Policy and was also referred to in the above Treasury Committee report.

Information which is available on public expenditure trends by country and region including expenditure per head is published in the analysis of identifiable total managed expenditure by country and region in Chapter 8 of Public Expenditure Statistical Analyses (Cm 4601).

Dormant Accounts

Mr. Flynn: To ask the Chancellor of the Exchequer (1) if he will introduce legislation to compel banks and other institutions to search for claimants to accounts which have remained dormant for more than five years; [126174]

(2) if he will introduce legislation to ensure that money in dormant accounts is not held by banks or other institutions for longer than 10 years. [126173]

Miss Melanie Johnson: We have no plans to do so.

INTERNATIONAL DEVELOPMENT

Trade Barriers

Mr. Alexander: To ask the Secretary of State for International Development what plans the Government have to encourage other developed nations to lift trade barriers and quotas to help developing countries compete in the export market. [115921]

Clare Short: The Government have pressed the EU—which represents all member states in WTO negotiations—to seek, in the next Round of multilateral trade negotiations in the WTO, reduction of the barriers to agricultural and non-agricultural trade. We are also strongly committed to provide duty free access for essentially all products from the Least Developed Countries by 2005. We are pressing the Commission to bring forward proposals to fulfil this commitment and to exempt as few products as possible. Thereafter, we will press for all remaining barriers on imports from the Least Developed Countries to be removed as pledged by the Prime Minister in his speech at Mansion House on 22 November. We are urging other developed countries to match this commitment.

EDUCATION AND EMPLOYMENT

Careers Service

Mr. Willis: To ask the Secretary of State for Education and Employment, pursuant to his answer of 5 May 2000, *Official Report*, column 218W, on the Careers Service, if he will produce a revised list of the Careers Service contractors holding *(a)* a Charter Mark, *(b)* an Investors in People award and *(c)* an International Standards Organisation registration. [126517]

Mr. Wicks: I refer the hon. Member to my reply of 5 June 2000, *Official Report*, columns 144–47W.

PE Teachers

Mr. Gareth R. Thomas: To ask the Secretary of State for Education and Employment what action he is taking to celebrate excellence among PE teachers; and if he will make a statement. [124681]

Jacqui Smith *[holding answer 5 June 2000]:* The Sports Strategy, which was published in April this year, explicitly recognises the contribution of inspirational PE teachers in enabling young people to develop physical skills, in promoting personal and social development and in laying foundations for sport and healthy exercise to become a lifelong habit. The Sport England awards, Sportsmark and Activemark, recognise good practice nationally in primary and secondary schools and celebrate the teachers responsible for attaining these very high standards, and I attended the recent Sportsmark national presentation. We have also introduced Advanced Skills Teachers, a grade which offers experienced, excellent

classroom teachers, including specialists in physical education, an enhanced pay scale, encouraging them to stay as front-line teachers rather than moving into management. We have also introduced this year new arrangements which give all good qualified teachers the opportunity to cross the threshold onto a new upper pay range.

National Curriculum (International Dimension)

Mr. Bercow: To ask the Secretary of State for Education and Employment if he will make a statement on the contents of the international dimension to the revised National Curriculum, with particular reference to *(a)* values and *(b)* issues covered. [124747]

Jacqui Smith: The Government's approach to the international dimension in the National Curriculum is spelt out in the "Values, aims and purposes" section of the National Curriculum handbook:

> Education influences and reflects the values of society, and the kind of society we want to be. It is important, therefore, to recognise a broad set of common values and purposes that underpin the school curriculum and the work of schools.
>
> Foremost is a belief in education, at home and at school, as a route to the spiritual, moral, social, cultural, physical and mental development, and thus the well-being of the individual. Education is also a route to equality of opportunity for all, a healthy and just democracy, a productive economy, and sustainable development. Education should reflect the enduring values that contribute to these ends. These include valuing ourselves, our families and other relationships, the wider groups to which we belong, the diversity of our society and the environment in which we live. Education should also reaffirm our commitment to the virtues of truth, justice, honesty, trust and a sense of duty.
>
> At the same time, education must enable us to respond positively to the opportunities and challenges of the rapidly changing world in which we live and work. In particular, we need to be prepared to engage as individuals, parents, workers and citizens with economic, social and cultural change, including the continued globalisation of the economy and society, with new work and leisure patterns and with the rapid expansion of communication technologies.

The Programmes of Study outline the issues, including those relating to the international dimension, covered in each subject area.

Youth Parliament

Mr. Jim Cunningham: To ask the Secretary of State for Education and Employment (1) what part the Youth Parliament will play in the Government's citizenship programme; [125641]

(2) what support his Department has given to the Youth Parliament in the form of *(a)* finance and *(b)* staff. [125640]

Jacqui Smith *[holding answer 13 June 2000]:* The Government welcome the setting up of a UK Youth Parliament (UKYP). The development of a UKYP fits with the Government's commitment to involve young people in all aspects of Government and to develop citizenship skills among young people—an essential element of education is citizenship and the teaching of democracy in schools. As the Department with the lead responsibility for the Connexions strategy and the development of citizenship through the National Curriculum, DfEE has a particular interest in supporting the work of the UKYP. For example, we recently agreed to a full-time member of staff from the Department being seconded to the UKYP for 12 months. In addition, the Department has funded consultancy support for the group of young people and other representatives who make up the UKYP steering group, taking forward the development of the UKYP. And the training process for prospective young Members of the Youth Parliament, currently being developed, will include sessions on citizenship—the UKYP is in discussion with DfEE on the help that we will be able to provide for those sessions, which are scheduled to take place in late October. While DfEE and other Government Departments are helping in its development, the UKYP is independent of Government and political parties and will belong to the young people themselves. It is the young people who will ultimately decide how the UKYP will be run, what issues they want to debate and the part they wish to play in future citizenship developments.

New Deal

Mr. Allan: To ask the Secretary of State for Education and Employment (1) how many people have joined the subsidised employment option of the New Deal since implementation, by unit of delivery; how many and what percentage of these *(a)* completed their programme before leaving the New Deal, *(b)* left their programme before completing it and *(c)* left at any stage for unknown destinations; [113555]

(2) how many people have joined the Environmental Task Force option of the New Deal since implementation, by unit of delivery; how many and what percentage of these *(a)* completed their programme before leaving the New Deal, *(b)* left their programme before completing it and *(c)* left at any stage for unknown destinations; [113554]

(3) how many people have joined the voluntary sector option of the New Deal since implementation, by unit of delivery; how many and what percentage of these *(a)* completed their programme before leaving the New Deal, *(b)* left their programme before completing it and *(c)* left at any stage for unknown destinations; [113556]

(4) how many people have joined the full-time education and training option of the New Deal for 18 to 24-year-olds since implementation, by unit of delivery; how many and what percentage of these *(a)* completed their courses before leaving the New Deal, *(b)* left their courses before completing it and *(c)* left at any stage for unknown destinations; [113557]

(5) pursuant to his answer to the hon. Member for Sheffield, Hallam of 27 March 2000, *Official Report*, column 40W, on the new deal for 18 to 24-year-olds, how many *(a)* 18 to 24-year-olds have left the New Deal for young people to jobs lasting less than 13 weeks and *(b)* 18 to 24-year-olds have left the full-time education and training option of the New Deal for young people to jobs lasting less than 13 weeks, broken down by unit of delivery; [117246]

(6) if he will list by unit of delivery how many people joined the voluntary sector option of the New Deal for 18 to 24-year-olds between January 1998 and the end of July 1999; and how many of these *(a)* completed their course before leaving the New Deal and *(b)* left their course before completing the New Deal; [118220]

(7) if he will list by unit of delivery how many people left the voluntary sector option of the New Deal for 18 to 24-year-olds between January 1998 and July 1999 for *(a)* destination unknown, *(b)* other known destination, *(c)* sustained unsubsidised employment, *(d)* jobs lasting less than 13 weeks and *(e)* other benefits; [118221]

(8) how many people left the employment option of the New Deal for 18 to 24-year-olds, by unit of delivery, between January 1998 and July 1999 for *(a)* destination unknown, *(b)* another known destination, *(c)* sustained unsubsidised employment, *(d)* jobs lasting less than 13 weeks and *(e)* other benefits; [118493]

(9) how many people joined the Employment option of the New Deal for 18 to 24-year-olds, by unit of delivery, between January 1998 and the end of July 1999; and how many of these *(a)* completed and *(b)* left their course before completing the New Deal; [118494]

(10) how many people, by unit of delivery, left the Environmental Task Force option of the New Deal for young people aged 18 to 24 years for *(a)* unknown destination, *(b)* other known destination, *(c)* sustained unsubsidised employment, *(d)* jobs lasting less than 13 weeks and *(e)* other benefits; [118701]

(11) how many people, by unit of delivery, joined the Environmental Task Force option of the New Deal for 18 to 24-year-olds between January 1998 and the end of July 1999; how many of these *(a)* completed their course before leaving the New Deal and *(b)* left their course before completing the New Deal; [118705]

(12) when the hon. Member for Sheffield, Hallam will receive replies to his questions of 6 April, 7 April and 10 April. [123282]

Ms Jowell *[holding answer 3 April 2000]:* The information showing, by Unit of Delivery, cumulative data from the start of the New Deal to the end of March 2000, the latest date for which information is available, is contained in a number of tables, copies of which have been placed in the Libraries.

The tables show:

the number of starts to each of the four options

the number of New Deal leavers who have taken part in each of the four options—and their destinations on leaving the New Deal.

At a national level, this information is shown in the monthly Government Statistical Service New Deal Statistical First Release. Destinations on leaving New Deal are categorised as:

sustained unsubsidised employment

transfers to other benefits

leavers to other known destinations

JSA leavers to unknown destinations

Young people who move on from the New Deal for jobs that last less than 13 weeks rejoin the programme immediately when they renew their claims for Jobseeker's Allowance. They cannot therefore be described as having left the New Deal.

Of those who have left the New Deal for known destinations, having taken part in options, including leavers from the Follow Through stage of New Deal, 46 per cent. found work. We do not know the destination on leaving New Deal for 28 per cent. of those who have participated in options. People leaving the New Deal are not required to tell us where they are going if they cease to claim benefits. In order to know as much as possible about the destinations of people leaving the New Deal the Government are conducting further surveys of those who leave the New Deal for unknown destinations. The results will be available later this year. So far surveys have shown that the pattern of actual destinations for those recorded as leaving the New Deal for unknown destinations is in line with the pattern among those whose destinations were known.

Comprehensive information on whether young people left their options having completed them or before having done so is not collected in that form. The New Deal aims to help unemployed people to move as quickly as possible from welfare into employment. Many young people will leave their New Deal options before completing them because they have found jobs in the regular labour market and are no longer unemployed. Young people do not therefore need to complete their New Deal options in order to succeed in the programme.

TRADE AND INDUSTRY

Broadcasting Industry (North-West)

13. **Mr. Woolas:** To ask the Secretary of State for Trade and Industry what assessment he has made of the role of the broadcasting industry in the economy of the north-west. [124597]

Dr. Howells: The broadcasting industry makes an important contribution to the economy of the north-west. The creative and media industries have been identified as priority sectors by the north-west Development Agency.

Manufacturing (East Midlands)

14. **Gillian Merron:** To ask the Secretary of State for Trade and Industry what assessment he has made of the performance of manufacturing industry in the east midlands region. [124598]

Mr. Caborn: Some sectors of manufacturing in the east midlands have continued to suffer, particularly in clothing and textiles and more traditional engineering. Other sectors, including those in higher technology, are faring much better. Overall manufacturing confidence remains significantly higher than for the same period last year.

Directors' Pay

15. **Mr. Dobbin:** To ask the Secretary of State for Trade and Industry what measures he plans to introduce to increase shareholders' power in respect of setting directors' pay. [124600]

Dr. Howells: The Department of Trade and Industry published a consultation paper on directors' remuneration last year which put forward a number of proposals for improving disclosure of directors' remuneration and the board's accountability to shareholders. My right hon. Friend the Secretary of State for Trade and Industry will make an announcement shortly on the Government's response to the consultation.

Steel Industry

16. **Mr. Campbell-Savours:** To ask the Secretary of State for Trade and Industry when he next intends to meet the directors of Corus to discuss rail production in Workington. [124601]

Mr. Caborn: My right hon. Friend the Secretary of State for Trade and Industry has met senior executives from Corus on several occasions to discuss a range of matters of interest to the steel industry. My Department maintains a regular dialogue with Corus and other companies as well as with other key organisations in the steel industry.

21. **Mr. Win Griffiths:** To ask the Secretary of State for Trade and Industry what recent representations he has received on steel-making in the United Kingdom. [124608]

Mr. Caborn: My right hon. Friend regularly receives representations on steel-making in the United Kingdom from a variety of sources. He has also held discussions recently with senior executives from the Corus Group plc and representatives from the Steel and Metals Union (ISTC) to discuss a range of issues relating to steel-making.

Energy Policy

17. **Mr. Green:** To ask the Secretary of State for Trade and Industry what his policy is on electricity generation. [124603]

22. **Mr. Paterson:** To ask the Secretary of State for Trade and Industry if he will make a statement on the Government's energy policy. [124609]

Mr. Gibb: To ask the Secretary of State for Trade and Industry if he will make a statement on his energy policy. [124606]

Mrs. Liddell: Our policy is to ensure secure, diverse and sustainable supplies of energy at competitive prices.

Ford

18. **Mr. Amess:** To ask the Secretary of State for Trade and Industry what recent discussions he has had with Ford motor company concerning its future investment in the United Kingdom. [124604]

Mr. Byers: I have had frequent discussions with Ford over their recent review of European operations and its implications for the United Kingdom, particularly at Dagenham.

We shall maintain this close contact as their future investment plans for the United Kingdom develop.

Rover

20. **Mr. Loughton:** To ask the Secretary of State for Trade and Industry what recent discussions he has had with the west midlands regional development agency regarding the future of the Rover Longbridge plant. [124607]

Mr. Byers: The Rover Longbridge plant is in private ownership. I have had no recent discussions with the West Midlands Regional Development Agency about the future of the Longbridge plant.

Regional Venture Capital Funds

25. **Mr. Kidney:** To ask the Secretary of State for Trade and Industry what arrangements he has made for managing and distributing the funds for regional venture capital and innovation. [124612]

Mr. Byers: Arrangements are currently being put in place for the creation of Regional Venture Capital Funds with Government support based on bidding guidance published in December 1999. Lessons learned from this exercise will inform how the new money announced in the Budget will be managed in the English Regions.

National Minimum Wage

26. **Shona McIsaac:** To ask the Secretary of State for Trade and Industry what action has been taken against employers who pay below the national minimum wage. [124613]

Dr. Howells: The National Minimum Wage (NMW) Act 1998 contains a number of provisions relating to enforcement, both civil and criminal. To date, 155 enforcement notices have been issued which require employers to start paying the NMW and make good any past failure to pay the NMW. Two notices have so far required follow up action with a penalty notice fining the employer for each day of non-compliance with the enforcement notice.

It is also a criminal offence to refuse or wilfully neglect to pay the NMW. So far it has not been necessary to take a criminal prosecution, though enforcement officers will do so in appropriate circumstances.

British Trade International

27. **Ms Bridget Prentice:** To ask the Secretary of State for Trade and Industry if he will make a statement on the merger between the Invest in Britain Bureau and British Trade International. [124614]

Mr. Caborn: I refer my hon. Friend to the statement I gave to the House on 24 May 2000, *Official Report*, columns 522–23W.

Miners' Compensation

28. **Mr. Bill O'Brien:** To ask the Secretary of State for Trade and Industry if he will make a statement on the number of compensation claims from retired miners that have been settled to date. [124615]

Mrs. Liddell: To date the Department has made payments in full or part settlement of claims totalling some £60.5 million to 21,500 respiratory disease claimants, and some £120 million to 25,300 Vibration White Finger claimants.

Manufacturing

29. **Mr. Bill Michie:** To ask the Secretary of State for Trade and Industry what assessment he has made of the performance of manufacturing industry in the Yorkshire region in the past 12 months. [124616]

Mr. Caborn: The performance of manufacturing industry in the Yorkshire and the Humber Region is regularly assessed by a number of organisations. Most

recently a joint initiative has been launched by the regional development agency, Yorkshire Forward, and the CBI to gauge business activity in the region.

The Government Office for Yorkshire and the Humber is in regular contact with local and regional partners about business matters in the region.

Mr. Pike: To ask the Secretary of State for Trade and Industry if he will undertake an assessment of the performance of manufacturing industry in Lancashire and the North West region. [124611]

Mr. Byers: Manufacturing industry is important to Lancashire and the North West. It accounts for 129,000 or 26 per cent. of jobs in Lancashire. All business performance is being continually assessed by markets operating in conditions of free and fair competition. This Government's first priority is to create and maintain the conditions of economic stability, which allow companies to plan ahead with confidence.

Research and Development

30. **Ms Rosie Winterton:** To ask the Secretary of State for Trade and Industry what steps he is taking to promote research and development among UK companies. [124617]

Mr. Caborn: The Government are taking a number of significant steps to promote research and development among UK companies. Working closely with the Chancellor of the Exchequer, we have recently introduced an R&D tax credit for small and medium-sized companies which gives them 150 per cent. relief for the cost of staff and consumables used in R&D. The R&D tax credit will be supported by new Guidelines on R&D which will help companies of all sizes to benefit from Research and Development Allowances. We are also increasing the DTI Innovation Budget by some 20 per cent. over three years to nearly £230 million by 2001–02. This budget will fund a number of new and enlarged initiatives designed to drive forward a fundamental change in innovation performance in the UK. This includes for example the Smart scheme which supports R&D activities in private small and medium-sized companies and is being expanded and extended over the period 1999–2002, and the technology transfer scheme known as TCS, for which DTI is doubling its expenditure. Our aim is to improve the overall climate for investment in R&D and innovation. But the level of R&D investment by companies is for companies themselves to determine. DTI helps companies make an informed decision by providing a valuable source of information on UK and international R&D investment through the annual R&D Scoreboard.

Unsolicited Faxes

31. **Mr. Hammond:** To ask the Secretary of State for Trade and Industry what assessment he has made of the effectiveness of the arrangements for preventing unsolicited fax messages. [124618]

Dr. Howells: The arrangements for avoiding unsolicited direct marketing faxes are contained in the Telecommunications (Data Protection and Privacy) Regulations 1999. These ban the sending of unsolicited direct marketing faxes to individual subscribers, and introduce an "opt-out" scheme—the Fax Preference Service—for corporate subscribers.

There is good evidence that the arrangements are delivering effective protection to subscribers from unwanted faxes. The number of complaints to Oftel about these faxes has fallen sharply since the Regulations came into force. Over the same period of time, the number of subscribers registered with the Fax Preference Service has risen from less than 15,000 to over 280,000.

The Data Protection Commissioner's Office are responsible for enforcing the Regulations and will take action against those that they feel have wilfully or negligently breached the Regulations. The Data Protection Commissioner has recently issued enforcement notices to two companies in relation to the sending of direct marketing faxes, and is considering enforcement actions against a number of others.

Regional ITV Companies

Mr. Healey: To ask the Secretary of State for Trade and Industry if he will make a statement on the economic impact of regional ITV companies on their region. [124584]

Dr. Howells: As high technology companies employing people with valuable skills, ITV companies are likely to have a significant impact on the economies of the regions they are in.

Pringle's Knitwear Factory

Mr. Beith: To ask the Secretary of State for Trade and Industry if he will make a statement about the Berwick Task Force following the closure of the Pringle's knitwear factory. [124610]

Mr. Caborn: The Task Force, set up after the announcement of the closure of the Pringles knitwear factory in Berwick, has met on a number of occasions since July 1998, the latest meeting being held this week. A consultancy firm has been engaged to work with the Task Force and the local authority to help establish a comprehensive regeneration strategy for the town, and a bid for further Single Regeneration Budget funding is likely.

Rats

Ms Walley: To ask the Secretary of State for Trade and Industry if he will make it his policy to collect figures on expenditure by *(a)* catering establishments, *(b)* farms and agricultural holdings, *(c)* water and sewerage companies, *(d)* other business and *(e)* local authorities of (i) treating rat infestations and (ii) remedying damage caused by rats. [113047]

Ms Hewitt: I have no plans to do so.

Correspondence

Mr. Donohoe: To ask the Secretary of State for Trade and Industry when the hon. Member for Cunninghame, South will receive a reply to his letters of 16 December and 7 March, concerning Mr. James Murdoch, of Kilwinning. [125387]

Mr. Alan Johnson: I have replied to my hon. Friend today.

Animal Testing

Ms Atherton: To ask the Secretary of State for Trade and Industry what plans the Government have to require cosmetic products imported into the United Kingdom which have been tested on animals to be labelled with this information; and if he will make a statement. [125952]

Dr. Howells: Under the current Cosmetic Products (Safety) Regulations 1996, any reference to testing on animals in the labelling of a cosmetic product must state clearly whether the tests carried out involved the cosmetic product itself or its ingredients. (However, if manufacturers market their products without any reference to animal testing, the regulations do not require them to alter that practice).

The European Commission has proposed a 7th Amendment to the Cosmetics Directive, which aims to ban animal testing in the EU. One aspect of the proposed amendment will be that the Commission, in collaboration with member states, will produce guidelines to ensure that common criteria are applied to any claims relating to animal testing, and that such claims do not mislead the consumer.

Inward Investment

Mr. Chope: To ask the Secretary of State for Trade and Industry what the current UK share is of internationally mobile projects with growth potential; and by how much he aims to increase this in 2000–01. [125968]

Mr. Caborn: The UK's share of inward investment stock reached a record figure of £244.1 billion at the end of 1999, an increase of 26 per cent. over the previous year. This is a larger share than for any other EU member state.

The Government are fully committed to ensuring that the UK remains the No. 1 location in Europe for inward investment, including for projects with growth potential. We will continue to pursue economic policies which enhance the UK's attractions including: developing a skills base, provide flexible labour markets and a stable economy.

Broadband Fixed Wireless Access

Maria Eagle: To ask the Secretary of State for Trade and Industry what arrangements he intends to make for the licensing of broadband fixed wireless access at 28 GHz. [126773]

Ms Hewitt: Following extensive consultation with interested parties, I intend to award by auction later this year licences for the provision of broadband fixed wireless access at 28 GHz. There will be three licences available in each of 11 English licence areas and in Scotland, Wales and Northern Ireland. Each licence will have forward and return channels of 112 MHz. A successful bidder will be able to hold just one licence in each licence area, but will be able to hold a licence in any number of licence areas. Licences will be for a term of 15 years.

I will shortly be publishing draft Regulations to be made under section 3 of the Wireless Telegraphy Act 1998 to provide for this auction. The period for comments to be received concludes on 17 July. I hope to lay the Regulations before Parliament by the end of July. With the draft Regulations I am also publishing for comment a draft of the Notice that I intend to issue under the Regulations. The Notice sets out the detailed arrangements for the auction and will include the date on which applications should be made. I am placing copies of the draft Regulations and the draft Notice in the Libraries of the House.

Gas-fired Power Station, Avonmouth

Dr. Naysmith: To ask the Secretary of State for Trade and Industry when he will announce his decision on Northern Electric plc's proposal to build a gas-fired power station at Sevelco works, Avonmouth. [126774]

Mrs. Liddell: The proposal to build a new 180 MW gas-fired combined heat and power station at the Sevelco works, Avonmouth, has several potential benefits particularly those to the local area in terms of atmospheric pollution and the requirements of the Environment Agency for a pollution control arrangement. The Station being combined heat and power, albeit not fully meeting the criteria given in the Energy White Paper, the benefits are such that I have decided not to use my powers, under section 14(3) of the Energy Act 1976, to defer or halt this project. However, local planning and other clearances are still required under section 36 of the Electricity Act 1989.

I have placed copies of this Press Notice and the decision letter in the Library of the House.

Merchant Vessels

Dr. Godman: To ask the Secretary of State for Trade and Industry what was the total gross registered tonnage of merchant vessels constructed in United Kingdom shipyards in *(a)* 1990, *(b)* 1995 and *(c)* 1999. [124605]

Mr. Caborn: The information for merchant vessels completed in the United Kingdom is in the table.

Merchant vessels completed in the United Kingdom

	Number	*Gross tonnage (thousand)*
1990	28	127
1995	24	127
1999	13	23

Source:
Lloyd's Register, World Fleet Statistics

Textiles Industry

Mr. Hoyle: To ask the Secretary of State for Trade and Industry what assessment he has made of the prospects for future employment in the UK textiles industry. [124582]

Mr. Byers: I refer my hon. Friend to the oral answer given today to my hon. Friend the Member for Amber Valley (Judy Mallaber), *Official Report*, column 1097.

World Trade Organisation

Dr. Palmer: To ask the Secretary of State for Trade and Industry if he will make a statement on the progress of World Trade Organisation negotiations since the Seattle meeting. [124590]

Mr. Caborn: Since Seattle, the mandated negotiations on agriculture and on services have been launched. Consultations have also been conducted by the Director-General and the Chair of the General Council. The General Council meeting on 3–8 May included discussion on the progress of two areas of consultation. The first involved a package of confidence-building measures aimed at helping developing countries, including establishing an implementation review mechanism. Discussions on the second, on improving consultative and decision-making procedures, are continuing in Geneva.

PRIME MINISTER

Strategic Communications Unit

Mr. Peter Bottomley: To ask the Prime Minister what controls there are on the Downing Street Strategic Communications Unit to prevent it furthering party purposes. [125728]

The Prime Minister: Staff in the Strategic Communications Unit are subject to the requirements of the "Civil Service Code" and "Guidance on the Work of the Government Information Service", which make clear that public resources must not be used for party political purposes. Ministers are also under a duty, set out in the "Ministerial Code", to uphold the political impartiality of the civil service, and not to ask civil servants to act in any way which would conflict with the "Civil Service Code".

Government Annual Report

Mr. David Atkinson: To ask the Prime Minister when he expects to publish the Government's third annual report. [126217]

The Prime Minister: I refer the hon. Member to the answer I gave to his hon. Friend the Member for Ribble Valley (Mr. Evans) on 14 June 2000, *Official Report*, column 647W.

FOREIGN AND COMMONWEALTH AFFAIRS

European Regulations and Directives

Mr. Mitchell: To ask the Secretary of State for Foreign and Commonwealth Affairs how many regulations and directives were printed in the *Official Journal of the European Communities*, having effect for *(a)* 1970 to 1972, *(b)* 1973 to 1982, *(c)* 1983 to 1992 and *(d)* 1993 to 1999; and how many pages of the *Journal* were devoted to such publication in each of these periods. [125253]

Mr. Vaz: All regulations and directives are published in the *Official Journal of the European Communities*. Statistics on legislative instruments for a given year are available on the Celex database.

Sierra Leone

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations he has made to the US Administration in respect of their claim against the UN for the cost of their airlift operation in Sierra Leone. [125436]

Mr. Hain: We have been informed by the United Nations Secretariat that they have not received a claim from the United States for the cost of their airlift operation in Sierra Leone.

Turkey

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received of human rights abuses against the Christian population in Turkey. [125760]

Mr. Vaz: We have received reports of alleged human rights abuses against Christians in Turkey. In December 1999, we received reports of police raids on Christian churches in Istanbul and Izmir, and, recently, of two Turkish Christians arrested in Izmir for distributing Christian literature. Officials from the British Embassy in Ankara have raised both these cases with the Turkish authorities. The trial of the two Christians arrested in Izmir was attended by a representative from our Consulate in Izmir and we were pleased to see both were acquitted in May and permission granted for the return of their material.

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what representations *(a)* he and *(b)* his European counterparts have made to the Turkish authorities concerning the harassment of Christians in Turkey. [125740]

Mr. Vaz: We have a long standing concern about the position of the Greek and Syrian Orthodox communities in Turkey. We continue to monitor closely the situation of minorities in Turkey and, where appropriate, to raise with Turkish authorities cases of human rights abuses against minorities. In December 1999, we received reports of police raids on Christian churches in Istanbul and Izmir, and, recently, of two Turkish Christians arrested in Izmir for distributing Christian literature. The trial of the two Christians arrested was attended by a representative from our Consulate in Izmir and we were pleased to see that both were acquitted in May.

We know that other EU partners are also concerned about these issues and we understand that they, too, have raised their concerns with the Turkish authorities.

Mr. Reed: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to assist in the training of the Turkish police in human rights matters. [125761]

Mr. Vaz: There is currently a comprehensive police training project under way in Turkey. We have allocated £107,000 to this project which builds on police training workshops held last year. The objective is to increase dialogue on issues of interest to both the British and Turkish police by holding seminars on public order, anti-terrorism, custody and detention. The project focuses on policing methods that protect human rights and are in line with international human rights law. As part of this project, a group of Turkish policemen visited Britain in May to study British policing methods. Further training projects are planned with the Turkish police which are likely to focus on transparency and accountability.

Study Visas

Mr. Hancock: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans he has to make it easier for foreign students to obtain visas to study in the UK. [125963]

Mr. Vaz: All our entry clearance posts abroad have been fully briefed on my right hon. Friend the Prime Minister's initiative to attract more overseas students to the United Kingdom, and reminded of the importance of ensuring that the entry clearance process is as straightforward and user-friendly as possible. With this in mind, we and the British Council have updated our guidance material for students. We are also working with the British Council in a number of key markets to help students who are qualified to come here to submit properly completed and fully documented visa applications. This makes processing their applications easier and in many cases does away with the need for the applicant to be interviewed.

Interahamwe

Ms Oona King: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received regarding the identity of those responsible for training Interahamwe troops. [125961]

Mr. Hain: We have seen various reports alleging that the DRC government, and others in the region, have been training the Interahamwe. We have raised this issue with the countries concerned.

International Criminal Court

Mr. Garnier: To ask the Secretary of State for Foreign and Commonwealth Affairs when he proposes to introduce legislation to ratify the Treaty signed in Rome on the International Criminal Court. [126220]

Mr. Hain: I refer the hon. and learned Member to the answer I gave my hon. Friend the Member for Clydebank and Milngavie (Mr. Worthington) on 3 May 2000, *Official Report*, column 122W.

Mercenaries

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs what his policy is regarding private military companies operating from the United Kingdom and dependent territories which are involved in the supply of mercenaries and related military services. [125280]

Mr. Hain: We condemn the recruitment, use, financing and training of mercenaries. We are committed to issuing a Green Paper on mercenary activity by November 2000. This will be a consultative document which will look at the options for further Government action in this area.

Mr. Menzies Campbell: To ask the Secretary of State for Foreign and Commonwealth Affairs what his policy is regarding the International Convention against the Recruitment, Use, Financing and Training of Mercenaries; and if he will make a statement. [125310]

Mr. Hain: Her Majesty's Government have no plans to sign the 1989 International Convention on Mercenaries. We do not consider that it would be enforceable in the UK courts. Although the Convention was adopted more than ten years ago, it has not yet attracted sufficient ratifications to enter into force.

Sri Lanka

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his Commonwealth counterparts concerning a negotiated settlement to the conflict in Sri Lanka. [125814]

Mr. Hain: My right hon. Friend the Foreign Secretary and I have spoken to our Indian counterparts about the need for a political settlement in Sri Lanka. We told them that we recognised the importance of India's role in the search for peace. We have not yet held discussions with other Commonwealth partners.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with *(a)* his EU counterparts and *(b)* his UN counterparts concerning the implementation of an arms embargo on Sri Lanka. [125815]

Mr. Hain: None.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his UN counterparts concerning the sending of a human rights monitor to Sri Lanka. [125816]

Mr. Hain: The human rights situation in Sri Lanka was discussed at this year's UN Commission on Human Rights in Geneva. We monitor the situation carefully and maintain close and regular contact with international partners, including the UN and NGOs.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs when he last discussed the issue of access by non-governmental organisations to facilitate aid distribution with the Government of Sri Lanka. [125817]

Mr. Hain: Our High Commission in Colombo last discussed these concerns, and the humanitarian situation in the Jaffna peninsula as a whole, on 30 May.

United Nations

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his US counterparts concerning the payment of dues owed to the UN; and if he will make a statement. [125818]

Mr. Hain: There have been no discussions recently but, at ministerial level, the UK has long pressed for a resolution to the problem of US arrears to the UN. Though we have welcomed US agreement under the Helms-Biden legislation to pay a substantial portion of their arrears, the US will need to convince the UN membership of the case for accepting the conditions attached to the legislation. At the EU General Affairs Council on 20 March, Foreign Ministers reaffirmed their commitment to securing a comprehensive reform of UN finances to put them on a sound, sustainable and equitable basis, and emphasised that the EU could only consider a reordering of UN contributions which protected EU member states' financial interests.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his UN counterparts concerning the establishment of a constitutional conference to discuss reform of the UN. [125819]

Mr. Hain: There have been no recent ministerial discussions on the question of a conference to discuss reform of the United Nations. However, the Government are committed to supporting the UN Secretary-General's efforts to modernise the UN, based on his 1997 package of reform recommendations. We look forward to a discussion on strengthening the UN at the Millennium Summit in September.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what plans the UK Government have to discuss UN reform at the UN Millennium Summit. [125820]

Mr. Hain: We look forward to a wide-ranging discussion of the role of the United Nations in the 21st century at the Millennium Summit in September. We agree with comments made by the UN Secretary-General in his Millennium Report that, among other things, the Summit should consider the need to make the organisation more effective, efficient and accessible to the world's peoples.

Dr. Tonge: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his UN counterparts regarding *(a)* the World Bank, *(b)* the IMF and *(c)* the WTO and their relationship with the Economic and Social Council of the UN. [125821]

Mr. Hain: Although this had not been discussed at ministerial level, the Government consider good relations between the United Nations, the international financial institutions and the WTO to be a high priority. We encourage and support the efforts of the Economic and Social Council and the World Bank and the IMF to strengthen their ties. The WTO is also involved in the UN's Financing for Development process in which the UK is playing an active role with our EU partners.

PRESIDENT OF THE COUNCIL

Millennium Bug

Mr. David Atkinson: To ask the President of the Council if she will list examples of serious problems that have been reported in the UK, including those which arose as a result of problems abroad, arising from the Millennium Bug. [123293]

Mrs. Beckett: I have received no reports of serious problems in the UK caused by the century date change computer problem subsequent to my statement of 20 April 2000.

CULTURE, MEDIA AND SPORT

English Heritage

Mr. Dobson: To ask the Secretary of State for Culture, Media and Sport, pursuant to his answer of 24 May 2000, *Official Report*, column 560W, on English Heritage, (1) if he will place in the Library the information requested, covering the period from 1990 to 1996, as soon as the information is readily collatable; [124404]

(2) if he will place in the Library similar information to that requested in the original question relating to the English Heritage's advisory committees and panels for each year from 1990. [124457]

Mr. Chris Smith *[holding answer 14 June 2000]:* English Heritage is unable to provide details of grants made to advisory panel members as they have no part in the formal grant decision making process, and are therefore not required to make a declaration of their interests. The other details requested will be made available for placing in the Library as soon as English Heritage is able to collate the necessary information.

Millennium Visitor Attractions

Mr. Baker: To ask the Secretary of State for Culture, Media and Sport what assessment his Department has made of the impact on *(a)* employment at, *(b)* profitability of and *(c)* other aspects of other individual tourist attractions in the United Kingdom, of the Millennium Experience exhibition at the Millennium Dome. [124947]

Mr. Chris Smith *[holding answer 8 June 2000]:* It is too early to make a detailed assessment of the impact of the many new lottery-assisted visitor attractions opening all around the UK to mark the millennium. However, the Millennium Commission is undertaking a large-scale Economic Impact Study of these projects. The British Tourist Authority (BTA) will also be analysing the impact of their international Millennium marketing Campaign "Britain—now is the time".

Millennium Bridge

Mr. Peter Ainsworth: To ask the Secretary of State for Culture, Media and Sport (1) what fees have been paid to safety consultants in relation to the Millennium Bridge *(a)* prior to its official opening and *(b)* subsequently; [126243]

(2) if he will publish the contracts between the Millennium Bridge Trust and *(a)* the architects and *(b)* the builders of the Millennium Bridge; [126236]

(3) what estimates he has made of the cost of work to ensure the safety of the Millennium Bridge; and if public funds will be made available; [126241]

(4) if he will make a statement on the closure of the Millennium Bridge; [126240]

(5) what studies were made of safety issues at the Millennium Bridge by the Health and Safety Executive prior to its opening; and what fees were paid by the Millennium Bridge Trust for this work; [126242]

(6) what guarantees or indemnities were provided by *(a)* the architects and *(b)* the builders of the Millennium Bridge in relation to safety issues; [126237]

(7) what estimate he has made of the level of resources the Millennium Commission has available; [126239]

(8) when he expects the Millennium Bridge to re-open to the public. [126238]

Mr. Chris Smith: These are matters for the Millennium Commission. I will write to the hon. Member in my capacity as Chairman of the Commission, and place copies of my reply in the Libraries of the House.

SOCIAL SECURITY

Time Exchange Scheme

Mrs. Gilroy: To ask the Secretary of State for Social Security if participation in a Time Exchange Scheme would affect entitlement to benefits. [126848]

Angela Eagle: Our legal advice is that time credits derived from participation in a Time Exchange Scheme, such as Fair Shares, do not constitute earnings for income-related benefit purposes and therefore participation does not constitute remunerative work. Entitlement to those benefits would therefore be unaffected. Guidance to local decision-makers will be issued shortly.

Pension (Mr. Ridler)

Mr. Chope: To ask the Secretary of State for Social Security on what date Mr. Ridler of Ferndown in the Christchurch constituency will be paid the additional pension to which he has been entitled since his retirement; and what additional interest and compensation will be payable. [125916]

Mr. Rooker: This is a matter for Alexis Cleveland, the Chief Executive of the Benefits Agency. She will write to the hon. Member.

Letter from Alexis Cleveland to Mr. Christopher Chope, dated 14 June 2000:

The Secretary Of State has asked me to respond to your recent Parliamentary Question asking on what date Mr Ridler of Ferndown in the Christchurch constituency will be paid the additional pension to which he has been entitled since his retirement; and what additional interest and compensation will be payable.

As you will appreciate, individual customers' cases are confidential. I will therefore, write to you privately on this matter.

Service Delivery

Caroline Flint: To ask the Secretary of State for Social Security in what ways his Department and its executive agencies deliver services to meet the needs of the public as consumers, with particular reference to families. [124643]

Angela Eagle: We are modernising the way the Department's services are delivered to provide a comprehensive, dedicated service, focused on the needs of our key client groups: pensioners, working age people and children. We have appointed a senior member of the Departmental Board as the consumer champion, responsible for giving consumers a voice at the heart of the Department.

We are restructuring the Department to focus on our client groups: through a new pensions organisation focused on the needs of pensioners we will develop a modern and integrated service easily accessible from one point. We are bringing together the responsibilities of the Employment Service and part of the Benefits Agency to create a dedicated agency for people of working age. And we are working with the Inland Revenue to introduce the Integrated Child Credit from 2003 to bring together help for children provided through the tax and benefits system.

We are also reforming the Child Support system to provide a simple, straightforward child maintenance system that is fair and which people can understand. In the meantime we are already taking action to improve the more commonly used forms of our service delivery, including:

gathering client's views through consultation and evaluation, such as the Better Government for Older People Programme, to help design and improve the quality of our services to the public;

making it easier for people to understand and resolve questions about benefit entitlement through the new decision making and appeals procedure;

re-designing our benefit leaflets and departmental website to allow people to find the information they need more easily and to do more business with us electronically;

providing a direct tele-claims service to pensioners so that we can take claims from Retirement Pension and deal with queries over the phone;

offering one-to-one personal help under the New Deals and the ONE service to enable people to take up jobs and training opportunities open to them, already 306,476 people have found work through the New Deals—including nearly 51,000 lone parents through the New Deal for Lone Parents;

extending opening hours of the Child Support Agency so that the public can contact us when it is convenient for them, increasing the use of the telephone to gather information and making more staff available to offer a face to face interview.

Income Support

Mr. Webb: To ask the Secretary of State for Social Security if he will estimate the savings from extending the waiting period for income support mortgage interest payments from nine to 14 months. [125297]

Mr. Bayley: If the waiting period for mortgage interest payments was extended from 9 to 14 months, the estimated annual savings would be around £25 million per year, based on 1999 levels of mortgage interest payments. This estimate takes account of pensioners but not other special groups who do not have to serve the current waiting period.

Mr. Webb: To ask the Secretary of State for Social Security what assessment he has made of the effect of the nine months income support mortgage interest payments waiting period on the level of arrears and repossessions. [125299]

Mr. Bayley: No information is collected by the Department about the accrual of arrears or repossession activity in mortgages taken out by Income Support and income based Jobseeker's Allowance recipients. Benefit help for homeowners with housing costs is intended to provide reasonable protection to help secure the home. The mortgage lenders have agreed, under the Mortgage Code, to consider all cases of financial difficulty and mortgage arrears sympathetically and positively.

Mr. Michael Jabez Foster: To ask the Secretary of State for Social Security what estimate he has made of the number of single pensioners receiving income support who have income resources being taken into account of £73.45 or more per week. [125793]

Mr. Bayley: As at February 2000, there were 344,000 single pensioners receiving the Minimum Income Guarantee paid through Income Support who had income resources of £73.45 or more per week being taken into account.

Notes:

1. Figure is based on a 5 per cent. sample and is therefore subject to a degree of sampling error.

2. Figure is rounded to the nearest hundred cases.

Source:

Income Support Statistics Quarterly Inquiry, February 2000.

Mr. Michael Jabez Foster: To ask the Secretary of State for Social Security what estimate he has made of the number of pensioner couples receiving Income Support who have income resources being taken into account of £114.95 or more per week. [125794]

Mr. Bayley: As at February 2000, there were 69,500 pensioner couples receiving the Minimum Income Guarantee paid through Income Support who had income resources of £114.95 or more per week being taken into account.

Notes:

1. Pensioners are defined as where the claimant is aged over 60 or over.

2. Figure is based on a 5 per cent. sample and is therefore subject to a degree of sampling error.

3. Figure is rounded to the nearest hundred cases.

Source:

Income Support Statistics Quarterly Enquiry, February 2000

ONE Service

Mr. Hancock: To ask the Secretary of State for Social Security when, following the assessment of the first four ONE service pilots, changes will be made in the way that benefits are claimed. [125878]

Angela Eagle: The ONE pilots are planned to run until March 2002 and will be fully evaluated. No decision has yet been taken as to when the changes to the claiming process, being trialled within those pilots, may be more widely applied or the possibility of extending these arrangements beyond the pilot areas.

Mr. Hancock: To ask the Secretary of State for Social Security if he will publish the assessments that have been made of the first four pilot schemes for the ONE service; and if he will make a statement. [125444]

Angela Eagle: The ONE pilots are planned to run until March 2002 and are the subject of thorough evaluation. When robust and reliable research findings are available they will be published.

Appeals

Mr. Hancock: To ask the Secretary of State for Social Security how many awards of each type of benefit were made or increased as a result of appeals in the year 1999–2000; what the cost to his Department will be of the making or increasing of those awards; how much the appeal process cost his Department in that year; and if he will make a statement. [125879]

Angela Eagle: The information is not available in the format requested and could be obtained only at disproportionate cost. Such information as is available is as follows.

In the year ending September 1999 (the latest date available), of 262,971 appeals heard by the Appeals Service, 92,776 were found in the appellants favour.

Notes:

1. As figures for September 1999 are not due to be published until 22 June, the figures quoted are provisional and may be subject to revision.

2. Appeals found in the appellants favour includes References revised in favour of the appellant.

Source:

100 per cent. download from the Appeals Service Generic Appeals Processing system.

Estimated cost of processing appeals within the Department for the year 1999–2000

£ million

	Estimated cost
Appeals Services	[1]56.917
Benefits Agency	[2]24.260
Child Support Agency	4.000

[1] This figure excludes the cost of the launch of the Appeals Service agency and the introduction of the Decision Making and Appeals changes.

[2] This figure reflects appeals processing within the district network and Disability and Carers Benefit Directorate only. Appeals costs for the Child Benefit Directorate and Pensions Overseas Directorate cannot be separately identified.

A new system to streamline and modernise the appeals system has been introduced. This will lead to a faster and more efficient service. The Appeals Service has already made significant improvements to clear backlogs and reduce waiting times. My right hon. Friend the Secretary of State has set challenging targets to improve the service still further.

Client Surveys

Mr. Hancock: To ask the Secretary of State for Social Security what changes have been made by his Department as a result of representative surveys of its clients carried out in 1998–99 and 1999–2000; and what the *(a)* costs and *(b)* savings from such changes will be in each of the next five years. [125876]

Mr. Rooker: Representative surveys of clients are only one of many sources of information and evidence the Department uses to develop, monitor and evaluate policies and their delivery. Survey findings do not contribute to the policy process in isolation but are used alongside other information such as management and administrative data. It is not possible, therefore, to say what changes have been made directly as a result of representative surveys of clients and to determine costs and savings arising.

Benefit Fraud

Mr. Fraser: To ask the Secretary of State for Social Security (1) if he will make a statement on the role of the National Intelligence Unit in tackling benefit fraud in Dorset; [125724]

(2) what recent discussions he has had with the Benefits Agency about tackling benefit fraud in Dorset. [125730]

Mr. Rooker: The purpose of the National Intelligence Unit (NIU) is to provide "information for action" or anti-fraud intelligence that facilitates better informed decision making at managerial and operational levels. The NIU is located over five sites and consists primarily of data collection sections and teams of analysts. Once analysed, all intelligence which can be used to help combat benefit fraud is referred to relevant sections of the Benefits Agency. No information is available on the role of the NIU in tackling benefit fraud in specific towns, cities or counties as the unit operates on a national level.

Although we have held no recent discussions with the Benefits Agency about tackling benefit fraud specifically in Dorset, national policy on combating fraud applies throughout Great Britain. We set out the strategy for tackling fraud in the White Paper "Safeguarding Social Security" presented to Parliament in March 1999.

The four key principles are; getting it right—benefit payments should be correct from day one; keeping it right—ensuring payments are adjusted as circumstances change; putting it right—detecting when payments go wrong and taking prompt action to correct them with appropriate penalties to prevent a recurrence; and making sure our strategy works—by monitoring progress, evaluating the strength of our defences and adjusting them in the light of experience.

Mr. Webb: To ask the Secretary of State for Social Security if he will estimate the value of additional detected fraud and overpayments if the National Fraud Initiative scheme was extended to all councils in the UK. [125283]

Mr. Rooker: The estimates requested are not available. However, we welcome the recently published National Fraud Initiative report which, like this Departments' Housing Benefit Matching Service, is a good example of what can be achieved by well targeted data matching.

Child Support

Mr. Hancock: To ask the Secretary of State for Social Security in how many cases since 1 April the Benefits Agency has decided that a lone parent has good cause not to co-operate with the Child Support Agency in obtaining maintenance; what estimate he has made of the financial benefits which have accrued to *(a)* his Department, *(b)* claimants and *(c)* children affected; and if he will make a statement. [125440]

Angela Eagle: During April this year, the latest date for which information is available, it was accepted that 501 parents with care had good cause for not co-operating with the Child Support Agency. This compares with some 11,000 parents with care claiming Income Support or income-based Jobseeker's Allowance over the same period.

The underlying purpose of the requirement to co-operate with the Child Support Agency where these benefits are in payment is to ensure that, wherever possible, parents and not the taxpayer take responsibility for supporting their children. The receipt of regular maintenance can also play an important part in helping to lift children out of poverty.

Earnings Disregard

Ms Buck: To ask the Secretary of State for Social Security if he will estimate the *(a)* gross and *(b)* net costs of increasing the Housing Benefit/Council Tax Benefit earnings disregard by (i) £5, (ii) £10, (iii) £15 and (iv) £20 per week; and how many households would (1) benefit and (2) be taken off Housing Benefit/Council Tax Benefit as a result. [125575]

Angela Eagle: The information is in the table.

No cases would be lifted out of Housing Benefit/Council Tax Benefit (CTB) as a result of these measures. In fact extra cases will become entitled to the benefits.

Estimates of the costs of increasing earnings disregards in HB/CTB and the numbers gaining

	Cost in 2000–01 (£ million)	*Number of cases benefiting*	
		HB (thousand)	*CTB (thousand)*
£5	75	390	350
£10	175	400	360
£15	250	420	380
£20	350	450	400

Notes:

1. The gross and net costs of increasing the Housing Benefit/Council Tax Benefit earnings disregard will be identical, since Housing Benefit and Council Tax Benefit are not taken into account in the calculation of other benefits.
2. Estimates based on the 1997–98 Family Resources Survey and Housing Benefit Administrative data for May 1998.
3. Costs are rounded to the nearest £5 million, gainers are rounded to the nearest 10,000 cases.
4. The numbers benefiting are expressed in terms of benefit units rather than households. It is not possible to calculate the total number of households benefiting from the measures by summing the Housing Benefit and Council Tax Benefit gainers since some cases will gain in both benefits.
5. The number of cases benefiting includes cases who float on to the benefits as a result of these measures.

Tax Credits

Ms Buck: To ask the Secretary of State for Social Security how many households have been taken off *(a)* Housing Benefit and *(b)* Council Tax Benefit as a consequence of Working Families Tax Credit and Disabled Persons Tax Credit in (i) the UK and (ii) each region. [125415]

Angela Eagle: The information is not available in the format requested as the most recent available data for Housing Benefit and Council Tax Benefit relate to August 1999, which is prior to the introduction of the Working Families Tax Credit.

However, we estimate that the introduction of Working Families Tax Credit will move about 90,000 claimants off Housing Benefit in Great Britain in 2000–01, with similar numbers moving off Council Tax Benefit.

Estimates for the effects of the Working Families Tax Credit are based on the Family Resources Survey. This does not have an adequate sample size to produce corresponding estimates for Disabled Persons Tax Credit, since only a small number of Housing Benefit and Council Tax Benefit recipients also received Disability Working Allowance. The reduction in the number of

recipients of Housing Benefit and Council Tax Benefit as a result of the introduction of the Disabled Persons Tax Credit is, however, likely to be small.

Regional estimates of the effect of Working Families Tax Credit are not available owing to the small sample sizes in the Family Resources Survey when analysed at a regional level.

Housing Benefit (Chelmsford)

Mr. Burns: To ask the Secretary of State for Social Security what the national guidelines are for the time a local authority should take to process a Housing Benefit application; and what is the average time it is taking in the Chelmsford local authority area. [126022]

Angela Eagle: Under regulation 76 of the Housing Benefit (General) Regulations 1987, where a local authority has received sufficient information to determine a claim, it must make the determination within 14 days of receipt of that information or as soon as reasonably practicable thereafter.

Under the Best Value regime introduced from April 2000, local authorities are required to submit data on the average length of time taken to determine claims. Previously, information was collected on the percentage of claims determined within 14 days. Between 1 April 1998 and 31 March 1999, the latest period for which data are available, Chelmsford Borough Council determined 48 per cent. of all Housing Benefit claims within 14 days.

HOME DEPARTMENT

Metropolitan Police

Mrs. Gordon: To ask the Secretary of State for the Home Department when he expects the Commissioner of Police of the Metropolis to publish full-year data for the performance of the Metropolitan police in relation to its policing plan for 1999–2000. [126743]

Mr. Straw: The Commissioner of Police of the Metropolis included performance data for the first 11 months of the last financial year, and projected performance in its final month, in his Policing and Performance Plan for 2000–01 which he published on 31 March, on the Metropolitan police website http://www.met.police.uk.

The Commissioner of Police of the Metropolis tells me that he expects to publish a hard-copy version of the Plan on 21 June. This will include full-year performance data for 1999–2000. These data confirm, I understand, the provisional out-turns included in the version of the Plan published on 31 March.

It may benefit right hon. and hon. Members, in particular those preparing to take part in the debate on the policing of London which, subject to the demands of business, we hope the House will be able to hold before the end of this month, to have early sight of the hard-copy version of the Plan. I am, therefore, today placing proof copies of the Plan in the Vote Office, and in the Library.

Robbery

Ms McCafferty: To ask the Secretary of State for the Home Department what additional support he intends to provide to the police service for reducing robbery. [126776]

Mr. Straw: I am announcing today the allocation of £20 million additional resources for tackling robbery in the five metropolitan areas in which 70 per cent. of all robberies take place, and for which challenging targets have been set for the police forces concerned by their respective police authorities. The £20 million forms part of the £91 million which my right hon. Friend the Chancellor of the Exchequer allocated in the Budget for additional measures to support the delivery of crime reduction.

The specific amounts being made available are:

	£ million
Metropolitan police	9.1
West Midlands	3.3
Greater Manchester	3.2
West Yorkshire	2.6
Merseyside	1.8

The five forces will now be drawing up plans to achieve early reductions in robbery levels.

Rural Policing

Mr. Peter Bradley: To ask the Secretary of State for the Home Department what additional support he intends to provide to the police service for addressing rural crime. [126777]

Mr. Straw: I am announcing today that £15 million of the £91 million for police modernisation will be used to meet the special needs of rural policing. We are discussing with the police service how this money is to be allocated to improve performance. In particular, we will be discussing a national standard response time for emergency calls in rural areas. Additional funding for future years will be considered as part of the Spending Review 2000 process.

Hunting With Hounds

Mr. Evans: To ask the Secretary of State for the Home Department if he will estimate the additional police numbers that will be needed in rural areas to enforce legislation banning hunting with dogs. [126091]

Mr. Charles Clarke: We will be consulting with the police on the implications to them of the legislative options contained in the proposed Bill on hunting with dogs.

Mr. Evans: To ask the Secretary of State for the Home Department if he will estimate the cost of compensation *(a)* per person on average and *(b)* in total for loss of livelihood if hunting with dogs is made illegal. [126092]

Mr. Mike O'Brien: The consequences of the provisions of the proposed Bill on hunting with dogs will be considered as legislative options are drawn up.

Police Pensions

Mr. Flynn: To ask the Secretary of State for the Home Department how many certificates to forfeit police pensions have been issued in the last 10 years. [125994]

Mr. Charles Clarke: The Secretary of State for the Home Department has issued 24 certificates to forfeit police pensions in the last 10 years.

Mr. Flynn: To ask the Secretary of State for the Home Department what specific offences have led to the issue of certificates to forfeit police pensions on the basis that the offence in question was determined to be liable to lead to serious loss of confidence in the public service during the last five years. [125993]

Mr. Charles Clarke: The following offences have led to the issue of certificates to forfeit police pensions on the basis that the offence in question was determined to be liable to lead to serious loss of confidence in the public service during the last five years:

Attempting to pervert the course of justice
Blackmail
Conspiracy to commit misconduct in a public office
Conspiracy to defraud a building society
Conspiracy to pervert the course of justice
Conspiracy to, and/or, supply of a controlled drug, Class B cannabis resin
Corruption
Deception
Dishonesty
Indecent assault
Importation of controlled drugs
Murder
Perverting the course of justice/dangerous driving
Theft
Theft by deception
Using a false instrument

Drug Testing

Mr. Flynn: To ask the Secretary of State for the Home Department if he will list the drugs that he proposes to include in the mandatory drug testing for offenders under the provisions of the Criminal Justice and Court Services Bill. [125996]

Mr. Charles Clarke: Initially it is proposed to test specifically for heroin and crack/cocaine, which research has shown to have a particularly strong connection with acquisitive crime. The Bill provides for the Secretary of State to specify, by order, the Class A drugs applicable. Consideration will be given to including other Class A drugs in the testing programme if research evidence demonstrates a similar link to the commissioning of crime.

Drugs Misuse

Mr. Flynn: To ask the Secretary of State for the Home Department when the Advisory Council for the Misuse of Drugs is expected to report on the Police Foundation's inquiry into the Misuse of Drugs Act 1971. [125995]

Mr. Charles Clarke: Further to the reply I gave my hon. Friend on 8 May 2000, *Official Report*, column 298W, I understand that the Advisory Council had a short discussion on the Police Foundation's Report at its meeting on 25 May. The Council noted that the Government had made it clear that they were not persuaded that the classification or overall legal framework for LSD, ecstasy or cannabis should be changed, but would be giving careful consideration to the other recommendations arising from the Police Foundation's Inquiry.

The Council also noted that the United Kingdom Anti-Drugs Co-ordinator, Keith Hellawell, is to chair an inter-departmental working group to consider the other recommendations of the Police Foundation Inquiry's Report. I understand that the working group plans to provide a progress report to Ministers later this summer. It is not possible to speculate at this stage whether the consideration by the inter-departmental working group will lead the Government to seek the views of the Advisory Council on any of the recommendations being considered. However, under provisions in the misuse of drugs legislation, the Advisory Council would need to be consulted on any proposed amendments to the Misuse of Drugs Act 1971.

No-smoking Policy

Mr. Paul Marsden: To ask the Secretary of State for the Home Department if he will make a statement on *(a)* the effectiveness of his Department's no-smoking policy and *(b)* the proportion of his Department's offices that do not allow smoking. [125152]

Mr. Straw: I am satisfied that my Department's policy, under which smoking in its main buildings in London, Croydon and Merseyside is only permitted in designated smoking rooms, is working satisfactorily. 99 per cent. of these offices do not allow smoking.

Rape Statistics

Mr. Gareth Thomas: To ask the Secretary of State for the Home Department what the conviction rates were for rape *(a)* nationally and *(b)* in each Crown Prosecution Service area in England and Wales in each of the last five years for which statistics are available. [125789]

Mr. Charles Clarke: Rape is an indictable only offence. The available information, on defendants tried in the Crown court, is by Police Force Area and is given in the table.

Number and proportion of defendants tried and convicted at the Crown court for rape offences[1] by Police Force Area, 1994–98

			1994			1995
Police Force Area	*Number tried*	*Total convicted*	*Percentage convicted*	*Number tried*	*Total convicted*	*Percentage convicted*
Avon and Somerset	22	12	55	31	15	48
Bedfordshire	14	3	21	8	5	63
Cambridgeshire	19	4	21	17	12	71
Cheshire	14	8	57	17	10	59
Cleveland	9	5	56	17	10	59
Cumbria	5	4	80	13	7	54

Number and proportion of defendants tried and convicted at the Crown court for rape offences[1] by Police Force Area, 1994–98

Police Force Area	1994 Number tried	1994 Total convicted	1994 Percentage convicted	1995 Number tried	1995 Total convicted	1995 Percentage convicted
Derbyshire	15	5	33	20	16	80
Devon and Cornwall	13	9	69	18	12	67
Dorset	13	10	77	8	3	38
Durham	11	7	64	17	12	71
Essex	14	6	43	17	10	59
Gloucestershire	8	3	38	8	5	63
Greater Manchester	72	37	51	91	47	52
Hampshire	29	11	38	20	10	50
Hertfordshire	6	4	67	4	3	75
Humberside	5	3	60	15	11	73
Kent	18	9	50	29	19	66
Lancashire	20	8	40	23	14	61
Leicestershire	4	2	50	17	4	24
Lincolnshire	8	2	25	10	1	10
Merseyside	29	14	48	24	15	63
Metropolitan police[2]	214	90	42	205	94	46
Norfolk	13	3	23	9	4	44
Northamptonshire	9	2	22	14	6	43
Northumbria	41	22	54	50	24	48
North Yorkshire	13	3	23	13	8	62
Nottinghamshire	26	13	50	24	7	29
South Yorkshire	22	13	59	19	12	63
Staffordshire	19	12	63	20	7	35
Suffolk	12	3	25	12	7	58
Surrey	4	2	50	9	4	44
Sussex	11	7	64	18	6	33
Thames Valley	10	4	40	15	5	33
Warwickshire	3	3	100	4	2	50
West Mercia	11	5	45	8	5	63
West Midlands	62	32	52	67	35	52
West Yorkshire	41	21	51	46	30	65
Wiltshire	4	0	0	13	9	69
England	863	401	46	970	506	52
Dyfed-Powys	4	3	75	4	4	100
Gwent	11	7	64	2	1	50
North Wales	9	4	44	22	13	59
South Wales	35	20	57	46	29	63
Wales	59	34	58	74	47	64
England and Wales	922	435	47	1,044	553	53

Police Force Area	1996 Number tried	1996 Total convicted	1996 Percentage convicted	1997 Number tried	1997 Total convicted	1997 Percentage convicted	1998 Number tried	1998 Total convicted	1998 Percentage convicted
Avon and Somerset	23	7	30	30	10	33	35	15	43
Bedfordshire	13	7	54	15	6	40	16	5	31
Cambridgeshire	14	6	43	13	6	46	9	3	33
Cheshire	20	10	50	19	12	63	19	12	63
Cleveland	14	9	64	14	7	50	10	5	50
Cumbria	9	5	56	4	0	0	7	5	71
Derbyshire	22	12	55	20	9	45	14	7	50
Devon and Cornwall	16	15	94	24	13	54	39	23	59
Dorset	12	7	58	10	5	50	8	4	50
Durham	9	5	56	12	8	67	21	9	43
Essex	19	11	58	30	21	70	28	14	50
Gloucestershire	4	2	50	8	2	25	5	2	40
Greater Manchester	82	33	40	85	30	35	133	54	41
Hampshire	23	8	35	45	28	62	54	23	43
Hertfordshire	9	8	89	17	13	76	15	8	53
Humberside	22	13	59	20	11	55	20	8	40
Kent	26	15	58	36	16	44	32	11	34
Lancashire	21	13	62	26	14	54	38	20	53
Leicestershire	17	9	53	22	11	50	30	18	60
Lincolnshire	6	4	67	13	8	62	18	8	44
Merseyside	36	17	47	38	17	45	53	20	38
Metropolitan police[2]	250	116	46	258	115	45	299	111	37
Norfolk	8	1	13	9	2	22	12	4	33

Police Force Area	1996 Number tried	1996 Total convicted	1996 Percentage convicted	1997 Number tried	1997 Total convicted	1997 Percentage convicted	1998 Number tried	1998 Total convicted	1998 Percentage convicted
Northamptonshire	6	2	33	5	4	80	16	5	31
Northumbria	50	25	50	42	26	62	64	22	34
North Yorkshire	15	8	53	12	4	33	14	8	57
Nottinghamshire	25	14	56	28	14	50	39	19	49
South Yorkshire	18	10	56	26	16	62	41	13	32
Staffordshire	23	12	52	27	13	48	20	11	55
Suffolk	9	3	33	15	6	40	19	7	37
Surrey	8	5	63	7	3	43	7	4	57
Sussex	15	9	60	24	15	63	23	15	65
Thames Valley	37	16	43	42	16	38	28	9	32
Warwickshire	6	5	83	3	1	33	5	3	60
West Mercia	13	8	62	21	13	62	24	12	50
West Midlands	71	37	52	77	38	49	95	51	54
West Yorkshire	63	37	59	43	26	60	84	48	57
Wiltshire	11	7	64	11	3	27	5	3	60
England	1,045	531	51	1,151	562	49	1,399	619	44
Dyfed-Powys	5	4	80	9	7	78	11	4	36
Gwent	20	9	45	20	13	65	18	4	22
North Wales	18	7	39	14	8	57	22	11	50
South Wales	37	24	65	55	25	45	6	36	53
Wales	80	44	55	98	53	54	119	55	46
England and Wales	1,125	575	51	1,249	615	49	1,518	674	44

[1] Rape offences cover rape, attempted rate and associated offences under the Mental Health Act 1959
[2] Including City of London

Cross-examination (Sexual History)

Mr. Gareth Thomas: To ask the Secretary of State for the Home Department how many applications have been made under section 41 of the Youth Justice and Criminal Evidence Act 1999 to cross-examine a complainant as to previous sexual history; and how many such applications were successful. [125788]

Mr. Charles Clarke: These provisions are not yet in force. Rules of court are being prepared for the implementation of section 41, which have been the subject of recent consultation. The Government intend to implement these provisions as soon as these Rules are in place.

Wrongful Convictions

Mr. Cox: To ask the Secretary of State for the Home Department how much financial compensation was paid in each of the last three years to people freed by courts in England and Wales for wrongful conviction for a criminal offence; and if he will make a statement. [125985]

Mr. Charles Clarke: The total amounts paid in compensation to people who have been wrongly convicted, or charged, for each of the last three financial years are as follows:

Year	Million
1997–98	6.652
1998–99	5.302
1999–2000	5.647

In all cases, the Secretary of State decides whether in principle an applicant qualifies for compensation, but the amount of the award is determined by the independent assessor he has appointed.

Child Contact Centres

Mr. Alan Simpson: To ask the Secretary of State for the Home Department what the annual expenditure is on child contact centres through probation partnerships. [125953]

Mr. Boateng: In 1998–99, the probation service spent a total of £1,106,299 on partnership projects relating to Family Court Welfare Work, £153,862 of which was devoted specifically to child contact centres.

Internet Monitoring

Mr. Cohen: To ask the Secretary of State for the Home Department what institutions he plans will be involved in the monitoring of internet and e-mail communications; and if he will make a statement. [125668]

Mr. Charles Clarke: The Regulation of Investigatory Powers Bill does not provide for routine monitoring of any communications. Clause 24 of the Bill allows for the acquisition of communications data, which would include the addressing data but not the content of the communication, by:

a police force;

the National Criminal Intelligence Service;

the National Crime Squad;

the Commissioners of Customs and Excise and their departments; and

any of the intelligence services (taken to mean the Security Service, the Secret Intelligence Service and Government Communications Headquarters).

The Bill provides for this list to be added to by Order.

We have included a number of oversight procedures to cover the collection of communications data. No authorising officer may authorise a notice unless obtaining the communications data is both necessary for certain specified purposes, and proportionate.

In addition, the Bill places oversight of the use of this power under the remit of the Interception Commissioner. We intend for an audit team from the Commissioner's office to undertake periodic inspections of each body to ensure that the power is being used responsibly.

Alcohol Licences (River Boats)

Mr. Fearn: To ask the Secretary of State for the Home Department how many Thames river boats operate open-ticket party events where alcohol is served; and how many open-ticket party events were held on Thames river boats in *(a)* 1999, *(b)* 1995 and *(c)* 1990. [125445]

Mr. Mike O'Brien: This information is not collected, and is not readily available.

Fire Service

Jackie Ballard: To ask the Secretary of State for the Home Department (1) when he will end the consultation period on the document entitled, "The Future of Fire Service Control Rooms and Communication"; [125721]

(2) if he will list the consultees in relation to the document entitled, "The Future of Fire Service Control Rooms and Communication". [125720]

Mr. Mike O'Brien: The management summary of the Fire Service Communications and Control Rooms Study was circulated to the Central Fire Brigades Advisory Council immediately prior to its meeting on 16 May 2000. The summary and the full report will be discussed at its meeting on 19 July. The Council is the statutory body appointed under section 29 of the Fire Services Act 1947 to advise the Secretary of State, on fire service matters. Current membership includes the following fire service representative bodies; the Local Government Association, the Chief and Assistant Chief Fire Officers' Association, the Fire Brigades Union and the Retained Firefighters' Union.

Best Value authorities are required to carry out reviews of all their functions over a period of five years from April 2000. To help fire authorities make the most of opportunities for improved efficiency through greater collaboration, a common timetable has been set in the Local Government (Best Value) Performance Plans and Reviews Order 1999 (SI 1999 No. 3251) in respect of fire authorities for the review of particular functions, including communications and control in year one (2000–01). The aim of the above study is to provide advice for authorities on how best to meet their future mobile communications and control room requirements.

Fire authorities in England and Wales have been invited to consider the findings of the study and to take these into account in conducting the Best Value reviews of their control and communications functions in accordance with SI 1999 No. 3251. The relevant fire service circular (No 8/2000) was issued on 10 May to fire authorities and brigades and to other bodies with an interest in fire service matters. A copy of the circular is in the Library.

Gammahydroxybutyrate

Mr. Ben Chapman: To ask the Secretary of State for the Home Department if he will make a statement on the Metropolitan Police Service's programme of research into drug-assisted sexual assault, with particular reference to the classification of gammahydroxybutyrate. [126014]

Mr. Charles Clarke: This research is being carried out by the Metropolitan Police Service with funding from the Home Office under the Police Research Award Scheme.

I understand that the report has not yet been released and is due to be launched by the Metropolitan Police Service on 21 June 2000.

CABINET OFFICE

Anti-drugs Strategy

Mr. Flynn: To ask the Minister for the Cabinet Office what has been the total spending on anti-drugs strategies during each of the last 10 years; and what proportion in each of those years was spent on *(a)* drug enforcement measures and *(b)* rehabilitation. [125997]

Mr. Ian McCartney: The first UK drugs strategy "Tackling Drugs Together" was launched in May 1995 and allocated £8.8 million over three years to Drug Action Teams, £5.9 million on schools drug education for 1995–96, and £1 million in the same year for services for young people at an early stage of drug misuse. For the present strategy, "Tackling Drugs To Build A Better Britain", the 1998 Comprehensive Spending Review settlement provided an additional £217 million of resources for three years, of which £70.5 million (32.4 per cent.) was allocated for new treatment services in communities, and £60 million (27.6 per cent.) for treatment services in prisons. No extra resources were allocated for enforcement. The overall aim of the Government's present anti-drugs strategy is to shift the emphasis away from dealing with the consequences of the drugs problem towards positive investment in preventing and targeting it, and Government drug-related expenditure will reflect this over the length of the strategy.

Public Sector Ombudsman

Mr. Clapham: To ask the Minister for the Cabinet Office if she will make a statement on the review of the Public Sector Ombudsman in England. [126311]

Mr. Stringer: As part of our programme of modernisation, the Government have reviewed the organisation and operation of the Public Sector Ombudsmen in England. Underlying this review was a recognition of the need to ease public access and improve efficiency in dealing with complaints across different sectors. The review was published on 13 April 2000, *Official Report*, column 241W.

While the review was well received, it was always our intention to consult widely on the outcome of the review. We want to give as many people as possible the opportunity to comment on the review's recommendations

which, if implemented in full, will radically reform the ombudsmen system in England. That is why we have today published a consultation paper inviting comments on the review and on any other aspect of the organisation or operation of the Public Sector Ombudsmen in England. Copies of the consultation paper have been placed in the Libraries of the House and in the Vote Office.

The Government recognise and value the contribution made by everyone involved in the work of the ombudsmen. We also recognise the significant contribution made by the ombudsmen themselves in helping public bodies maintain and improve the standards of service they offer. The challenge now is to consider how to strengthen that contribution and ensure that all public bodies provide a first class service to all citizens.

Better Government for Older People

Mrs. Lawrence: To ask the Minister for the Cabinet Office when the report of the Better Government for Older People programme will be published. [126312]

Mr. Ian McCartney: "All Our Futures", the report of the Better Government for Older People programme, is being published today. Copies are being placed in the Libraries of the House.

The Government are committed to better policy making and more responsive public services as part of the "Modernising Government" agenda. The recommendations of the Better Government for Older People programme, a unique partnership between central and local government, the voluntary sector and the academic world, provide new evidence of how to combat age discrimination, better engage with older people, improve decision-making, better meet older people's needs and promote a strategic and joined-up approach to an ageing population. The Inter-Ministerial Group on Older People will now consider the recommendations carefully with a view to early action and a full response.

LORD CHANCELLOR'S DEPARTMENT

Judges

Mr. Woolas: To ask the Parliamentary Secretary, Lord Chancellor's Department if the Lord Chancellor has completed the review of the guidance which is given to judges on outside activities and interests. [126775]

Mr. Lock: Yes. Copies of the revised guidance to be used in future have been placed in the Libraries of both Houses. The Lord Chancellor is satisfied that the substance of the existing guidance, which is long standing, remains basically sound. It is necessarily of a general kind, for application in individual circumstances. The Lord Chancellor is satisfied that it strikes an appropriate balance in discouraging activities or interests which may be seen to undermine judicial impartiality, or conflict with judicial office, without being unduly restrictive. He has at the same time made a number of detailed changes in the text and added a statement of general principles. The new guidance will be kept under review in the light of experience. The general guidance on outside activities and interests is separate from any question of conflict of interest arising in individual cases on which the Court of Appeal recently gave further authoritative guidance in its judgment in the case of Lockbail (UK) Ltd. *v.* Bayfield Properties Ltd.

Child Contact Centres

Mr. Alan Simpson: To ask the Parliamentary Secretary, Lord Chancellor's Department what arrangements will be made for the funding of child contact centres after the Family Court Welfare Service is replaced by the Children and Family Court Advisory and Support Service. [125954]

Jane Kennedy: As part of the arrangements for establishing CAFCASS, funds, including partnership funding for contact centres will transfer from the probation service. The Criminal Justice and Court Services Bill provides for CAFCASS to have grant making powers to continue such work.

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PARLIAMENTARY DEBATES

OFFICIAL REPORT

SIXTH SERIES **VOLUME 351**

SESSION 1999–2000

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Printed indexes to Hansard

The volume index is one of three printed indexes to Commons Hansard produced from the House of Commons Library's Parliamentary On-Line Indexing Service (POLIS). It contains references to material in the bound volumes of Hansard. The other indexes produced are:

- The fortnightly index to Hansard. This covers the same date range as the volume index but references are to the column numbering in the daily parts and weekly edition of Hansard.
- The sessional index to Hansard. This contains references to material in the bound volumes for a whole session.

Indexes on the Parliamentary website

Fortnightly, volume and sessional indexes covering material from the beginning of the 1999/2000 session will also appear on the Parliamentary website at http://www.parliament.uk with links to the full text of Hansard.

SCOPE

The indexes include entries covering:

- The content of all material recorded in Hansard, including debates, procedural motions and questions.
- The names of all Members contributing to the Parliamentary business recorded in Hansard.
- The names of some types of Parliamentary business whenever they occur in Hansard. These are 'Ministerial statements', 'Business statements', 'Opposition days' and 'Estimates days'.

ARRANGEMENT

- All headings are in one word-by-word alphabetical sequence, with Members' contribution entries distinguished from other entries by italics.
- Where a Member contributes to Parliamentary business and is the subject of Parliamentary business there are separate contribution and subject entries, the subject entry coming first.
- Entries beginning 'Mac' and 'Mc' are sorted in one sequence as 'Mac'.
- 'St', when abbreviated for Saint, is filed as 'Saint'.
- Numbers are filed as if spelt out, e.g. '10 Downing Street' as if 'Ten Downing Street'.

HEADINGS

Choice of headings

- *Specificity*—Entries summarise the overall content of a debate or question as specifically as the various POLIS thesauruses allow. For example, Education, Higher education, Universities or the name of a particular university is used depending on the breadth of the item.
- *Name headings*—Specific entries are included for the names of people, places, institutions, organisations, committees, programmes, initiatives, publications and legislation when these constitute the overall subject of an item.
- *Organisations and subjects*—Organisation entries are preferred for material about the general performance, administration and staffing of an organisation (for example, United Kingdom Passports Agency, Standards). Subject entries are preferred for what organisations do as part of their duties (for example, Passports, Fees and charges).

Geographical coverage

- *Subject headings*—Subject headings are assumed to refer to the whole of England, Great Britain or the United Kingdom unless otherwise stated.
- *Scotland, Northern Ireland and Wales*—Material relating to the whole of Scotland, Northern Ireland and Wales is indexed under these headings.
- *Places within the UK*—Material about specific towns, areas and institutions is entered under the name of the specific town, area or institution.
- *Foreign countries*—Most material relating to foreign countries is collected under the name of that country. Some additional material may be found under the names of—groups of countries, areas within countries, geographical features, place names associated with particular issues, politicians and heads of state, international bodies, and institutions and companies operating in those countries.
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Parliamentary material and business

- *Material about Parliament*—This is indexed under 'Parliament', the names of the two Houses, the 'Palace of Westminster' and parts of the Parliamentary estate (such as 'Portcullis House').
- *Committees*—Material about committees is indexed under 'Committees', types of committee (such as 'Select committees') and the names of individual committees (such as 'Home Affairs Select Committee').
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- *Legislation*—Entries for Parliamentary proceedings on bills and statutory instruments are entered under their titles. Where the lead word of the bill or statutory instrument does not provide a full or clear indication of the subject there are additional subject entries when the bill or instrument is debated. For example, debates on the 'Child Support Pensions and Social Security Bill' have entries under 'Pensions' and 'Social security benefits' as well as under the title of the Bill.
- *Members' names*—These are given in the form by which the Member prefers to be known.
- *Speaker and Chair*—Contributions by the Speaker and deputies are brought together under the heading 'Speaker and deputies'. Contributions from the chair during Committees of the Whole House are brought together under 'Chairman of Committee of the Whole House'. Significant rulings and statements (as opposed to routine comments) are indicated by the sub-heading 'Rulings and statements' in both cases.

Guidance on headings

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- *Concept thesaurus*—A copy of the subject thesaurus to POLIS, listing the concept entries used in the index, is available on the Parliamentary website. A hard copy is available from the Head of the POLIS Unit, House of Commons Library, 1 Derby Gate, London, SW1A 2DG (020 7219 6456).

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- References in the indexes are to columns rather than pages.
- References to debates, but not questions, are accompanied by the date of the item.
- There are separate sequences in Hansard for the material taken on the floor of the House, Westminster Hall sittings and written questions:
  - References consisting of a number by itself indicate material taken on the floor of the House.
  - References ending in 'wh' indicate Westminster Hall sittings.
  - References ending in 'w' indicate written questions.
- References under all headings except the names of Members contributing to Parliamentary business and the titles of legislation are listed in one numerical sequence irrespective of whether the material is taken on the floor of the House, is discussed at a Westminster Hall sitting or is a written question.
- References under the names of Members contributing to Parliamentary business and the titles of legislation are listed in numerical sequence under the following headings:
  - *Debates etc.* (which includes interventions and points of order as well as significant contributions to debates);
  - *Sittings in Westminster Hall* (covering all debates held as part of the Westminster Hall sittings); and
  - *Questions* (which includes written, oral and private notice questions).

ABBREVIATIONS

The following abbreviations are used in connection with the progress of bills:

- 1R=First reading
- 2R=Second reading
- Com=Committee stage
- Rep=Report stage
- 3R=Third reading
- res=resolution
- amendt(s)=amendment(s)
- *=matter taken formally without debate or division.

Parliamentary background

- The Parliamentary website at http://www.parliament.uk contains a range of information about Parliament and the full text of some Parliamentary papers and proceedings including Hansard.
- Information on current Parliamentary business is provided in the House of Commons Information Office *Weekly Information Bulletin*, available on the website and from The Stationery Office (020 7873 8499).
- Further information on Parliamentary proceedings and procedures is available from the House of Commons Information Office (020 7219 4272).

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